

IMPEDIMENTS INVOLVED IN THE INTEGRATION OF FEDERALLY
ADMINISTRATED TRIBAL AREAS (FATA) IN THE NATIONAL
MAINSTREAM OF PAKISTAN

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ABSTRACT

IMPEDIMENTS INVOLVED IN THE INTEGRATION OF FEDERALLY ADMINISTRATED TRIBAL AREAS (FATA) IN THE NATIONAL MAINSTREAM OF PAKISTAN, by MAJ Muhammad Tayyab Ghafoor, 96 pages.

This paper aims to analyze the impediments involved in integration of the FATA in the national mainstream of Pakistan with a view to make suitable recommendations. This paper briefly discusses the historical background and provides a short overview of the administrative, judicial, political and socio-economic aspects of the FATA. In assessing the underlying causes of the FATA problem, this paper suggests a significant change to the FATA's status quo as an essential and effective measure. To understand the FATA conundrum, case studies of handling Pashtuns residing in the region of the NWF by British, Soviets and later by Pakistan have been done. It has provided a better understanding and apt analysis of the current situation. The paper also addresses the concerns of Pakistan on the involvement of foreign hand in destabilizing the situation inside the FATA and other parts of Pakistan. As the credibility of such like information is always difficult to ascertain; therefore, occasional release of related news in the media and comments of senior Pakistani officials and journalist have been used as base facts for drawing relevant conclusion.

The world at large and Pakistanis in particular have to unveil forces working behind the scenes in the FATA. In addition, an effective reform package with a potent media campaign is required to go in to the FATA, thereby not only making the locals aware of the sensitivity of the problem of extremism coupled with terrorism in their society but to make the reminder of Pakistanis also realize that the FATA requires a national effort of integration which cannot be left to only one component of government i.e. Army and other LEAs.

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Finally and most importantly I am sincerely appreciative and in complete gratitude to my wife Arifa, for her patience, encouragement, and sacrificed weekends. I also owe special thanks to my parents whose prayers and words of wisdom were always there to encourage me.

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ACRONYMS

AfPak	Afghanistan Pakistan
FATA	Federally Administered Tribal Areas
FC	Frontier Corps
FCR	Frontier Crimes Regulation
FR	Frontier Region
GoP	Government of Pakistan
ISAF	International Security Assistance Force
LEAs	Law Enforcement Agencies
NWA	North Waziristan Agency
NWF	North West Frontier
NWFP	North West Frontier Province
PA	Political Agent
SWA	South Waziristan Agency
UN	United Nations
US	United States

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CHAPTER 1

INTRODUCTION

The spectacular land in which the Pathans live has had a major effect on their history and their way of life.

— J. W. Spain

The Federally Administrated Areas of Pakistan' (FATA) have been an arena for imperial competition and a possible invasion route. This area stood out prominently during the 'Great Game' between Soviets and the British India and later when in 1979 the Soviets invaded Afghanistan. In a strategically distinctive geographic position, the FATA is a link between Pakistan, the 'Central Asian Republics,' the 'Middle East,' and part of the land route which was used for trade with the subcontinent of India. Since gaining independence, the FATA was again accorded special political and administrative status within Pakistan. Under this special status, the area is being governed arbitrarily through the Frontier Crimes Regulations (FCR) of 1901. Pakistani Government efforts to bring the tribal areas within the folds of its mainstream political state constitution have achieved some results but the tribal culture and customs have strongly resisted any change in their local systems. The 9/11 attacks and relevant events brought the tribal regions into the international consciousness ,while the United States (US), now fighting for over eight years in Afghanistan, considers these areas to be safe-havens for those terrorists operating in Afghanistan.

To address the domestic law and order situation as well as the US concerns, military operations are being launched by Law Enforcing Agencies (LEAs) in the tribal belt with the sole aim of flushing out foreign terrorists and outlaws. However, a specific segment of tribal society, because of its vested interests, has not only joined hands

with the terrorists and fugitives but is also exploiting the government and local population. Such elements also garner financial and military support from countries hostile to Pakistan. Notwithstanding the steps already initiated by the government, the tribal areas today need major governmental and international attention that leads to revolutionary reforms in judiciary, health, education and communication services. Moreover, the fruits of modern and representative administration must be extended to the population of the FATA in line with the needs and demands of the locals. It will help in achieving lasting solution of the FATA conundrum and its integration in the national mainstream of Pakistan.

Purpose of the Study

The paper will briefly discuss the historical background and provide a short overview of the administrative, judicial, political and socio-economic aspects of the problem in the area. The study therefore has at its focus some immediate effective measures that must be taken to integrate the tribal areas into Pakistan in order to safeguard wider national and international interests of bringing peace to the Pakistan and the world. While assessing the underlying causes of the FATA problem, this study aims at identifying the impediments involved in the integration of the FATA in the national mainstream of Pakistan. To identify the underlining causes preventing integration, the study also focuses on three case studies of British, Soviets and Pakistan on handling of the Pashtuns living in this belt. Revealing what really worked in the FATA and what did not can lead to logical conclusions for a solution to the FATA conundrum, while recommending areas of further studies.

Primary, Secondary and Subordinate Research Questions

The primary research question of thesis is “What are the major impediments involved in the integration of the FATA into Pakistan’s mainstream?” To answer this question, the following secondary questions must be answered:

1. What is the history and social structure of the FATA?
 - a. What is the significance of the FATA since the pre-colonial period?
 - b. What is the existing administration and political system of the FATA and what makes it different from the greater Pakistani system?
 - c. What is the economical system of the area?
 - d. What is the judicial system of the area?
2. What are the effects of foreign intervention in the de-stabilization of Pakistan and the FATA region?
 - a. Apart from the inherent problems of the FATA, are there some other factors which contribute to the deteriorating situation in the FATA?
 - b. How does these factors prevent in the integration of the FATA in the national mainstream of Pakistan?

Assumptions

The available information regarding the FATA from Pakistan’s media as well as the author’s personal experience and interaction with the people of this region is reliable and valid for the conduct of this analysis.

Limitations

The first limitation of this paper is the continuously changing situation of the region, especially after the announcement of a new US Afghanistan-Pakistan (AfPak) policy in March 2009, may describe a different course of action to be adapted to the integration of FATA. As this study is compiled over a span of eight months, any new development in the region with limited bearing on this study may not be included.

A second limitation is the availability of updated material reflecting the national stance of Pakistan on the issue of the FATA, for drawing comparison on what has been done and what is to be done in the FATA. Any analysis for identifying the correct impediments involved in the integration of the FATA into the national mainstream cannot be complete without it.

The research does not necessarily highlight the potential spillover effects of Talibanisation (the act of being influence by the Taliban) on the other parts of Pakistan.

Delimitations

This study focuses on the historical relation with with Afghanistan; however, it will not indulge in the legalities on the issue of the ‘Durand Line.’ The Durand Line was earlier created as a control measure between the then Afghan Government and British India. It is now an internationally recognized border between Afghanistan and Pakistan. Moreover, though this study does not focus significantly on the US forces and the measures taken by them in Afghanistan and the drone attacks launched in the FATA, these actions have a direct bearing on the security environments of the FATA.

Significance of the Study

The significance of the study hinges on the fact that a war is going on between the US troops and their allies and the Taliban in Afghanistan at the western borders of Pakistan. The war has not only led to involving Pakistan into the fighting, but it has also had significant effects inside Pakistan, especially in the FATA and Swat areas. Due to the nature of war being fought in Afghanistan, the US is likely to be engaged there physically for a prolonged period of time. However, in view of the changing the US policies in Afghanistan since 2001 and their effects on Pakistan, any action by Pakistan taken to bring the FATA region into its national mainstream may be directly proportional to the attention being accorded to this region by the US and her allies.

The research therefore not only brings out those facts that historically and geographically are the major reasons of non-integration of the FATA into Pakistan's main stream, but also intends to point out those de-stabilizers that are contributing to the degrading law and order within Pakistan and the FATA in particular. This study is an effort to identify the root causes of the present situation of the FATA while noting major impediments involved in improving the current situation. The researcher intends to fill the gap where previous studies on the FATA have not highlighted the history of the problem with respect to its demography and the role being played by foreign hand in aggravating the structures of the FATA and North West Frontier Province (NWPF) of Pakistan.

The first chapter has discussed the background of the thesis, primary and secondary research questions, significance, assumptions, definitions, limitations, delimitations, and anticipated problems. The next chapter covers the literature review.

CHAPTER 2

LITERATURE REVIEW

The North West Frontier is not only the frontier of India. It is an international frontier of the first importance from military point of view for the whole empire.

— Simon Commission

Geo-Political Setting

The FATA lies in the northwest of North West Frontier Province (NWFP) of Pakistan. It is a narrow tract of land 1200 kilometers long and 130 kilometers wide that borders Afghanistan. Geographically, it lies on the apex of three of the highest mountain ranges in the world: Hindu Kush Range, Pamir and Karakoram Range.¹ The FATA has been divided into seven political agencies: Mohmand, Orakzai, Khyber, Bajaur, North and South Waziristan, Kurram, and six 'Frontier Regions (FR)': Kohat, Bannu, Peshawar, D I Khan, Tank and Lakki Marwat.² This distribution was created for administrative reason to identify the tribes residing in each territory (for details see Appendix A and B). The last census in the country was held in 1998. It estimates the population of the FATA to be 3.176 million.³ Keeping the population growth rate of this area in mind, the unofficial sources claim it to be over five million in 2009. The FATA is inhabited by various Pashtun tribes who follow the ancient code of Pashtunwali in their

¹David Ditchers, *The North West Frontier of West Pakistan* (Oxford: Clarendon Press, 1967), 2.

²Mumtaz Ali Bangash, "The Political and Administrative Development of Tribal Areas" (Ph.D. Thesis, University of Peshawar, 1996), 3.

³Government of Pakistan, *1998 Census Report of FATA* (Islamabad: Population Census Organization, Statistics Division, 2001), 11-14.

daily affairs (for details see Appendix C). It should be clarified from the beginning that in the paper four names for the inhabitants will be used most often i.e. The Tribesmen, The Pashtun, The Pathan and Pashtun living in Afghanistan called Afghans, are actually different names of the same tribal people, despite changing their political borders.⁴ Their tribal psyche hinges on sensitivities based on tribal traditions or *Riwaj*, and religious sentiments, which are often intermingled in a complex manner with Pashtunwali.

For centuries, tribal society has persisted in the FATA/ NWFP, and remained open for numerous invaders out of those the most important are Alexander the Great (356 BC-310/309 BC), the Great Genghis Khan (1162 to1227), and Timur Lung (1336 to1405).⁵ The people of this region always defended their homeland against all sorts of external aggressions.⁶ Over the period of time, this response has made them passionately autonomous.⁷ With the exception of Aurangzeb Alamgir (the Mughal Emperor of India), other rulers followed a policy of conciliation desisting from all direct and indirect interference in the internal affairs of the area.⁸ The British, after taking over Punjab and then parts of the NWF started their ingress in 1849in the FATA for the first time. This

⁴Provincial Government of North West Frontier Province of Pakistan, Known NWFP About Us, <http://www.nwfp.gov.pk/nwfpgov/aboutus/index.php> (accessed 1 November 2009).

⁵Olaf Caroe, *The Pathans 550 B.C.-A.D. 1957* (London: Macmillan and Co., 1958), xxi.

⁶H. A. Rose, I.C.S, *Imperial Gazetteer of India Provincial Series, Volume 20, North West Frontier Province* (Calcutta: Supt. of Govt Printing 1908, Reprint Lahore: Sang-e-Meel Publications, 1979), 13-15.

⁷Caroe, xxii.

⁸Badshah Gul Wazir and Jehangir Khan Mohamand, *Futuristic of Tribal Administration* (Peshawar: Pakistan Academy for Rural Development, 1995), 1-114.

tribal belt of the northwest frontier always presented difficult problems to the British by challenging the writ of the state. The British consistently attempted to prevent these tribesmen from plundering their territory while defending the subcontinent of India against possible Soviet invasion during the period of 'Great Game.' With this in mind, the British tried different policies to administer this area. From 1876, the British adopted the "Closed Door Policy" of their non intervention in the local affairs.⁹ Subsequently "Forward Policy" of direct rule was introduced there to counter the rising Soviet influence in Afghanistan. The boundary between British India and Afghanistan was demarcated in 1893 thereby distributing the responsibility of governance in that area. This boundary was earlier known as the 'Durand Line' and is now recognized as an international border between Afghanistan and Pakistan. The socio-economic conditions of the FATA remained stagnant especially in the periods of WW1 and WWII. This created concerns amongst the tribesmen on the sincerity of efforts of the British in that region. Resultantly all such activities were taken as a threat by the tribesmen and were resisted by force.¹⁰

In conjunction with the independence of Pakistan and India in 1947, the tribesmen as a whole expressed their popular will to join Pakistan.¹¹ The tribes were assured a

⁹Lal Baha, *NWFP. Administration under the British Rule 1901-1919* (National Commission on Historical and Cultural Research Islamabad, 1978), 5.

¹⁰Akbar S. Ahmed, *Religion and Politics in Muslim Society* (Karachi: Royal Book Co., 1987), 15.

¹¹Mehrunnisa Ali, *Pak-Afghan Discord: A Historical Perspective 1855-1979* (Pakistan Study Centre University of Karachi, 1990), 114.

continuation of agreements¹² between tribes and the British Government by Quaid-e-Azam Muhammad Ali Jinnah.¹³ Since then no fundamental change in the administrative, judicial and political policies for the FATA has taken place. After the Soviet invasion of Afghanistan in 1979, the FATA came into the limelight.¹⁴ The influx of Afghan refugees, spread of militant culture, continuing civil war in Afghanistan and religious extremism leading to the rise of the Taliban did much to aggravate the situation.¹⁵ By and large it all contributed to an altered ethnic balance, weapons proliferation, inflow of narcotics, hindrance in developmental efforts, deteriorating law and order¹⁶ and de-sanctification of the international border between AfPak. Following the United States (US) led invasion in the Afghanistan in 2002, the tribal areas again came into focus when a large number of foreign militants were found taking refuge in these areas.¹⁷ Since then military operations carried out in the area have brought the lingering problem of the FATA and its integration issues with the national mainstream of Pakistan to the forefront.

¹²World Lingo, "Federally Administered Tribal Areas -1947-79," http://www.worldlingo.com/ma/enwiki/en/Federally_Administered_Tribal_Areas/16 (accessed 30 October 2009).

¹³Dr. Pervaiz Iqbal Cheema and Dr. Maqsood ul Hasan Nuri, *Tribal Areas of Pakistan, Challenges and Response* (Islamabad: Islamabad Policy Research Institute, 2005), 30.

¹⁴Mumtaz Ali Bangesh, "The Political and Administrative Development of Tribal Areas," 77.

¹⁵Dr. Pervaiz Iqbal Cheema, Dr. Noor ul Haq, Dr. Rashid Ahmed Khan and Dr. Maqsood ul Hasan Nuri, *Federally Administered Tribal Areas of Pakistan* (Islamabad: Policy Research Institute, 2005), 42.

¹⁶*Ibid.*, 49.

¹⁷Aslam Effendi, "Civilizing Waziristan," *The News*, 9 April 2004, 7.

Due to its geographical significance, the present regional milieu hence has accorded a new importance to the FATA in the ongoing War on Terror. This area stood out even more prominently in 2009, after the emergence of a new US approach to the region commonly known as “Obama’s AfPak Policy.”¹⁸ Historically, this region has always been of significant geo-political and economic significance.¹⁹ It became more important for Pakistan when after the breakup of Soviet Union, the requirement to access the developing markets of the Central Asian states and the Afghanistan was apparent to the opening up of new trade routes and exploitation of natural resources. Moreover, the FATA due to its terrain configuration has the potentials to play an important role in the overall development of Pakistan itself.²⁰ In view of these developments and resultant effects, it has now become increasingly important for Pakistan to integrate the FATA into the mainstream of its modern politics and administration, as early as possible.

Administrative, Political, Economical, Educational, Judicial,
and Social Aspects of the Tribal Areas

Continuing the ‘Maliki policy’ of administration, the Government of Pakistan (GoP) entered into an (peace) accord with the tribal chiefs of the FATA following

¹⁸U.S. Department of State, President Obama's Afghanistan-Pakistan (AFPAK) Strategy, <http://fpc.state.gov/120965.htm> (accessed 29 July 2009).

¹⁹Hubertus Hoffmann, “On the Strategic Importance of FATA,” <http://www.hichemkaroui.com/?p=143> (accessed 29 July 2009).

²⁰Moin-ud-din Haider Lieutenant General, (Retired), “Internal Security of Pakistan” (Lecture, Command and Staff College Quetta, 2 June 2005).

Pakistan's independence from Britain.²¹ This agreement was the foremost reason for the FATA remaining as part of Pakistan. 'Muhammad Ali Jinnah' the first Governor General of Pakistan issued immediately orders and notifications after independence, with the aim to provide legal cover of the annexation to all Muslim majority areas. The FATA since then has been recognized and declared as an integral part to Pakistan, while no insurgency has ever erupted in the FATA for independence since 1947.

The constitution of Pakistan was established for the first time on 23 March 1956. Before that, the Government of India Act-1935 with some amendments was used as the main constitution of the country. This new constitution did not bring any change to the political setup and administrative arrangements in the tribal areas. The 1973 Constitution of Pakistan for the first time addressed the FATA, while creating special provisions in Articles 246 and 247 and gave a special status to the tribal areas.²² This demonstrates that the GoP did not bring significant changes in the status quo of the FATA even after 25 years of independence. The present constitution also prevents the National, Provincial Assemblies of Pakistan and the State Judiciary to extend their powers automatically in the FATA.²³

²¹World Lingo, "Federally Administered Tribal Areas -1947-79," http://www.worldlingo.com/ma/enwiki/en/Federally_Administered_Tribal_Areas/16, (accessed 30 October 2009).

²²Government of Pakistan, The Constitution of the Islamic Republic of Pakistan, Part XII, Chapter 3. Tribal Areas, <http://www.pakistani.org/pakistan/constitution/part12.ch3.html> (accessed 30 October 2009).

²³Humayun Khan, *The Role of the Federal Government and the Political Agent, Tribal Areas of Pakistan: Challenges and Responses* (Islamabad: Islamabad Policy Research Institute, 2005), 105.

The Constitution of Pakistan introduced in 1973 is the main foundation on which the existing system of governance of the FATA, revolves. As per this constitution all those areas which were located inside Pakistan and were tribal areas before the independence should be called as 'Tribal Areas.' Article 247 of this law states that the Federal Government of Pakistan will be the only one to extend authority in the FATA, while the Province will extend their authority to 'Provincially Administered Tribal Areas, making the FATA to be controlled by the central government. The President therefore is the only one who is in position to give directions to the Governor of a Province where that specific Tribal area is located, who shall under this article will follow the directions of the President.

The constitution of Pakistan explains the authority over the FATA as:

No act of Majlis-e-Shoora (Parliament) shall apply to any 'Federally Administered Tribal Area' or to any part thereof, unless the president so directs, and no Act of Majilsa-e- Shoora (Parliament) or a Provincial Assembly shall apply to a 'Provincially Administered Tribal Area,' or to any part thereof, unless the Government to the Province in which the Tribal Area is situated, with the approval of the President, so directs; and in giving such a direction with respect to any law, the President or, as the case may be, the Government may direct that the law shall, in its application to a Tribal Area, or to a specified part therefore, have effect subject to such exceptions and modifications as may be specified in the direction. Notwithstanding anything contained in the Constitution of Pakistan, the President may, with respect to any matter within the legislative competence of Majlis-e-Shoora. (Parliament), and the Government of a Province, with the prior approval of the president, respective to any matter within the legislative competence of the Provincial Assembly make regulation for the peace and good government of a 'Provincially Administrated Tribal Area' or any part thereof, situated in the Province. Notwithstanding anything contained in the Constitution, the president may, with respect to any matter, make regulation for the peace and good governance of the FATA or any part thereof. The President may, at any time, by Order, direct that the whole or any part of a Tribal Area shall cease to be Tribal Area, and such Order may contain such incidental and consequential provisions as appear to the President to be necessary and proper provided that before making any Order under this clause, the president shall ascertain in such manner as he considers appropriate, the views of the people of the Tribal Area

concerned, as represented in Tribal Jirga. Moreover, neither the Supreme Court nor a High Court shall exercise any Jurisdiction under the Constitution in relation to a Tribal Area, unless Mujlis-e-Shoora (Parliament) by law otherwise provides.²⁴

The FATA is divided into two administrative categories. First, the ‘protected areas’ which come directly under control of central government through political appointees/agents. They are vested with judicial powers as well. Second, the ‘non-protected’ areas those are governed through the local tribes indirectly.²⁵ The troika of Jirga, Political Agent (PA) and FCR of 1901, blends making the administrative and judicial systems in tribal areas. They are so articulated that they can control both protected and non protected regions. At national level, the Ministry of State and Frontier Regions (SAFRON), at Islamabad is assigned the responsibility to look after the management, development and related issues of the FATA. The Governor in a province is the representative of the President of Pakistan, who acts on behalf of the Federal Government and administers the Tribal Areas²⁶ through the FATA Secretariat. An overview of the present pattern of administration of the FATA in Pakistan is as in figure1.

²⁴Government of Pakistan, The Constitution of the Islamic Republic of Pakistan, Part XII, Chapter 3. Tribal Areas, <http://www.pakistani.org/pakistan/constitution/part12.ch3.html> (accessed 30 October 2009).

²⁵Global Security.org, Military, “Pakistan’s FATA Policy,” <http://www.globalsecurity.org/military/world/pakistan/fata-pak.htm> (accessed 29 July 2009).

²⁶Cheema et al., 49.

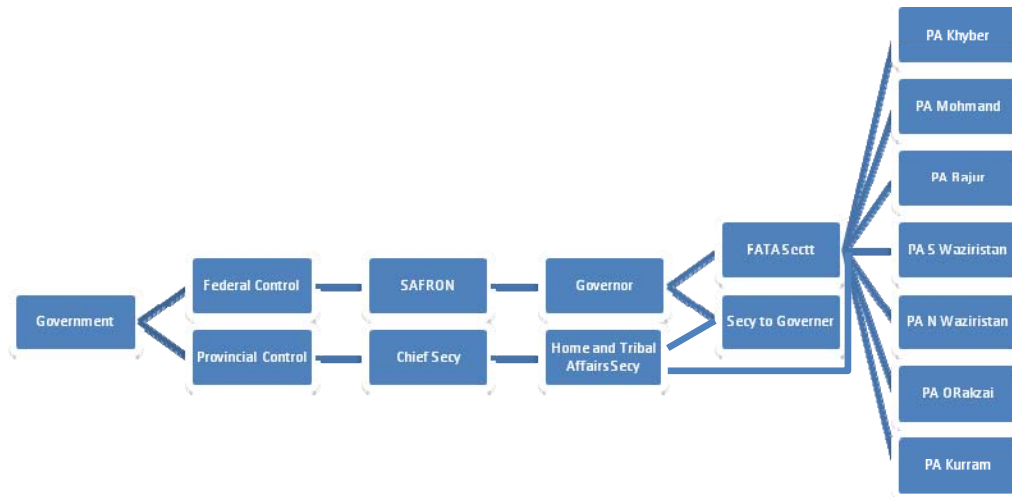


Figure 1. An overview of the pattern of administration structure of the FATA
Source: Muhammad Ali “Political Empowerment and Devolution of Power Plan in Tribal Areas of Pakistan” (Research Paper, Command and Staff College Quetta, 2005), 16.

After independence the already functioning system was adopted by Pakistan being the only viable option to keep the FATA in the confederacy of Pakistan. Moreover, it provided solution to the issues of governance without taxing the existing resources of Pakistan. To provide governance at grassroots level, the administrative and judicial institutions in the tribal system of the FATA hinges on the system of PA, Maliks and Lungi holders. The system of PA in the FATA was the novelty of the British which proved helpful to them in governing the FATA.²⁷ Since then, these seven federally administered tribal agencies have the Presidential representatives. These representatives are called PAs. The PAs have been granted the authority to reward and punish tribesmen, collectively or individually. They possess authority over the arrest and release of

²⁷Khan, 107.

tribesmen and are authorized to fine them individually or collectively.²⁸ Traditionally PAs possess a special status in GoP official circles as well. The outline organization of PA’s office is as in figure 2.

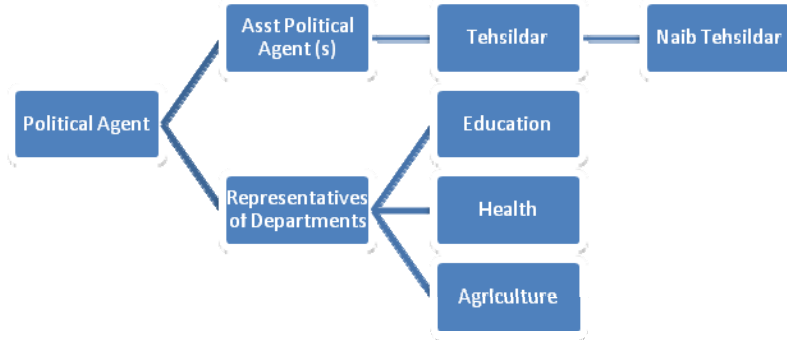


Figure 2. Outline organization of office of Political Agent

Source: Muhammad Ali “Political Empowerment and Devolution of Power Plan in Tribal Areas of Pakistan” (Research Paper, Command and Staff College Quetta, 2005), 42.

Part of governing system of the FATA, each tribe also has its traditional elders known as Maliks. They represent their tribe in the government circles.²⁹ In addition to them, Lungis (turbans) are awarded to some loyal and influential persons for rendering their services to the government.³⁰ The FATA has been assigned 3,616 Maliks,

²⁸Global Security, Pakistan’s FATA Policy, <http://www.globalsecurity.org/military/world/pakistan/fata-pak.htm> (accessed 29 July 2009).

²⁹Syed Iftikhar Hussain Shah, Lieutenant General (Retired), “Tribal Areas of Pakistan: Challenges and Response” (Address, Islamabad Policy Research Institute, Islamabad, 2005).

³⁰Adilla Rehman, Anwar Ali Shah, Shahid Bashir, and Raja Muhammad Abbas, “Viability of Extending Fiscal Laws to the Tribal Laws” (Syndicate Research Paper, National Institute of Public Administration Lahore, 2004), 8.

complimented by 3,441 Lungi holders.³¹ To settle the disputes between individuals and tribes, Jirga are assembled where the tribal elders amicably settle the disputes. The decisions of tribal elders are based on their old traditions called ‘Riwaj.’³² It is easy to see how this type of system of judiciary is linked to the evolution of existing system of governing from ancient times. There are three main types of jirgas constituted: *Sarkari jirga* is nominated by a PA to settle inter-tribal disputes, *Qaumi jirga* is formed by the tribe itself to settle their intra-tribal issues, while *Shakhsi jirga* is requested by the disputing individuals themselves.³³

To oversee the functioning of this system, ‘The FATA Secretariat’ was established in the year 2000 concentrating directorates of line departments, sections of power development and finance departments under one roof. The Federal Government (through SAFRON) and the Governor’s Secretariat make allocation of funds for each agency which are utilized and expended by the FATA Secretariat. The PA system maintains law and order in the FATA through FCR, while Frontier Constabulary and Khasadars are placed at the disposal of political agent as power tools to enforce the order.³⁴ The FCR of 1901³⁵ excludes the technicalities of the ordinary law and recognizes modern principles governing the dispensation of justice.³⁶

³¹Sher Alam Shinwari, “The Fata Areas-So near yet so far away,” <http://www.khyber.org/pashtoplaces/fataareas.shtml> (accessed 30 October 2009).

³²Rahimullah Yusufzai, “Circled in Controversy,” *News Line*, August 2002.

³³Mumtaz Ali Bangash, “Jirga; Speedy Justice of Elders,” <http://www.khyber.org/culture/jirga/jirgas.shtml> (accessed 30 October 2009).

³⁴Azmat Hayat Khan, Doctor, *Federally Administered Tribal Areas of Pakistan: Challenges and Response* (Islamabad Policy Research Institute, 2005), 95.

The 'politics' of the FATA can be viewed as a complex interplay of tribal, economical, cultural, religious and even some criminal activities, which no single index can accurately measure, making the access of this area difficult to an outsider. Since the introduction of the 1935 Indian Act,³⁷ the political parties were barred from undertaking political activities in the FATA. However, later the religious parties like Jamait i Islamic etc were only permitted to influence these areas, which used the umbrella of religion to hold their meetings. Before the introduction of right of universal suffrage to the FATA in 1996, there was a restricted mode of franchise where only Maliks and Lungi holders could vote for the candidates of National Assembly.³⁸ As a result, there are twelve members from the FATA who represent on behalf of their tribes in the National Assembly (Lower House) of Pakistan. For the FATA, under a special quota allocation, eight seats have also been reserved in the Senate (Upper House) of Pakistan. Till 2001; no major steps were taken to address the political situation in tribal areas, except from grant of adult franchise to the tribal areas in 1996. To address the issue in greater details, major political initiatives were started by the government of ex President Musharaf which surfaced also resulted as a result of the events of 9/11. Amendments in FCR were introduced to

³⁵Talat Sattar, "Frontier Crime Regulations: A Draconian Law Against Tribal People," <http://www.pakistanlink.com/Opinion/2005/Jan05/14/11.htm> (accessed 2 June 2009).

³⁶Amir Mohmood Khan, "Justice Denied," *NEWSLINE* December 2004, <http://www.worldsindhi.org/relatedpress/dec04.html> (accessed 31 October 2009).

³⁷Nayar Zaman Momand, "The Tribal Question," *The Frontier Post, Peshawar*, 10 July 1996, 7.

³⁸"Adult Franchise for FATA," Editorial, *Dawn Karachi*, 11 February 1994.

improve the security situation³⁹ in the FATA. The local government plan introduced in 2000 in the remaining parts of Pakistan did not initially envisage its application to the FATA; however in January 2002, the government decided to extend it to the tribal areas as well.⁴⁰ Recently on the 62nd Independence Day of Pakistan (14 August 2009), the present government has announced far reaching FATA reforms which cover its political, judicial and administrative aspects in greater details as ever before. It has allowed political activities in the FATA, permitting setting up of an appellate tribunal, curtailing the arbitrary powers of PAs, authorizing people right to appeal and bail, excluding the women and children from the territorial responsibility clauses and envisaging the audit of accounts by the Auditor General of Pakistan.⁴¹ As these announced reforms are yet to be materialized, while with no comprehensive strategy set in place, the integration of the FATA with the national mainstream of Pakistan is still ‘A Bridge too far.’

Agriculture forms a sizeable economic activity in the FATA, while the adoptions of age old agriculture systems have left the productivity of this important commodity for the local below subsistence level. As per 2003-04 Government of Pakistan (GoP) record, the land use data shows that only 17 percent of the total geographic area is available for cultivation, while the remaining is not suitable for cultivation. It makes agriculture a

³⁹IRIN, Pakistan: Focus on Tribal Reforms, A report by UN Office for Coordination of Humanitarian Affairs, <http://www.irinnews.org/report.aspx?reportid=18326> (accessed 31 October 2009).

⁴⁰Mumtaz Ali Bangash, *FATA Reforms Committee Revised Report on the Introduction of Local Government Plan 2000 in Federally Administered Tribal Areas (FATA) Pakistan and Proposed FATA-Regulation 2001*, 1

⁴¹Syed Irfan Raza, “Far reaching FATA reforms unveiled,” *Dawn*, 14 August, 2009, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/13+far-reaching+fata+reforms+unveiled-za-12> (accessed 4 September 2009).

difficult proposition for these people. The usage of old methods of cultivation puts intense pressure on the available farmland, which supports an average of eighteen persons per cultivated hectare and more than forty persons per irrigated hectare. Some 44 percent of farmland is under the irrigation system, with the remaining 66 percent relies entirely on the rainfall. Low level of mechanization, communal ownership of land in tribal system, insufficient irrigation⁴² and inadequate use of pesticides also results in lower yields per acre.⁴³ Besides agriculture, the holding and growing of the livestock is also an importance economical activity in the FATA. However due to the adoption of non-scientific methods of animal husbandry, desired output is not achieved. A few areas in the FATA have timber and other forests. Deforestation, use of valuable timber as fuel, its smuggling to the Afghanistan and degradation of grazing lands due to continuous droughts has resulted in the loss of these income-earning opportunities.⁴⁴ The tribal areas, thanks to their terrain configuration, are sought to possess vast deposits of numerous minerals. Because of inadequate geological surveys, the security environments in the FATA and tribal disputes over these perceived ‘minerals rich tracts of land,’ they have yet been explored. This situation has significantly affected the attention of private sector to draw their investment in these areas. The project of ‘Chamalang Coal Mines’ in Baluchistan was dying its death due to the tribal rivalries, demanding a stern government

⁴²Ibid.

⁴³Government of Pakistan, FATA-Land Use Indicators, <http://www.fata.gov.pk/subpages/socioeconomic.php> (accessed 2 November 2009).

⁴⁴Donneth Walton, *Technical Assistance to the Islamic Republic of Pakistan for preparing FATA Rural Development Project*, Report by Asian Development Bank, http://www.adb.org/documents/TARs/PAK/tar_pak33268.pdf (accessed 21 May 2009), 3.

action to resolve the dispute. Resultantly, the area has become a hub of economic activities in Baluchistan.

Trade through the Afghanistan has also been one of the major sources of economic activities in the FATA. The smuggling and other illegal practices have caused these opportunities to dwindle over the years. Generally the tribesmen consider smuggling as a legitimate business calling it as their '*Tijarat*.'⁴⁵ The real recipients of this *Tijarat* are the big landlords or warlords who control the flow of this trade all across Pakistan and eventually to the rest of the world.⁴⁶ Laborers from the FATA which have gone to gulf countries are another source of the income for this area as they send earnings back home. With increasing competition of skilled labor in the overseas market, this source of monetary remittance for the FATA is now dwindling. A very small segment of this society has also joined the major government institutes like Pakistan Army and Civil Service Department of Pakistan. However as these people are settling in other parts of Pakistan permanently, their contribution to the economy of this region is negligible.

The FATA is the least developed area of Pakistan.⁴⁷ It has the lowest per capita income.⁴⁸ On the one hand GoP is being blamed for bad economical situation of the FATA; however, the undesired passion of tribes for Pashtunwali (the tribal code of

⁴⁵Personal experience of the author in dealing with the locals of the area.

⁴⁶Bangash, 176.

⁴⁷Rehmatullah Khan Wazir, "FATA has been ignored over the last five decade" (Research Paper, 74th Advanced Course in Public Sector Management, National Institute of Public Administration Karachi, 2002), 8.

⁴⁸Masud Idrees, "Changing Patterns of The Economy in Tribal Areas Adjoining North-West Frontier Province (Pakistan)" (Ph.D. Thesis, Area Study Centre, Central Asia, University of Peshawar, 1992), 125.

honor) and for their inherited culture of rejecting the change, also keeps them from prospering economically. The access of religious parties to the tribal areas also provided an opportunity for the religious faction to polarize this area religiously. Moreover, the call of Afghan Jihad in 1979 also attracted religious hardliners from all over the world, who still believe that this call holds true even against the state of Pakistan. This ultimately lead to the introduction of their own brand of religion commonly called Talibanised Islam, with its actual roots in Pashtunwali. Some of the basic facts affecting this situation are:

1. The population of the FATA is 3.176 million with an annual growth rate of 2.19 percent.⁴⁹ Government estimates show approximately 60 percent families of the FATA do not have the basic necessities of the life and are living below internationally declared poverty parameters.⁵⁰

2. The rare opportunities to engage this growing populace in the education system of Pakistan exposed to the religious clergy only. The region therefore has a literacy rate of 17.42 percent which is significantly lower than the national average of 43.92 percent.⁵¹

3. The less number of schools, health care facilities, communication infrastructure and allied services do not support any major economic venture, keeping the area economically underdeveloped. Moreover, approximately 80 percent of the funds

⁴⁹Census Report 1998; Population Census Organization, Government of Pakistan, Islamabad.

⁵⁰Walton, 3.

⁵¹Government of Pakistan, FATA “Socio Economic Indicators,” <http://www.fata.gov.pk/subpages/socioeconomic.php> (accessed 2 November 2009).

allocated for the FATA in the past were consumed on the non developmental charges (i.e. maintaining bureaucracy or related tasks).⁵²

4. Where water for sustenance and irrigation is a major need, only 44 percent of the population in the FATA has access to clean drinking water.⁵³ This is a clear reflection of an undeveloped and deprived society.

As evident from the discussion above, the FATA comprises some of the least developed areas of the country. What little has been provided for development has either been squandered or has become subjected to the overly prevalent administrative and political system. Thus, the tribal areas today are mired in poverty leading to all sorts of social problems and criminal activities.⁵⁴ Of late, Taliban and Al Qaeda elements also exploited this situation to their advantage. “One of the major reasons for the survival of terrorist in parts of the FATA is their ability to pay huge sums of money to poor locals in return for provision of shelter.” Therefore, it can be said that “poor economic conditions and related problems are playing a major part in the overall worsening of the security situation in the FATA.”⁵⁵ The integration of the FATA into national mainstream is therefore possible only by taking consequential measure to improve income, lifting

⁵²Dr. Rashid A Khan (Lecture at Command and Staff College Quetta, 15 August 2005).

⁵³Walton, 2.

⁵⁴Aziz Sarwar, “FATA Ills are Rooted in Economic Dependence,” *Frontier Post*, 24 August 1996.

⁵⁵Personal interaction of the researcher with the inhabitants of FATA area.

human resource growth while taking care of related issues existing in the judicial, administrative and political systems.⁵⁶

The story of the people of the FATA approaching major social issues involves immense contradiction due to their nature being differently understood by outsiders. A Pashtun living in the FATA is courageous, elegant, amazing, respectable, liberal and welcoming but can also be cunning, cruel and furious. The Pashtun living in tribal areas still maintain their ancient, but time hardened code of conduct called ‘Pashtunwali.’

The Government of the North West Frontier official web site explains the behavior of Pashtun tribal people as:

Honor, revenge and hospitality are the cardinal principles while the jirga, or tribal assembly, plays a potent part in the resolution of issues according to riwaj or tradition. The practices of “Nikkat,” “Lungj,” and “Moajjab” are still strong, binding and regulatory. "Nikkat" means pedigree lineage and determination of privileges and liabilities in accordance with the recognized tribal or sectional shares. The society is based on "naffa wa nuqsaan" or “benefits and losses.” Under this system rights and obligations are equally shared by the tribes and sub-tribes. Tribal society is, thus, inter-linked through kinship, cohesion and common cause⁵⁷

The tribal also follow the norms of religion, however, it must be understood here that mostly their handling of major issues are more biased and tilted towards their social setup which at times is much different and contradictory to the fundamentals of Islamic teachings. The right of interpretation of the religion as per their religious clergy has led

⁵⁶Moin-ud-din Haider Lieutenant General, (Retired), “Internal Security of Pakistan” (Lecture, Command and Staff College Quetta, 2 June 2005).

⁵⁷Provincial Government of North West Frontier Province, “People and Tribes,” <http://www.nwfp.gov.pk/nwfpgov/aboutus/People-Tribes.php> (accessed 4 October 2009).

the tribes to deviate considerably from the essence of Islamic teachings.⁵⁸ Wali Khan, a renowned Pashtun hardliner once said: “You want to know whether I am first a Pashtun, a Muslim, or a Pakistani. I have been a Pashtun for 2,000 years, a Muslim for 1400 years and a Pakistani for 30 years. Therefore, I will always be a Pashtun first.” Like many creeds; Pashtunwali can also be interpreted one way or another to reinforce their pre-existing attitudes by Pashtuns. If they want to kill foreigners, they will cite the code’s anti-incursion clause. And if they want to work with foreigners they will label them as guests, while Pashtunwali then requires the Pashtuns to treat foreigners even better than their own children.⁵⁹ This fact is demonstrated with the attitude of hardliner Pashtuns fighting the US military in the Afghanistan and the Pakistan Army in the FATA as invaders, while they are protecting those foreigners (Usama Bin Laden and Uzbeks living in parts of the Afghanistan and the FATA–Pakistan since Afghan Jihad) over their lives. They take them as their brothers who they fought with them shoulder to shoulder and now, the honor code, make them duty bound to protect them over their lives.

Historically, this area has always been lagging behind from rest of the world. The key factors contributed to this issue are resource and capacity constraints of the government to deliver in this part, the scarce economic activities, socio-cultural barriers and law and order situation of the area. Hence the backwardness of the FATA can generally be attributed to the in-hospitable terrain making it inaccessible for the locals and domestic investors to plan business and lack of Islamabad’s will to invest in the

⁵⁸Ibid.

⁵⁹David Axe, Axeghanistan '09: Interpreting Pashtunwali, <http://ebird.osd.mil/ebfiles/e20091101713633.html> (accessed 1 November 2009).

development of this region.⁶⁰ The employment opportunities in the FATA are very limited, while new development activities are threatened by the rapidly spreading extremism and hence are confined to the secured or settled areas only.

Over the years, projects started under ‘The FATA Annual Development Programmes (ADPs)⁶¹ resulted in huge throw forward liabilities. The meager financial allocations coupled with increased development cost of the envisaged projects, has also prevented any development in the area. Due to the ongoing insurgency, the access of tribesmen to market places is limited to only the settled districts of the NWFP and vice versa. This has resulted in a high cost of living there. Moreover, the frequent incidents of bomb blasting of public infrastructure including electricity pylons, schools, health facilities etc by the terrorists are also resulting in poor service delivery to the masses. The ongoing conflict in the FATA and the Afghanistan has increased the protection cost of public property, life and facilities in the area as ever before.⁶²

Before the Russian invasion of the Afghanistan in 1979, the FATA was considered as a peaceful region of Pakistan where the crime rate was negligible as compared to other settled areas of Pakistan. It is considered that due to the system of administration in this area, which was based on the principle of collective responsibility of a tribe, executed through a body of elders (Maliks) controlled the crimes rate

⁶⁰Woodrow Wilson International Centre for Scholars, Asia Programme-Pakistan: Politics and People, http://wilsoncenter.org/index.cfm?topic_id=1462&fuseaction=topics.item&news_id=530959 (accessed 29 July 2009).

⁶¹Government of Pakistan, Annual Development Plans, <http://www.fata.gov.pk/subpages/downloads.php> (accessed 31 October 2009).

⁶²Planning and Development Department, FATA Secretariat, *Cost of Conflict in FATA* (Peshawar, Pakistan: FATA Secretariat, April 2009).

effectively. The counter argument can be that in the FATA, at that time no means were available to record the crime rate and give the real picture. The law enforcement is done by the PA through Khassadars / Levies who are drawn from amongst the tribes and are supported by the Frontier Corps. 'Khassadar Force' is a part of the territorial responsibility concept. Breakdown of the authority of Maliks started in 1980, when they were marginalized and instead religious clerics were used from Afghanistan to the FATA to unite the tribes in a common casue against Soviet threat. The situation in the FATA surfaced 'as bad' for the first time after 9/11, when Pakistan joined the international community in the war against terror. This was the first time when the Pakistani nation as a whole got aware of the true complexities of the FATA issue. The existing law and order situation of the FATA can be measured by the fact that approximately 600 influential Maliks/elders, who were with the government, have been killed in a number of suicidal attacks and bomb blast in the area. A total of 11 incidents of suicide attacks, 153 IED attacks and 146 cases of kidnapping of government personal took place from March to October 2008.⁶³ The war against terror has shattered the social fabric of this society. People have become homeless, deprived of health and education facilities with economic activities almost getting a standstill. Due to the ongoing military offensive a majority of the population of that area has drift away to other places for their safety and earnings. It may not be wrong to say that this society is lost in the fear of unknown, where their actual leadership has disappeared and the religious extremist have taken over them.

⁶³Ibid.

Effects of Foreign Intervention in the Destabilization of the Region

Pakistan is a country created in the name of an 'ideology.' In order to understand further about the creation of Pakistan, the study of the history of subcontinent is unavoidable. The debate on the 'Ideology of Pakistan' is not in the scope of this study, therefore, has not be touched in details. However a few relevant aspects have been covered to enables a better understanding of the security issues of Pakistan which bear directly on the FATA situation.

Since independence, Pakistan has always been under the threat of aggression by neighboring India, with which it has fought three major wars and one limited engagement. The 'East Pakistan debacle of 1971' also keeps Pakistanis cautious and fearful from its neighboring India. Furthermore, the nuclearization of India in 1974,⁶⁴ led Pakistan also to develop nuclear weapons technology and go for nuclear tests in 1997. This arm race has always shifted Pakistan's focus away from internal to external threats. Moreover, being the only Islamic country in the world with nuclear weapon on its inventory, it is also a source of concern for all those nations who perceive rise of Islam as a threat to their existence. The Pakistan with a critically geostrategic location, now surrounded by the issues related to its security, a crumbling economy, with ever growing corruption and a weak political system, is now more susceptible to overt/covert foreign intervention than ever before.

On this pretext, the involvement of foreign hands in the destabilization of the FATA region seems logical and appealing to debate, but it is also very difficult to prove

⁶⁴Federation of American Scientist, "First Nuclear Test at Pokhran in 1974," <http://www.fas.org/nuke/guide/india/nuke/first-pix.htm> (accessed 19 November 2009).

this fact with credible evidence. In order to cover this gap, information available on open sources has been collected, collated and analyzed to validate this supposition:

1. In an article by Mr. Javed Aziz Khan, published in ‘The NEWS International,’ he writes that “the People from various walks of life suspect foreign involvement in the poor law and order situation in the Frontier province and Federally Administered Tribal Areas (FATA), with many pointing finger to an international conspiracy to isolate and separate the region from the rest of the country and the world”⁶⁵. To augment his view he quotes Jamaat-e-Islami Nowshera district chief (a political party head): “There are foreign conspiracies, and clearly Indian and American hand behind it, but the responsibility for the country’s security rests upon our own government.”⁶⁶ In the same article the writer gives the reference of other political figures of country saying that:

It was the Pakistan government that provided opportunity to the enemies to take advantage of present situation. These political figures raise many suspicions amongst public on account of different maps issued by some western think-tank reflecting the region to look differently. These maps show a divided Pakistan, thus raising alarm bells amongst patriotic Pakistanis that there is certainly a game going on where anti Pakistan forces are working in the FATA covertly to disintegrating Pakistan. However, if this is true, then next question comes that what role Pakistani rulers are playing in that game or what they are doing to prevent its happening.⁶⁷

Such statements of politicians and the news reported by media men raise undesired concerns, diverting the masses to think negative about the government and its ongoing efforts to bring the FATA in the national mainstream.

⁶⁵Javed Aziz Khan, “Foreign hand involved in NWFP, FATA situation,” <http://www.thenews.com.pk/print1.asp?id=158196> (accessed 29 August 2009).

⁶⁶Ibid.

⁶⁷Ibid.

2. While giving a media interview, a suicidal bomber who was arrested before he could explode himself, confirmed that he was hired by covertly operating Indian agents, who are involved in unrest inside Pakistan. His confession included involvement of Brahamdagh Bughti (relative of Nawab Akbar Bughti, who was killed inside Baluchistan by Pakistan security forces) as the actual launcher of terrorists' attacks. He also claimed the ties of Brahamdagh with India officials in the Afghanistan. These terrorists are trained in camps located inside the Afghanistan and then are sent across the border into Pakistan. It becomes evident that anti state elements are always being exploited by anti Pakistani forces and this is the right time for them to exploit upon. During the period of Taliban rule in the Afghanistan, Mr. Hamid Karzai (who is now the President of Afghanistan) was provided protection in Baluchistan province of Pakistan, by Nawab Akbar Bugti. After the death of Nawab Akbar Bughti, his predecessor Braamdagh ran away to the Afghanistan and is assumed that he is being provided protection on the orders of President Hamid Karzai. This is a clear indication that the Afghanistan government is providing shelter to Brahamdagh Bughti, while Afghan officials are facilitating Indian agents in border crossing for terrorist activities inside Pakistan.⁶⁸ In earlier 2009, two border police personal and one political figure were arrested while crossing the border without documents. It has also been learnt that Spin Boldak (Afghanistan) is the main hub of the anti-Pakistan activities while the village is also acting as a launching pad for terrorists inside Pakistan.

⁶⁸Dawn, "India-Afghanistan supporting Baloch nationalists," <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/front-page/india,-afghanistan-supporting-baloch-nationalists-fc-109> (accessed 31 October 2009).

3. The recent Sharm-ul-Sheikh meeting between the Prime Ministers of India and Pakistan in July 2009 provided a platform to ease the tension between the two neighboring states. The Indian Prime Minister 'Manmohan Singh' was briefed by his counterpart from Pakistan on the involvement of India Intelligence agencies in the Baluchistan affairs. Photographs of Brahamdagh Bugti with Indian agents were shown as part of the evidence proving India's involvement in recruiting, training, financing and arming terrorists in the Afghanistan and sending them to Pakistan.⁶⁹ It is therefore taken as established fact amongst Pakistanis that the present wave of militancy in Swat, the FATA and Baluchistan is being funded and nurtured by forces inimical to Pakistan. There had been scores of authentic statements by various functionaries of the Government that militants in these areas were receiving finances, arms and ammunition from abroad to destabilize the very sensitive areas and keep Pakistan under pressure. Pakistan's Prime Minister Syed Yousuf Raza Gilani's earliest statement about foreign involvement in destabilizing Pakistan in Swat was therefore, no new disclosure.⁷⁰

4. Mr. Hamid Mir, a renowned media anchor wrote in Canada Free Press that:

The latest figure of foreign fighters present in the tribal areas of Pakistan is estimated to be more than 8,000. A majority of these foreign fighters are living in North and South Waziristan and Bajaur. Prime Minister Gilani has also been informed that some foreign intelligence agencies are pushing their agents into the Pakistani tribal areas from Afghanistan under the cover of Taliban and Al-Qaeda fighters. These under-cover agents are trying to instigate the local population to fight against Pakistani forces as part of a "great game" in the region. Taliban sources, on the other hand are not ready to confirm that they are hosting

⁶⁹Mark The Truth, "Foreign Hand in Pakistan Instabilit," http://www.markthe-truth.com/index.php?option=com_content&view=article&id=85:foreign-hand-in-pakistan-instability&catid=8:terrorism&Itemid=13 (accessed 31 October 2009).

⁷⁰Pakistan Observer, "Why not to expose the foreign hand," <http://pakobserver.net/200901/25/Editorial02.asp> (accessed 28 August 2009).

thousands of foreign fighters in their areas. They claim that the number of foreigners is just a few hundred and most of them have been living in the tribal areas from the time when the American CIA and Pakistani Inter Services Intelligence (ISI) encouraged them to come and fight against the Soviet Union.⁷¹

The media news and statements of high level Pakistani official are indicative of the fact that the troubled situation in the FATA and Swat areas is being exploited fully by ‘foreign hands’ as well. Pakistan which is already facing difficulties in handling militancy inside the country is now exposed to the dilemma of covert external threats too.

This chapter is addresses the primary and secondary questions as raised in chapter 1, while laying ground for analysis. Once evolved, these criteria will be pitched against other models of governance as carried out by the British, Soviets and Pakistanis to draw a relevant conclusion.

Similar Studies

A similar study, conducted by Ty L. Groh, in his Naval Thesis from June 2006 “Ungoverned Spaces: The Challenges of Governing Tribal Areas”⁷² is very helpful in providing a framework to proceed. Ty L. Groh provided useful insights into the challenges of attempting to govern the FATA as well as suggestions on how to make governance by the Pakistani government amenable to the Pashtun society. Groh looked at the relationships of the Pashtun people in the Afghanistan and Pakistan border region with the governments of Britain, the Soviet Union, and finally, Pakistan. He highlighted the issues each government faced while attempting to exercise authority over the Pashtun

⁷¹*Hamid Mir*, 8,000 foreign fighters in Fata ring alarm bells in Islamabad, <http://www.canadafreepress.com/index.php/article/4114> (accessed 28 August 2009).

⁷²Ty L. Groh, “Ungoverned Spaces: The Challenge of Governing Tribal Societies” (Thesis, Naval Post Graduate School, June 2006).

tribal society. As a result of his research, Groh proposed that only when the state's policies have the perception of being in line with the tribal norms, were the governments able to exercise authority over the Pashtun people. The Pashtun people look at the viability of government policies in relation to their tribal culture and traditions. If the policies contradict with these norms, or are perceived to contradict, they will strongly reject them. Groh also explains how the government's policy of isolating the tribal society only weakens their ability to exercise control of the FATA. This policy breeds autonomy within the FATA as the tribes grow accustomed to governing themselves.

Ty L. Groh study identifies different ethnic groups amongst the Pashtun tribes, but he does not explain the effects of those Pashto speaking people on the FATA who are living side by side in the NWFP and have veered from the old tribal traditions. These people, although asserting a separate identity as Pashtuns of the NWFP, are now industrial contenders/ economically integrated/ socially parsed and have been completely absorbed in the national mainstream. A factor explaining the nature of Pashtun society that has been overlooked is that the Pashtuns of the NWFP claim themselves as the true flag bearers of Islam in Pakistan. They consider the other areas of Pakistan polluted by constant interaction with western societies. This perception makes their resistance to change as their moral and religious obligation. This one factor has contributed significantly in Talibanizing (the process of taking on Taliban traits and rules) the FATA. While analyzing the Soviet case study, Ty L. Groh did not qualify the effects of 'Islam' as the single most component of force used by Afghans or Pashtuns to garner support from the Muslim world. In fact, the people of Pakistan and rest of the Muslim world supported Pashtuns beyond their limits.

The Quran states that all Muslims are brothers; when one is in pain, they all feel it. This religious belief lead the Pakistanis to believe that FATA being a muslim territory, has already been integrated with Pakistan since 1947, which was actually not the case. The Groh's case that Pakistan abandoned its policy of integrating Pashtuns due to the Soviet invasion of Afghanistan and subsequent communist influence in Afghanistan contradicts this religious foundation argument. Groh's argument about the inclusion of Pashtuns in the GoP and Pakistan military as an effective means of integration supports the findings of the current study. General (later President) Ayub Khan, General (later President) Yahya Khan and President Ghulam Ishaq are related examples from the short history of Pakistan. Another argument from Groh's study, which states 'Pakistan used Pashtuns as a foil against communism, compromising its integration policy,' contradicts facts. Until 1970, Pakistan never had the political capacity or will to extend the writ of the state to the FATA. This capacity was further reduced by the constant Indian threat in Kashmir, the East Pakistan debacle of 1971, Indian nuclear tests in 1974, Soviet-perceived designs to attack Pakistan after Afghanistan and the Siachen conflict, ongoing with India since 1984.

The research design of Ty L. Groh study revolves around finding the answer to the question "Under which conditions can state authority successfully supersede tribal customs?" Groh attempts to answer this question through his study of the British, Soviets and Pakistani models of handling the Pashtun tribesmen.

CHAPTER 3

RESEARCH METHODOLOGY

Research Criteria

To set the conditions for the apt analysis and subsequent drawing of relevant conclusions, research criteria must be established. Through a review of the literature, six criteria emerge that will be utilized in answering the primary research question. They are (1) Geography and Demography, (2) the Historical Prospective, (3) the Administrative and Political setup, (4) the Economical and Educational conditions (5) the Judicial and Social System, while the last criteria covers the effects of (6) External Intervention. The researcher finds these criteria sufficient enough to draw pertinent conclusions. The historical examination of the NWF provides an insight into the heritage of the FATA population while it set the conditions for the understanding of those factors which affect the mindset of Pashtuns either living in the Pakistan or the Afghanistan.

First Criteria: Geography and Demography

Analysts investigating the tribal nature of people emphasize the importance of the geographical factors. Crucial geographical factors, like urban areas, mountains, plain land, as well as infrastructures, are the key issues. Moreover, the communication networks available will be analyzed to provide a better understanding of the physical challenges, the people living in the FATA face.

Investigating the demographics of Pashtun people living in the FATA provides an overview of possible similarities or differences with regards to population size, growth, density and distribution between the FATA and other parts of Pakistan.

Second Criteria: Historical Prospective

This variable accounts for highlighting the historical dimension of the FATA for drawing relevant conclusions to suggest pertinent recommendations. It will provide an account of the area and how the people of this belt dealt with the invaders coming to India across the world.

Third Criteria: Administrative and Political Setups of the FATA

This variable attempts to depict the governmental approach to control the area. An examination of the institutional credibility with regards to corruption, amnesties for politicians known not to have caused citizen hardship will depict the routines, efficiency of the government as a whole. The sincerity of government in handling the issue of the FATA is extremely important and is often identified as the centre of gravity for the integration of the FATA in the national mainstream. Any half hearted effort instead will draw the region further away from this integration process. This variable also depicts whether or not the issue of governance, politics and judiciary of Pakistan is to be extended to the region.

Fourth Criteria: Economical and Educational Conditions

This variable is one of the cornerstones in this analysis. An examination of the growth and available natural resources are carried out as well as a closer look at possible shadow economies in this area. The analysis is expected to also reveal the importance of education and the significant requirement of literacy in the area.

Fifth Criteria: Judicial and Social System of the Area

This variable has been selected for the study, to make an understanding of system of judicial and social aspects and their effects on the prevailing environment of the FATA. It will provide and insight to ascertain why the situation in the FATA demands integration. What has been done so far to integrate the FATA by the government of Pakistan and while what effects have been brought on this effort by the war going on in the Afghanistan and in result of the US AfPak policy.

Sixth Criteria: External Intervention

It is generally felt in Pakistan that foreign hand is involved in the destabilization of the FATA region, while Taliban/ anti state elements of Pakistan are financially and morally supported by these anti Pakistan elements. This criterion therefore has been selected to determine and identify those issues and factors which are contributing to the deteriorating security conditions in the FATA.

Basing on these criteria, the next chapter will provide an overview of the case studies done to analyze the British, Soviet and Pakistani models of integrating Pashtuns in the national mainstream. Relevant criteria will also be applied to each case study to draw relevant conclusions in the last chapter of the study. The model and the theories applied in this thesis will be described generically and will be pitched, where applicable, to each of the models of governance of tribal belt by British, Soviets and Pakistan as an attempt to identify facts and factors leading to the answer of my primary research question.

CHAPTER 4

ANALYSIS

Having described the overall political, administrative, socio-economic/security environments and the involvement of foreign hand in the destabilization of Pakistan in general and the FATA in particular, it appears prudent to analyze their impact on integration of the FATA into Pakistan's administrative, political, ideological and socio-economic mainstream. Moreover the International Security Assistance Force (ISAF) in the Afghanistan, can significantly contribute in reducing the effects of all those anti-Pakistan forces or organizations who are playing their game, tangent to the greater cause of fighting terrorism in the region. The FATA is such an anomaly which does not exist anywhere else in the world⁷³. Being a unique problem, there is no parallel like the FATA available for study to draw relevant lessons for its solution. In order to understand the complexities of Pashtun society in the FATA, the British, Soviets and Pakistan's efforts have been used as study models.

The researcher here uses the work "Ungoverned Spaces: The Challenges of Governing Tribal Societies"⁷⁴ done by Ty L. Groh on similar models mainly to substantiate his argument. Moreover, the work of Ty L. Groh which is focused on the Pashtuns living across the border between the Afghanistan and Pakistan also makes it relevant to this study. He research initially describes the major steps taken by the

⁷³M. Hayaud Din (Major General), "The Frontier Problem" (Military Digest-General Headquarters Rawalpindi, 1954), 1

⁷⁴Ty L. Groh, "Ungoverned Spaces: The Challenge of Governing Tribal Societies" (Thesis, Naval Post Graduate School, June 2006).

governments of British, Soviets and Pakistan to control the Pashtun tribes and subsequently draws conclusions for governing the ungoverned spaces. His philosophical approach is very logical as he draws inference from certain theories while making his argument. These conclusions therefore have been used in this study where felt necessary and relevant.

The British Case

This case focuses on the effort of British, which was the leading western democracy of its time, and was once so well extended that sun never set-in in her empire. The British went inside the NWF region of India mainly to protect her resources in Indian subcontinent from Russian aggression, while absorbing as much area as possible. The mineral exploration surveys in the NWF region and Baluchistan were carried out for the first time by the British. As the most likely route of invasion by the Soviets into British India was from the NWF, and was predominantly inhabited by the Pashtuns, the British therefore took active measure to bring the local Pashtuns of this area under their influence and control. In early eighteen century, the Russians were in search of exploring and expanding their Empire to the central and South Asia⁷⁵ making British to think of containing this influence in areas under their control. The British India at that time was well protected against any type of ground invasion from the north by mountain ranges of Hindu Kash, Himalayas, and Karakorum. The Indian Ocean was also protecting this part of the British Empire from the southern and eastern directions, while being complemented by the strong British Navy. The only open route towards British India was

⁷⁵Henry S. Bradsher, *Afghanistan and the Soviet Union* (Durham: Duke University Press, 1985), 9.

through the NWF region, adjacent to the Afghanistan. Guarding against this threat, the British made attempts to influence the NWF region of India and the Afghanistan by sending their military missions.

As a first step, the British made a covert attempt to install a puppet government in the Afghanistan to serve their purpose. In 1830s, through these attempts they removed the existing ruler of the Afghanistan “Dost Muhammad” from power and replaced him with their own man “Shah Shuja..” Shah Shuja came to power, but he lacked the popular support of the diverse Afghan nation, which eventually overthrew him from power. In process, the Afghans showed their brutality of killing 15,000 British troops⁷⁶ stationed in the Afghanistan. This led to the first Anglo Afghan War in the region. The British when initially moved inside the NWF, they were welcomed and seen as liberators against the existing oppressive rule of Sikh Empire on the Muslim terrorist.⁷⁷ Later on the strict policies adapted by British in handling the tribesmen of the NWF, drew resistance, asking for the people to stand-up and fight against it. The most useful policy of British in the NWF was ‘Frontier Crimes Regulation’ of 1872. This policy shifted their focus from the tactics of use of excessive force to the policy of accommodation.’

At that time the Soviet influence inside the Afghanistan was also growing. Fearing the Russian efforts gaining strength in the Afghanistan, the British resorted to ‘Forward Policy.’ As per this policy, they wanted to strengthen the buffer between the

⁷⁶Wars of the World, Armed Conflict Event Data-First Anglo Afghan War 1839-1842, <http://www.onwar.com/aced/nation/all/afghan/fafguk1839.htm> (accessed 19 November 2009).

⁷⁷Provincial Government of North West Frontier Province-Pakistan, History-The March of Time, <http://www.nwfp.gov.pk/nwfpgov/aboutus/History.php> (accessed 1 November 2009).

Afghanistan and the British India. To do so British again moved their troops in Baluchistan and subsequently in the NWF. The tribes of Baluchistan were not as fiercer as of the NWF, therefore this policy worked well there, but it met significant resistance in the NWF. However, the British could gain few areas in Baluchistan as well as in the NWF from where they could easily threaten the Afghanistan. These policies led to the establishment of an agreement between the British India and the Afghanistan Amir, Abdur Rehman on the boundary between British India and Afghanistan. In process, the British gained not only some territory but got an agreement on the border alignment, settled area markings and permanent lines of communication with the Afghanistan.

To explain further the policies of the British in the NWF, following information has been obtained from the official website of the Government of North West Frontier Province:

By 1901 the NWF region was under the control of the Punjab Government. Lately, the other five districts of Peshawar, Kohat, Bannu, Dera Ismail Khan and Hazara were taken away from the Punjab government. On 9 November 1901, for the first time a separate administrative entity for the Pashtun population in the NWF of India was created and named as called 'NWFP.' Subsequently the Malakand, which then constituted three princely States of Swat, Chitral and Dir, and four tribal agencies of which are Khyber, Kurram, North and South Waziristan were added to the NWFP. In 1935, the NWFP was upgraded to Governor Rule. The creation of this new Province provoked various concerns, gradually shaping the Pathan identity beyond their tribal loyalties. From 1936 onwards the tribal leader Mirza Ali Khan, later famous as 'Faqir of Ipi' organized a popular movement against the British. He was a 'Wazir' from the village of Ipi in northern Waziristan. The gradual injustices of the rulers forced him to a political action. Incidents like Masjid Shaheed Ganj of Lahore (which was destroyed by the Sikhs) and incident of Bannu, when a Hindu girl who became a Muslim as 'Islam Bibi' was forcibly returned to her parents by British authorities, led to civil disobedience by locals of the NWF. The British moved troops to the valleys and hills and faced sound resistance from the followers of the 'Faqir.' During the operation of November 1936, an estimated 20 British officers and 1,800 soldiers were killed. The 'Faqir' lost only 50 followers known as Mujahedeen. The British continued in their punitive measures for the next twelve months even employing

the Royal Air Force to bombard the Mujahedeen strongholds. Sporadic action continued through 1937 to 1942. This fermented the popular antagonism against the British and was an important factor in the movement for freedom across the whole of the Frontier Province.⁷⁸

Relating the situation mentioned above with present day behavior of Mehsud tribe (Waziristan-FATA), we can make an argument that the tribal nature of people in the FATA has not changed significantly even after passing six decades since then. The response of tribal society to the writ of state is similar as on today. The British tried to force central form of government to the tribal society using force, which alienated them. The British were also less sensitive to the tribal code of conduct. Their response to the issue of Muslim Bibi, might have been legally right but as it was against the values and traditions of the tribal, so drew their resistance. Subsequently, the British tried to implement Indian penal code in order to implement their rule of law to tribal areas. The tribal paid no attention to it while acted independent from this rule.⁷⁹ ‘Ty L. Groh uses a good example to explain the British technique of governing tribal society. He writes: “To forcefully implement the laws, British initially used carrot and stick policy, where the carrot was the improved infrastructure and protection by British troops and the stick was the threat of violence by them.” This policy resulted in a tribal control system called ‘burn and scuttle.’⁸⁰ However, the British suppressive policies failed miserably as they were seen directly in confrontation with their nature by the Pashtuns. The stiff resistance faced by the hands of tribesmen, led the British to believe that occupying Afghanistan

⁷⁸Ibid.

⁷⁹Caroe, 331-332.

⁸⁰M. Hayaud Din (Major General), “The Frontier Problem” (Military Digest-General Headquarters, Rawalpindi, 1954), 1.

and the tribal areas in the NWF to be a quagmire for them. To establish the writ of the state, and learning from the past mistakes, the British resorted to ‘Close Border Policy’ with the ultimate aim of letting the Russians to bog down in the Afghanistan and focusing in the NWF only. The British kept this focus exclusively on the settled areas of the NWF with the ultimate aim of separating them from the Pashtun population living in the mountainous region.⁸¹ The Pashtun of settled areas resented to this policy as it was separating them from their brothers, which is in contradiction to their code of conduct. Due to the terrain configuration of the NWF, the British could not break this bondage hence the policy did not prove to be effective.

To address the grievance of locals of the NWF, the British directed their administrators to create a system of governance comprising of influential likeminded people from the tribes. This policy was introduced first introduced by Sir Robert Sandeman in Baluchistan to handle local tribes, hence is famous as ‘Sandeman Policy.’⁸² This policy was also extended to Waziristan (FATA), but it did not prove to be effective. However at later stages, this policy resulted in ‘Maliki’ system where selected Pashtuns worked and communicated with locals of their area and trans border tribes on behalf of British. Ty L Gorh calls this policy as ‘Indirect rule and establishment.’ As per this policy, the British would pay allowances for good behavior to individually and collectively to the tribesmen, while asking the Maliks to handle their arrogant behavior. The Maliks used their customs to address the issues, which worked

⁸¹Ibid., 346.

⁸²M. Hayaud Din (Major General), “The Frontier Problem” (Military Digest-General Headquarters Rawalpindi, 1954), 8.

well until the Maliks started abusing the authority for their personal gains. This system significantly enabled the British to establish some level of order in tribal areas of the NWF. This system in longer run failed as the Maliks generally were unchecked in misusing their powers and created troubles with other tribesmen over their personal interests thus complicating the situation for the British to handle it.⁸³ Moreover, this policy also required British to provide support and protection to the Maliks. In Baluchistan, the newly developed infrastructure by the British and the geography helped the British to protect Maliks easier, while deep areas of the NWF (present FATA) made it nearly impossible.⁸⁴

It is a known fact in Pakistan that where ever the British went in the NWF and Baluchistan, they established large, medium and small size cantonments and forts. These positions helped them in establishing their influence in those areas and were eventually developed as centers for economics. The cantonments in Quetta City, Zohb Nowshera (NWFP) and Kohat (NWFP) are examples in this regard. Another reason for the success of the British in Baluchistan and the NWF was their capacity to extend the means of communication where they went. The present road structure in Baluchistan and the railway lines in different parts of NWFP and Baluchistan are the hallmarks of British efforts to economically develop these areas. These economic activities not only provided daily living to the locals, but eventually proved to a major factor for Pakistan in establishing its writ to these no go areas. At the beginning of WWII, the British were

⁸³Ty L. Groh, “Ungoverned Spaces: The Challenge of Governing Tribal Societies” (Thesis, Naval Post Graduate School, June 2006), 112-113.

⁸⁴Caroe, 399.

losing their control over their colonies. Resultantly, the subcontinent got independence too, emerging in the shape of two new states i.e. Pakistan and India. The issue of the FATA was then transferred to newly borne state of Pakistan, which at that time had a very limited capacity to handle such issues.

Summary

For over a period of 100 years, British kept making their efforts to completely integrate the NWF of India in their empire. At times they got success especially when for the first time they entered in the NWF and were seen as liberators against the ‘Sikh’ oppressed rule. Later on to control the tribal based society, the British adopted the same policies of oppression, which also got stiff resistance. Though this suppression could establish their authority in the settled areas of the NWF, but the tribal society in the NWF always remained a challenge for them.

While understanding the culture of Pashtuns and their sensitivity to their religion and honor code, British resorted to the policy of accommodation. Ty L. Groh writes that “British policies in the NWF worked only when the following three elements were present: (1) Outstanding and Committed Leadership, (2) Passable terrain and (3) Incorporation of Pashtunwali in to the rule of law.”⁸⁵ This analysis seems quite logical even for today. We can see the effects of a charismatic leadership, while LTG Patreaus and handling of Iraq by him is a good example from the recent past. Moreover, it is also a proven fact that the impassable areas are always a restriction in extending the writ of state and economic growth of that area. The British understanding of environment in the NWF

⁸⁵Groh, 39.

improved in the later stages when they introduced FCR of 1901 and Maliki system in the FATA. British also used money as a weapon system in exchange of keeping peace with the tribes. This policy at times backfired too, when the tribes and the individuals raised their price/ bribe money, and asking for more while delivering less. The economic growth of the region also has a positive effect on the tribal society. The construction of rail and roads system also changed the face of the NWF while bringing it close to the government, stationed in Lahore, Punjab.

The Soviet Case

This case is about those policies which were used by Russians in the Afghanistan from 1979 to 1989 to handle Afghan society, which is predominantly Pashtuns, similar to the Pashtuns of the NWFP (Pakistan). Regardless of Soviet's motives of invading the Afghanistan, they were not new to this part of the world and had remained constantly involved in the Afghan politics. Their interest in the region goes back to the early 18th century when they were in process of extending their influence against the British Empire. The Soviet think tanks asked their government to tackle the tribal rebellion in the Afghanistan, which was a constant threat for their puppet government established in Kabul.⁸⁶ The Soviet leadership weighed their losses in the Afghanistan and decided that the advantage of invading it will offset their cost of invasion. After invading Afghanistan, the Soviets tried to infiltrate their intelligence tentacles in tribal society living in urban areas, while using force against any type of resistance. After getting established in the urban areas, they followed the used force to suppress resistance of rural Afghan

⁸⁶Milan Hauner, *The Soviet War in Afghanistan: Patterns of Russian Imperialism* (Philadelphia: University Press of America, Foreign Policy Institute, 1991), 108.

tribesmen. The geography of the Afghanistan played a considerable challenge to the Soviets in establishing their writ to the remote areas of the Afghanistan. The harsh terrain effected Soviets in three ways; firstly it was a drain on their logistic supply exposed it to the tribal ambushes. Secondly, it prevented them to extend their writ to the most remote areas and lastly it was very helpful to the tribesmen, who used these inaccessible areas as their hides, and bases of operations against the Soviets. Applying the selected criteria to Soviet model in the Afghanistan, the geography of the area stands out significantly in preventing the establishment of the writ of the state.

There are different arguments which support the Soviet invasion of the Afghanistan. Hauner⁸⁷ explains the reasons of Soviet invasion making four arguments as under:

The First argument is that Soviet were looking for access to oil rich countries of Gulf while also searching for a warm water port, which was available to them in the Arabian Sea through the shortest route passing from the Afghanistan and Baluchistan (Pakistan). The second argument says that they wanted to defeat Islamic militancy, which had chances of spread from Afghanistan to the Central Asian states. The third argument is that Soviet wanted to expand their influence in the South Asia. The fourth argument is that Soviet kept investing in Afghanistan to honor the Brezhnev Doctrine, calling for all communist parties to support and sustain one another.⁸⁸

The Soviets initially employed their Central Asian Troops in Afghanistan, thinking them to be ethnically linked to Afghans, facilitating their invasion and occupation. These troops were not from the regular hard-line units of Soviet Army,

⁸⁷Ibid., 87-89.

⁸⁸Milan Hauner. *The Soviet War in Afghanistan: Patterns of Russian Imperialism* (Philadelphia: University Press of America, 1991), 87-89; Henry S. Bradsher, *Afghanistan and the Soviet Union* (Durham: Duke University Press, 1985), 137-160; Thomas T. Hammond, *Red Flag over Afghanistan: The Communist Coup, the Soviet, and the consequences* (Boulder: West View Press, 1984), 130-140.

therefore could not establish communist dynasty in Afghanistan. Soviets then had no choice to employ their Russian troops for maintain law and order and gain control in the urban as well as rural areas. These troops used excessive force in Afghanistan⁸⁹, supplementing the argument made by 'Ty L. Groh' in his study. This suppressive tactics did nothing but drew resistance from Afghans. It restricted access to the Soviet and Afghan Armies in rural areas which were under the control of Afghan Mujahedeen.

To handle Islamic militancy in Afghanistan, the Soviets initially made attempt to get rid of 'Mullahs,' killing those who spoke against communism. Resultantly they met swift resistance from the masses. With this failure in mind, the Soviets then made attempt to use these religious leaders for promoting their message. The initial persecution of religious leaders by the Soviets took away the trust of Afghan people, which was lost by every effort the made further. Gorh also points to the important role, the religion plays in Pashtuan society. In process to modernize the society, the Soviets made effort to socialize the Pashtun society by introducing such reforms which were against the traditions of the tribes and were taken as a threat to their tribal values. Any type of Soviets attempt to further establish their hold in eastern Afghanistan was fiercely met by Pashtuns living on both sides of the border. The Soviet strategy to pacify the frontier by using force and introduction of communism to a religious based society only enraged the rural populace.

The intervention of Pakistan, Saudi Arabia and the US was the main catalyst of Soviet failure in the Afghanistan. It is widely speculated that had the Soviet Union been able to prevent foreign intervention, their puppet government in Afghanistan might not

⁸⁹Mark Kramer, "The Soviet Military Experience in Afghanistan: A Precedent of Dubious Relevance," http://csis.org/files/media/isis/pubs/pm_0202.pdf (accessed 21 November 2009), 4.

have fallen so early after their withdrawal of Soviet forces. Moreover, the Soviets could not provide security to the people of Afghanistan. Their oppressive polices resulted in the pushing of a large number of Pashtun Afghans population to the neighboring Pakistan and the Iran. The camps established for these refugees in the FATA/ NWFP later became the recruitment and training areas for Mujahedeen, making the war more costly for Soviets to continue.

Summary

Soviets failed to address key traits of Afghan society and culture. The Government Tribal Policy was never based on the Tribe's social organization and no dedicated effort was made to segregate / isolate those tribes who undermined the state authority. The Soviets attempted but failed to negotiate specific arrangements with tribal elders. At times these arrangements worked but were abandoned as and when it no longer served the tribe's interest.⁹⁰ For ten years, the Soviets invested significant amount of resources in Afghanistan to acquire it as their satellite communist state. Their intent was to forge a diverse, fragmented, multiethnic population to confirm to Soviet communist mold. It will not be wrong here to say that Afghanistan then never constituted as a true nation, it was a "25k village states." As suppression was the as primary tool used by Soviets to implement their intent, so could not succeed.

The Soviets could have held the ground a little longer had their technologically advantageous Soviet Army not been effectively countered by external support to Mujahedeen from the Pakistan, Unites States, Saudi Arabia and Iran.

⁹⁰Groh, 81-100.

The Soviet attempts to disguise themselves under puppet regime of Babrak Kamal (a well known Durrani Pashtun) were seen as invaders by the majority of Afghan people. Moreover, due to the injustices committed by the Soviets during their invasion and in the initial phase of the occupation, it became unlikely for them to regain the trust and support of Pashtuns.

The Soviet attempted to expand their influence by infrastructural developmental efforts with the ultimate motives of gaining control and enhance security and their influence. Soviets lacked troops to control all over Afghanistan so focused their efforts mainly to urban areas. Ty L. Groh makes an argument in this regard that “If the states authority/ capacity is limited, it must lean more towards accommodation side of cooption, thereby allowing more time for establishing its policies, which was completely absent from the Soviet style of governing the occupied land.”⁹¹

The Pakistan Case

Much has already been said regarding the role of the Government of Pakistan (GoP) in the FATA. However, this part of the study will relate Pakistani efforts to integrate the tribal society of the NWF with the Soviet and British approaches The basis of these analysis will again be the study of Ty L. Groh.

While Pakistan’s integration of the FATA is a work in progress, the religious, social and physical bondage of Pashtuns of the FATA has developed much more with other parts of the country as was ever before. These areas have always been considered as integral to the Pakistan, as long as we go to the ideology of the Pakistan. Allama

⁹¹Ibid., 118-121.

Muhammad Iqbal, who was a renowned Muslim poet of India, was the first one to give the vision of establishing a separate Muslim state for the Muslims of India. This new home of Muslims had to include all those areas of India which were then under British control and had a predominant Muslim population. The NWF of India including the FATA were part of that vision plan. Iqbal's vision, for the first time, was reflected in '1946 Partition Plan' of India and in other word, the NWF of India including the FATA was liberated by the efforts of Muslims of India from the British rule and not by any movement undertaken by Afghanistan living across the border. This disproves the lasting objection of Afghanistan on the validity of Durand Line as a border between the two states. After gaining independence in 1947, among the first political decisions made by Quaid e Azam (the founding father of the Pakistan) was the withdrawal of troops from the tribal areas of the NWFP. With that one move, he not only won the hearts of the tribal people of the NWF/ FATA but also brought home the message that a new political order has arrived under which the tribes of the FATA/NWFP will be responsible and important part of the Pakistan. No longer subjected to imperial pressure, the tribal area, then felt free to participate in the aspirations of a young nation.⁹² The tribals were made responsible for running their own areas provided they remained loyal to GoP. The founding father of the Pakistan had a vision to integrate the tribal areas into the national mainstream systematically. He believed that Tribesmen were always a military problem for the British and Sikhs. For Pakistan, he says that this military problem was of secondary importance. The main considerations were to raise the level of tribesmen to the

⁹²Government of North West Frontier Province -Pakistan, "Azadi-Independence," <http://www.nwfp.gov.pk/nwfpgov/aboutus/Azadi-Independence.php> (accessed 1 November 2009).

people of rest of the Pakistan there by incorporating them in the national mainstream of the Pakistan. But soon after his death in 1948, the following leadership of Pakistan lost this vision and governed the tribal belt under almost similar policies as previously adopted by British. The newly formed GoP had to deal with several problems related to governing the FATA which carried over from the days of British rule. In an effort to sever the tribal link between the Pashtuns of Pakistan and Afghanistan, as well to force their integration into mainstream Pakistani society, the GoP adopted a closed border policy. The government of Afghanistan since then never accepted demarcation of border between the Pakistan and the Afghanistan, therefore, did act against this policy. While on the Pakistan side of the border, this policy did make positive changes to the status quo of the FATA while introducing some reforms in the Frontier Crime Regulations (FCR) of 1901. However, as no significant step was taken further to integration this tribal belt into the national mainstream, this policy eventually failed. It is reiterated here that the GoP always understood that the integration of the FATA can only be done by development and not by suppression and subjugation. . The GoP failed to integrate the FATA effectively. The efforts to integrate the FATA were overshadowed by security issues in Kashmir and Siachen. In 1951, 'one unit plan' was introduced in the Pakistan, under which all four provinces of present Pakistan were amalgamated as on single unit calling it 'The West Pakistan,' while the other half (now Bangladesh) was the other single unit, called 'The East Pakistan'. The hardliners living in the four provinces of West Pakistan took it as oppressive act led by the Punjabi dominated central government. In 1969, due to these rising concerns, the country returned back to its previous system of provincial identities. At that time, GoP tried to integrate the tribal areas by adopting 'forward

policy' in the FATA, resulting in, troops being sent to the tribal belt for infrastructural development, education and medical services. This effort could have resulted in the integrated of tribal society to some extent, had Pakistan not been facing security threats from its eastern neighbor of India and from the Soviets/ Communist expansion through Afghanistan in west. Since 1948, the Pakistan had three major and one minor war with India over Kashmir dispute, while has fought side by side Afghanistan against Soviets. These issues have always determined the fulcrum of effort as put in by GoP tilted in favor of defense preparations rather on establishing the writ in the lawless areas. More so the events of 1960s and 70s in Afghanistan always lead GoP to believe that the FATA should now not be allowed to operate independently. At that time an all out effort was also made by the Soviet controlled communist Afghanistan to fan the flames of Pashtun nationalism in the NWFP of the Pakistan to form a sympathetic and independent Pashtunistan .⁹³ It is also clarified here that since the creation of Pakistan, Afghanistan has been adopting a hostile attitude towards Pakistan, while raising the slogan of the Pashtunistan, a creation of imagination of the ruling faction.

Pakistan then was left with no choice but to use the FATA as a buffer for protecting Pakistan from the Soviet expansionism, thereby significantly destroyed Pakistan's low-level but steadily progressing efforts of integrating the FATA into its national mainstream. The Soviet invasion of Afghanistan further forced Pakistan to completely sacrifice its ongoing effort of integration in the FATA. When the Soviets were defeated in Afghanistan, the Pakistan's focus again moved back to a nuclear arms

⁹³Jeffery J. Roberts, *The Origin of Conflicts in Afghanistan* (Westport: Praeger Publishing, 2003), 122.

race with her rival India instead of building institutions to establish writ in these areas. However during the same period, major steps were also taken to integrate the Pashtuns with other areas of the Pakistan. They were given additional opportunities to participate in the military and other bureaucratic positions.

The absence of financial and judicial accountability of political administration is one of the root reasons why the FATA has not yet been fully integrated in the national mainstream of the Pakistan up till now. GoP is using Political Agents (PA) to extend its writ in each tribal agency, where the judicial and executive functions are combined in PA. This combination of function in PA and over reliance of government on Maliki system has lead to many evils in the past. To address these issues, no political party of the Pakistan has taken initiative necessary for integration of the tribal areas into Pakistan's mainstream. In spite of the current situation of the FATA, major political parties are not yet ready to play their role in the FATA. The undue bureaucratic hurdles existing in government machinery also contribute in aggravating even petty problems, thus adding into the irritant in integrating process.⁹⁴ Currently GoP is following the concept of 'collective and territorial responsibility' to award and reward, in tribal areas. As this concept is against the basic fundamentals of justice while is not being followed in other parts of the Pakistan. It speaks of seclusion of Tribal society from the mainstream. The GoP does not have judicial checks on the PA and the Jirga. No specific system exists in tribal areas through which the members of Jirga can be selected. Being the centers of wealth, social status and political influence, the Jirga members also become power

⁹⁴Ali Mumtaz Bangash, *The Political Administration of Tribal Areas; A Historical and Organizational Perspective* (Area Study Centre: Central Asia, University of Peshawar, 1998), 17.

hunger, leading them to impose justice in a way which does not threaten their existence. In Tribal areas the justice also gets delayed due to the bureaucratic lethargy. All major decisions are required to be vetted by PA before being implementation, which at times is not present to vet them, thus causing unnecessarily delays. To address this issue, though GoP formed agency councils in 2002. Again most of the members of these councils are hand-picked nominees of the government like the Maliks themselves, making an addition to the existing distorted governance system of the FATA. Moreover, the rule of law implemented in the FATA revolves around the aged old FCR which violates few clauses of basic human rights.⁹⁵ It can therefore be argued that neither the existing political setup of the FATA is worthy enough to bring necessary change in its status quo, nor the rule of law of Pakistan has adequately addresses this concern, until recently announced the FATA reforms on 14 August 2009 by the GoP.

The backwardness of the FATA can also be attributed to few external contributory factors, such as the instability in the social, economical and political systems of Pakistan. The overall poor policies adopted in the Pakistan are also detrimental in drawing the international community to explore the tapped mineral resources of this mountainous region.⁹⁶ Furthermore, the Maliks and other tribal elders of the area also do not allow any developmental work in the FATA due to the fear of lost of culture and traditions. The constitutional position of the FATA hence is affecting the development in

⁹⁵Khalid Aziz, *The Frontier Crimes Regulation and Administration of the Tribal Areas of Pakistan*, Tribal Areas of Pakistan, Challenges and Response (Islamabad Policy Research Institute, Islamabad, 2005), 117.

⁹⁶Oxford Policy Management, "Pakistan Participatory Poverty Assessment: Federally Administered Tribal Areas," Policy Briefing Note, http://www.opml.co.uk/docs/07_FATA_Policy_Briefing_Note.pdf (accessed 22 July 2009).

the FATA. Due to the absence of proper checks, at times resources allocated for the developmental works by GoP, have not been properly utilized by the PA and Maliks of the area. The tribal nature of the society complements this situation by isolating itself from the outsiders.⁹⁷ In addition to all this, the influx of Afghan refugees during Afghan-Soviet war and flow of free weaponries and illegal trade in tribal areas also brought a severe strain not only on the security of the Pakistan but also on the meager economic resources. Because to all this, the FATA is how we see it today

To integration of Pashtun component of its society with mainstream, the GoP took the challenge and initially incorporated the likeminded Pashtuns in Army and Civil Service circles. These Pashtuns subsequently not only raised high in ranks but also dominated the spectrum of Pakistani national politics. The first military ruler to dominate Pakistani politics was General Muhammad Ayub Khan who belonged to the NWFP and later took over as the President of Pakistan. Another important figure is General Yahya Khan. Following the resignation of President Ayub Khan, he took over as the President of Pakistan. He was a Pashtun from the Qizalbash tribe of the NWFP. Mr. Ghulam Ishaq Khan, who rose from a low position in the revenue department of Pakistan, also became the President. He was from the Bangash tribe which was settled in Bannu (NWFP)⁹⁸. Presently the Pashtun population makes up a total of 22 percent of the Pakistan Army⁹⁹,

⁹⁷Rehman et al., 8.

⁹⁸Government of North West Frontier Province -Pakistan, "People and Tribes," <http://www.nwfp.gov.pk/nwfpgov/aboutus/People-Tribles.php> (accessed 7 November 2009).

⁹⁹Shuja Nawaz, "Pakistan's Army: Fighting the Wars within," http://www.india-seminar.com/2008/584/584_shuja_nawaz.htm (accessed 16 November 2009).

while the majority of troops of LEAs operating in the NWFP are Pashtuns .Such contributions have taken away the notion of a separate Pashtunistan. The GoP presently is in a better position to take advantage of this situation and can exploit while starting a new era of integration of the FATA in to its national mainstream.

From mid 1990s since the establishment of the Taliban government in Afghanistan, Pakistan also felt the seismic effects of these phenomena in its tribal areas. The tribal society of the FATA also got galvanized by Taliban style governance of Afghanistan. Writ of the state which was already absent in the FATA, and the ineffectiveness of PA and Maliks to contain the effects of Talibans in this region, the FATA got fully involved in the war being fought inside Afghanistan. It will not be incorrect to argue that today the tribal society of the FATA has been hijacked by the extremist elements. Since 9/11, Pakistan is facing a dilemma of forcefully integrating these areas in her mainstream, which actually is against the basic fundamental outcome of this study that is to integrate a tribal society through suppression. The international events have now leaded the GoP to strongly believe that the time has come to decouple the FATA from the Afghanistan, and integrate it into the national mainstream. The evidence on the ground in the FATA also tells that if the GoP provides a stake to the leadership and people of the FATA, they will move away from the extreme fringe. Illustratively, in the recent elections of 2009, the religious parties were routed out in the NWFP, while secular Pashtun parties won the elections.¹⁰⁰ The GoP, is also not economically viable to implement a ‘Marshal Plan’ for modernizing the region at her own. For this, it definitely

¹⁰⁰Raj Purohit, “The Primacy of Pakistan,” <http://www.psaonline.org/downloads/Pakistan%20doc2.pdf> (accessed 16 November 2009).

required international community, especially the US to provide economical assistance. The price tag of this investment seems too expensive but, if made properly, will not only take away the epicenter of extremism from this area, but will also tackle the rise of extremism and militancy in the other parts of the country.

Summary

Pakistan's inheritance of the Maliki system from the British for controlling the FATA is not a success story. The system was interpreted and implemented wrongly by GoP. The Malik in a tribal society were introduced as advisors only to the tribes but GoP used them to dictate the writ of its state. In tribal culture, the decisions come from Jirga where the Maliks have the opportunity to play their part in influencing the decision of the tribe in favor of government policies. In no case are the Maliks in a position to dictate or demand the tribes to implement government policy. This is a tough situation. The government is dependent on the Maliks to influence the tribes and establish the writ, while having no inherent capabilities to do so. The GoP, for years is adopting this policy while relying on the Maliks completely and not preparing and planning for any alternative system. In spite of all of this, the 62 years of living experience with Pastuns of the FATA still puts Pakistan to exploit this advantageous position for integrating the FATA in its national mainstream. The historic representation of Pashtuns in the Pakistan Civil Services and the Pakistan military, which are the elite government organizations, takes away the notion of creating a separate Pashtunistan completely away. The presence of Pashtuns across the border between Afghanistan and Pakistan can be well exploited by an outsider to create sufficient rift between GoP, the tribes of the FATA and Government of Afghanistan. Likewise, if a foreign hand flames anti-Pakistan sentiments in the FATA,

do have chances to destabilize law and order situation in the Pakistan. But this is not the desired end state throughout the international community, which is working for the solution of Afghanistan problems, rather against it. The GoP has also now virtually started realizing that the tribal society of the FATA needs proper attention, while a stable and secure the FATA is essentially required for the economic growth and security of the Pakistan as a whole.

Analysis Summary

After applying the selected criteria against the different models of governance by the British, the Soviets and the Pakistan, this research complements and verifies analysis done by Ty L. Groh on handling the Pashtuns residing in a tribal society. These results are summarized below, correlating with Groh's study, where applicable:

1. No foreign invader has been able to handle the Pastuns living astride the AfPak border between by the policy of oppression. The tribal nature is always resisting an outsider, especially when the outsider tries to change the fabric of the tribal society using force.

2. The segregation of the tribal society from the outside world, and acceptance to their demands by the state will also be destined to failure in the longer run. Moreover, there are always chances that some type of anti state forces can exploit this situation and exploit the society against the state. The FATA is an example where theses were used as harboring places by thieves, law brokers and other centrifugal forces. The tribal society thus is victimized by these forces which are tangent to the interest of GoP. Thus demanding more stern action by GoP that could have been avoided by reacting earlier to

the situation. The recent military action by the Pakistan in the FATA and Swat are examples in this regards.

3. In the case of British and Soviet experiences, these states failed to understand the difference between establishing their authority over establishing their order in that region. In tribal society, the policy of giving more and asking for less works better than anything else. The state therefore should work with a motive of establishing governance as mere authority and orders cannot change the tribal behavior. The Groh's study compliments this argument by saying that there is a difference between establishing authority and establishing order, while the first works better than the last in a tribal society.

4. The government lack of political will stands out as a major impediment to integrate the FATA. To fully integrate a tribal society, the state has to seriously consider expansion of its authority employing all elements of national power. If the state responds late in time frame between establishing authority and extending governance in the tribal society, it then takes more time to integrate the tribal society. History also shows that Jinnah, the founding father of the Pakistan, was right about the destructive results of the continuation of British policies in the tribal areas. He soon after independence rightly asked for the withdrawal of military troop from the FATA. His vision was to integrate the FATA by employing incessant governmental efforts coupled with the introduction of a political process, which was not correctly envisaged. Rather, suppressive tactics were carried out in the FATA, following his death in 1948 (one year after the creation of Pakistan). Pakistan however tried to absorb tribal society on a number of occasions but because of the contradicting interests of super powers in the region, the security threats

from India, and the weak political will, the FATA could not be absorbed so far. The British could have succeeded in bringing order to the tribal areas, but during WW II, their policies to keep the colonies under their control changed. Their focus on defeating Nazis, while defending Britain against a possible invasion, brought a strategic shift in their political military approach to handle tribal areas further.

5. The capacity of a state to implement the writ contributes in the integration of a tribal society. GoP wanted the integration of the FATA to happen quickly, but its meager resources available from the low taxpayer money, always prevented her to invest in the FATA. However, if the government had proper vision, it could have absorbed the FATA by initial investment, and then subsequently generated revenues and explored the hidden minerals. Contrary to that the British had the capacity to integrate tribal society of the NWF, and initially they succeeded in doing so but due to the subsequent repressive policies adopted by them in the NWF made them to lose the ground. The Soviets also had the capacity to deliver in Afghanistan, but when they tried to suppress the tribal nature of society by implementing Soviet style communism, it met stiff resistance. Moreover, their focus of effort was mostly on the urban areas. No effective policy besides suppression was adopted to handle the militancy in rural areas. It speaks of lack of political resolve of the state to address the issue. Ty L. Groh also validates it by saying that suppression is not an answer to solve problems in a tribal based society.

6. In long term, the British policies including introduction of Maliki system in the FATA created strong barriers between the tribes and the state. The continuation of these policies by the Pakistan also did not bring positive change to the status quo of the FATA. The area remained neglected on the pretext that Maliks and PA will be sufficient to

handle the FATA, and nothing should be done to alienate the tribes. It is understandable that the tribal societies generally demand more from the state and deliver less due to their desire to continue their traditions. But it is also a hard fact that such societies can be changed by implementing those policies which generally remain align with their fundamental believes and traditions.

7. This finding is complemented by the Groh's assertion that the military strategy in the tribal region, has done more harm than good, therefore the real solution of the FATA may be imbedded firstly in reconciling with the tribes and gaining their confidence, secondly in accommodating their demands to a certain extent and thirdly by using an iron fist under the velvet glove.

8. The analysis also provides a direction of repairing the broken link between the FATA and remaining Pakistan. I can be done by improving the quality of life of the people and offering alternatives to thousands of youth in the FATA, who may otherwise, are becoming the targets of Taliban recruitment efforts. The state can only transform the region by applying an appropriate mix of political, administrative, social and military reforms. By nationalizing the FATA region and offering socio-economic opportunities, the GoP can win the favor of the locals. The Maliki system in the FATA has been corrupted and lately has been destroyed by the religious fundamentalists. The revival of old Maliki system in the FATA for short duration may initially help the GoP to roll the wheel but then the FATA requires an immediate transformation into the national political mainstream. Implementing reforms as announced by the President of Pakistan on 62 Independence Day of Pakistan forceful can significantly turn the tide in speeding up the integration process. Without which the FATA will continue to be a volatile contention

between GoP and the tribesmen. Moreover saving the FATA will significantly affect the security in neighboring Afghanistan and vice versa, making it a priority issue for handling by GoP and international community.

This chapter focused on the policies being adopted by the British, the Soviets and the Pakistan in handling the tribal based society living across the present border of AfPak. After making the argument, this chapter leads to the summary of the case studies of these countries at the end. This summary will provide the bases of making conclusion in the next chapter for making necessary recommendations

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

After the analysis of the overall political, administrative, socio-economic and security environments of the FATA and the tribal society that exists astride the Afghanistan Pakistan (AfPak) border, following conclusions emerge:

1. The geography and demography of the Federally Administered Tribal Areas (FATA) plays an important role on the values and beliefs of tribes strictly tied to their historical and age old traditions. The NWFP of Pakistan is located at the crossroads between central Asia, India and Middle East, making it a passage for all types of invaders moving across it. The difficult terrain features, non-existence of vegetation and scarcity of water has also kept the FATA highly undeveloped. Consequently, the people of the FATA tend to live with what they have. This region has also been a battle ground of the ‘Great Game’ and in the recent past during the Cold War period, it was used by the United States (US) to defeat the Soviets in Afghanistan. These ‘environmental circumstances’ coupled with harsh and impassable terrain features make ‘resistance’ as a noteworthy segment of tribal society. Therefore, change cannot occur in a completely peaceful manner in the FATA.

2. Since the creation of Pakistan, the tribesmen have been living their own lives in the FATA. Their tribal unwritten code of ‘Pashtunwali’ is the basis of their governance, which has lately been hijacked by religious extremist for exploitation in their favor. This exploitation was only possible in the absence of writ of the state in these areas. Keeping in mind the meager resources at its disposal, the ability of the Government of Pakistan

(GoP) to extend its writ to the FATA is still questionable, making this area vulnerable to the outlaws, criminals and religious extremists. The lack of political will has prevented the GoP from diverting available resources into the FATA. Over the last 62 years, the status quo is taken as fate accompli and in the process much control has been lost by the GoP in the FATA. A separate system of governance as envisaged earlier by the GoP for the FATA did not work there. The *Malik* system kept the region alienated before the rise of Mullahs, and this factor was actually exploited by these religious extremists. As such, this type of situation in the FATA is not conducive for the overall growth of Pakistan. Moreover, maintaining this obsolete system of governance in the FATA can keep the classic ethnic tension like the Punjabi-Pashtun alive. If this situation continues for long, it can also lead to events like the 'East Pakistan' debacle. Separating the FATA under tribal rule is a prospect which the GoP cannot afford considering, as it would likely cripple the state, reducing it into half of the territory it holds today.

3. Introduction of an efficient politico economic administrative setup established by the state in tribal areas can significantly contribute in the integrating process. The absence of political and economical reforms in the FATA will not only make the integration process slow but will also provide opportunities to other criminal forces to exploit the situation. In order to establish influence in that region the GoP needs to consolidate its efforts to change the mindset of tribesmen. . The intent should be to absorb this diverse, fragmented, multiethnic population to conform to the state's ideal of keeping the key traits of a tribal society. Pakistan already enjoys an advantageous position due to the cultural, religious and economic ties between the tribesmen of the

FATA and the state. These commonalities provide a better foundation for bringing in new politico economic reforms in line with the needs of locals.

4. A pro active policy can only work in the FATA when the tribes are willing to accept it. Historically, the British and now Pakistan cannot extend their influence in these frontier borders beyond the point to which we see today due to the lack of cooperation from the tribes. The international situation in relation to the FATA, has changed so significantly over the last few years that it provides a golden opportunity to GoP to extend her administrative setup in that area. Beside the people of Pakistan, the tribal elders of the FATA are realizing and interested in mitigating the negative effects of religious extremism from their society. These effects are being viewed as a threat to their traditional code of conduct and way of life. These aligned interests, if well exploited by the GoP can speed up the process of the integration of the FATA as ever before.

5. The absence of writ of the state and rise of extremism in the FATA are major factors which can be exploited by an outsider to aggravate the law and order situation inside Pakistan. The presence of different nations working with hidden agendas across the border in Afghanistan and media releases about their activities inside Pakistan is a clear indication of external hand involvement in Pakistan's internal affairs. The terrain and population configurations of this area made the Soviets nearly impossible to guard it completely against external intervention. This fact also complements that the FATA situation can be exploited by anti Pakistan elements conveniently. The integration of the FATA thus demands a comprehensive plan to address this issue, where no element is allowed to manipulate this weakness and complicates the issue.

These conclusions have following common grounds with the study carried out by Ty L. Groh:

1. The Pashtun tribal society understands the motives of the state working for them. If the state is working for the integration of this society, in accordance with the wishes of the tribesmen, rather only on establishing the order, it will tend to succeed.

2. To control the Pashtun tribal society, proposition of engaging them through one individual is not a valid option. Generally, a human living in tribal society once given too much power, tend to abuse it, resulting in the failure of states efforts of establishing its writ through him.

3. The Pashtun tribal code of conduct plays an important role in their lives hence must not be neglected while formulating policies for them. These cultural sensitiveness will play a leading role in establishing the writ of the state in tribal based societies.

4. The state must also not create a vacuum of governance, by isolating the Pashtun tribal society. This vacuum can be easily filled by other forces which may have designs that are a contradiction to the overall state policies.

Based on these conclusions, necessary recommendations are being made, which essentially may not provide a complete solution to the issues of the FATA conundrum, but lays a foundation for which to building a structure upon.

Recommendations

To identify all possible impediments that prevent integration of the FATA in the national mainstream is not in the range of this study. It was carried out to identify major impediments involved in the integration of the FATA, with focus only on the criteria's selected for analysis in chapter 3. In the course of this study the researcher has also

identified additional subjects which are very relevant to the integration of the FATA and have not been covered in this study. The recommendations in the succeeding paragraphs therefore may not be able to provide a comprehensive solution to the FATA conundrum, but they do address those key issues that were discussed in the study. Following is therefore recommended:

First, the geography of the FATA brings out a very difficult challenge for Pakistan's Law Enforcement Agencies (LEAs). Due to the overstretched deployment of LEAs across the country (from Kashmir to Swat and the FATA, and from the security of major metropolitans and infrastructures to the rural areas of Baluchistan) they are not in a position to extend additional troops for securing the FATA completely. The first problem in integrating the FATA begins here. To address it, Pakistan should get involved with the international community and get guarantees against a possible Indian offensive. The international environment and the US interest in the region can help in achieving this proposition. Whereby, the Pakistan will be able to spare a sufficient number of troops for employing in the FATA. Permanent cantonments in the FATA should also be established as they have historically been the major reasons of British success in the NWF region. The Frontier Corps (FC) or Frontier Constabulary troops should be subsequently stationed there to relieve the regular troops. Moreover the fruits of technology must be exploited to the maximum extent possible, compensating for shortages in human resource intelligence.

Second, the security-sector reforms must pay particular attention to the capacity building of paramilitary forces such as the Frontier Force, Frontier Constabulary and Khasadars/Levis. A functioning mechanism should also be developed to control the

AfPak border while permitting the Pashtuns living across it to interact and move.

Although the introduction of a border control mechanism as exist in the Europe will not be cost effective for Pakistan, a similar procedure to regulate this move must be evolved at this border. The system utilized along the border should also allow for the checking of unauthorized movement and, if needed, options to control it. Necessary investments to implement this mechanism should be made, not only by the GoP, but also by the Afghanistan on the other side of the border for mutual interest. The system positioned along the border should also have the capacity to effectively check an unauthorized movement and if needed be able to control it. This may demand stationing of a strong permanent quick reaction heliborne force on the both sides of AfPak border with central command arrangements. To start with, limited control measures similar to those already put in place on the AfPak border at Khyber pass and Chaman be put in place.

Third, to improve the administrative structure, the dying Maliki system should be revived in the FATA temporarily in order to establish some sort of governance there. Likeminded individuals from the FATA should then be engaged, by the GoP, while asking the major political parties of the country to pushed their area of influence beyond the settled areas of the NWFP to the FATA. These political parties should make necessary alliance with the tribes of the FATA, either through Maliks or through their tribal elders. Once alliance is established, elections should be held to select members for the upper and lower houses of National and Provincial Assemblies. These elected members should then be trusted with addressing the needs of people. Once a working structure is established, the Maliks should be transformed into permanent government employees in the FATA. They should act as civil servants for some time, while help in

establishing the government departments essentially required for the economical growth of the area. A parallel system of mainstream civil servants should be established to eventually takeover the governance from these Maliks. It will help in two ways. First, if the Maliks system collapses, the parallel system can immediately take over, providing no vacuum for the shadow governments to exploit. Second, it will be a smooth transition of the FATA in the national mainstream of Pakistan. Simultaneously, an effective informational operation campaign should also go in the FATA, to make the tribesmen believe that their prosperity lies in staying with the confederacy of the Pakistan and not with the tribes living across the border. They should be given a new identity of 'Pakistani tribes,' while taking away nothing from their existing identity. Plans should also be kept in place to eventually convert all 'B' areas of the NWFP (areas without a police force) into 'A' areas (areas with a police force).

Fourth, the current international environments and the situation in Afghanistan dictates Pakistan to adopt a forward leaning policy in the FATA, while securing its border with Afghanistan. This policy if adopted is likely to succeed, and will pay off for Pakistan in the longer run for obvious reasons. It also has less chance of meeting resistance from the weak political Afghan government and Afghan Pashtuns as they are not in a position to exploit the old standing issue of the 'Durand Line.'

Fifth, the GoP should intensify economic activities, as there is no substitute to it. Any aid from international donors must be utilized properly, at the right place without losing a paisa. If the GoP is able to provide basic civic facilities coupled with a working economical system to the locals of the FATA, there is no reason that they do not join the national mainstream. If their other Pashtun brothers can live under the writ of GoP in

settled areas of the NWFP and in Karachi, why can they not? Their special warrior breed provides ample opportunities to them to join the prestigious institutes of Army and other law enforcing agencies in the Pakistan. While implementing economical reforms in the FATA, no step be taken that is contradictory to their tribal code of conduct 'Pashtunwali' in the initial stages of this integration process. The cost of this policy is likely to be very high upfront but Pakistan will benefit from it in the longer run through generated revenues from this new economically developing region.

Sixth, simultaneously strong agricultural reforms must be introduced to draw the FATA population in more constructive activities. The Pakistan Army Engineers can take a lead, while with the help of the civil sector they should come out with a plan to develop a canal based irrigation system in the FATA by constructing a water dam. Existing feasibility studies should be processed with international community for the early release of funds required for generating agricultural activities in the area. As it is suggested that these activities will be going in side by side of the political reforms in the FATA, they will be a high value targets too. This phenomenon has been observed in Afghanistan that a million dollar project was dismantled by terrorists the day after inception, as it was not properly secured. Low-level projects should be implemented like vocational training, the development of cottage industries and other small businesses and funded in the remotest areas of the FATA. To put the security measures in place, additional amount should be kept in mind while calculating the cost of these projects. Low level projects like vocational training, cottage industries and other small business, as an immediate measure be funded in the remotest areas of the FATA. They are likely to make the tribesmen believe in Pakistan's earnest for them.

Seventh, Islam should be used as an important tool to promote peace and reconciliation in the FATA. The religious attachment of tribesmen reflects that any other thing besides positive exploitation of the religion by the government, may not work well in the FATA. The FATA being a tribal society has misunderstood the tenants of Islam. GoP therefore should device a process through which the moderate and renounced Muslim scholars be employed appropriately to engage and educate the tribal society. The Muslim brotherhood of the area with the Pakistan can be exploited by the state for garnering positive strength from it, rather letting it to be hijacked by the extremists. The tribal society should not be pushed too hard and too fast to change their beliefs. If they do not permit barbers to operate in their area and women to unveil, it must not be pushed upon them at the first instance. A dedicated campaign plan stretched over a period of 20 to 30 years should follow, that may change the tribal mindset locked in the 19th century. The understanding of correct Islam by these people requires a patient approach at our end. The slow and steady policy of religious enlightenment can pay rich dividends than working on counting of heads alone for measuring progress. At the first instance, religious scholars, fluent in the Pashtu language should be employed for this purpose. Without a proper vision, nothing can change tribal mindset based on the religion. Media like dedicated Radio and TV services can be aired, under the control of government, for spreading the message of religious tolerance and moderate views on the world affairs. However, such messages which are against the tribal norms and customs must be sufficiently tailored before being spread. This will help in transforming the tribal nature of these people from threat to safety.

Eighth, the rise of extremism and compulsion of the Pakistan to maintain it for its security may be understandable. While it is also clear that Pakistan fears a security threat from its eastern neighbor India, and with whom even after developing nuclear credibility, has come to the brinks of war twice in the last decade. As per media reports, the religious parties are being used as tools to support the independence movement of Kashmir, which is therefore necessary to maintain. In this context, the international community should pressure India to settle the issue through diplomatic talks, in the light of the UN resolutions of 1948. These resolutions demand a plebiscite in Kashmir, providing them the right of autonomy. Without a commitment and the proper steps to “nip the evil in the bud,” Pakistan will keep facing extremism, which is a significant threat to its society, as well as to world peace. A national effort is therefore required to separate people from the extremist elements which are not only present in the FATA but also exist in pockets within Pakistani society. As this issue is directly linked to Pakistan’s compulsion to maintain extremists for countering an overwhelming Indian threat, it will therefore be a difficult proposition to handle. The integration of the FATA will also prevent the use of this territory as a happy hunting ground by the enemies of the Pakistan.

Ninth, the GoP should intensify its fight against internal corruption through which it intends extending governance. It must get seriously involved with national political parties, setting aside political differences and seek their support to handle the FATA. The adoption of existing status by the GoP and other political parties is not likely to gain the lost confidence of the locals of the FATA. This single denominator can either make the integration possible or can prevent it. The Pakistan’s military should also be kept away from those activities which predominantly can be performed by the political hierarchy or

by the social workers and related organizations. These steps will build the confidence of the tribesmen on the sincerity of the efforts of the GoP.

Last but not least, since the reactive approach of integrating the FATA has not proved effective the GoP must utilize all elements of national power to deliver results to the people of the tribal areas. A nationwide campaign must be launched to mobilize people from all walks of life to come and play voluntarily up this remote area into the national mainstream of Pakistan. The cost of these projects should be borne by the state. Regular visits of lawyers, college students, and politicians to this area must be planned and executed regularly. The simple and straight minded people of the FATA can be easily persuaded to integrate into the national mainstream with sincerity of efforts and building enduring friendship with them.

Mr. Zachary S. Davis, in his article 'Viewpoint: Pakistan's Last Chance'¹⁰¹ has put up a '20-60-20 Strategy' which can be used by the Pakistan as an outline plan for the FATA integration. Keeping in view the analysis and conclusions of this study, the researcher suggests the modification of suggested study as 15-70-15 strategy. Per this suggested strategy:

Pakistan military should take the lead in maintaining order and providing security for critical development projects, immediately after defeating the terrorists in the FATA. This military defeat of extremist in the FATA would constitute 15 percent of this new plan. The establishment of political and legal systems that are seen as legitimate in the eyes of tribesmen would enable the government of Pakistan to take the next steps in the process started after 9-11. The largest element, at least 70 percent, will require economic aid to follow quickly on the heels of this

¹⁰¹ Zachary S. Davis, "Viewpoint: Pakistan's Last Chance," Strategic Insights, Volume VIII, Issue 1 (January 2009), Naval Post Graduate School, <http://www.nps.edu/Academics/centers/ccp/publications/OnlineJournal/2008/Dec/davisDec08.html>, (accessed 16 November 2001)

military success. Failure to follow this military success, not introducing timely economic opportunity in the FATA would invite a replay of mistakes that were made in the Iraq by the US and her allies. The current U.S. aid package is sufficient to start economic activities in the FATA, especially if it is released in time by the donors, following other money being pledged by the international community. The construction of roads, hospitals, and schools are the best cure to contain extremism, however the security of aid projects and workers must be ensured from attacks by those who do not want them to succeed. The last 15 percent of this 15-70-15 strategy consists of the political and diplomatic actions necessary to address the regional issues that can prevent Pakistan to focus her attention on external threats to the internal threats. The direct intervention of international community especially the US in the solution to these regional issues is the need of today. This direct intervention cannot only contribute to the lasting effects on the security of the region, but will likely to create a scenario in which Pakistan and India can work together for the peaceful solution of the Afghanistan conundrum and economic growth of the region as a whole.

To move forward in the FATA, a comprehensive plan coupled with a coordinated political reconciliation process is required. By adoption 15-70-15 Strategy, Pakistan can undertake this camping with visible ends in sight.

Areas for Further Study

The study suggests the following areas to be explored for further research. For example, deeper analysis of the ongoing military operations in the FATA and effects of drone strikes causing significant collateral damage, while rising anti-government sentiments amongst the Pashtun population of the FATA. Similarly, a study to identify fault lines amongst the tribesmen of the FATA and the tribesmen of Afghanistan who can be exploited for the good of the region will prove beneficial not only to government of Pakistan but to the international community operating inside Afghanistan. One assumption can now be made easily that at present, the Pashtuns of the NWFP have sufficiently been absorbed in the national mainstream of Pakistan, while the tribal code of conduct 'Pshtunwali' in the FATA has been hijacked by the religious extremists to their

advantage. It therefore demands a study to quantify the effects of Pashtunwali on the tribal society of the FATA. Research work is also required on the introduction of reconstruction teams in the FATA, similar to the style of those reconstruction teams implied in Iraq and Afghanistan. It will significantly assist GoP to effectively conduct grassroots level economic growth in the tribal areas. Moreover, a study focusing on the short and long term political steps necessary to be undertaken by different political parties in the FATA is also required. Since 1996, the FATA has seen the effects of extremism on their society. This issue needs a separate study for identifying the root causes which lead to the rise of extremism in that region. More so, the Taliban's efforts of introducing their own brand of Islam need to be highlighted to change public opinion about them. Lastly, a separate study is essentially required to look at all those players and organizations which are pursuing their agenda inside the FATA and Afghanistan. These research areas will facilitate a better understanding of the impediments involved in the integration of the FATA and can provide other angles for working towards integrating it in the national mainstream of Pakistan.

APPENDIX A

MAP OF FEDERALLY ADMINISTERED TRIBAL AREAS



Source: Map derived from Map of NWFP, 1/1 M Scale, 10th Edition 1995, Published by Survey of Pakistan.

APPENDIX B

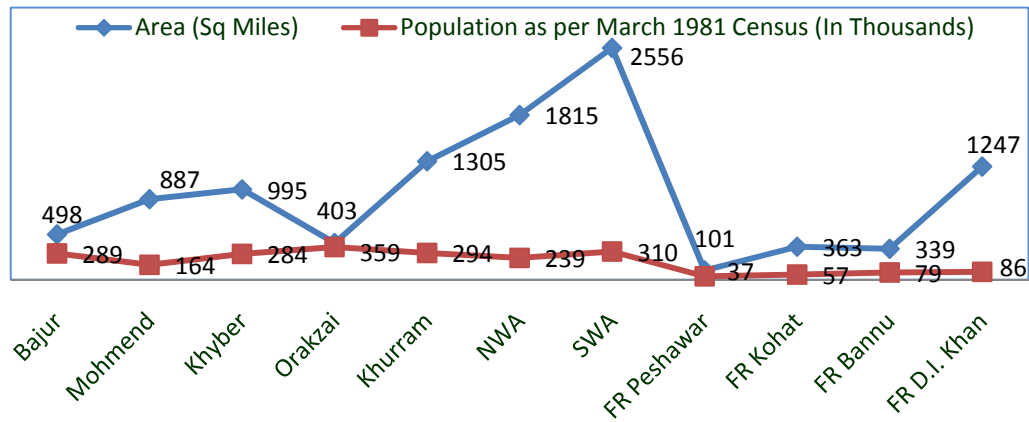
COMPOSITION OF TRIBAL AREAS (AS PER ARTICLE 246 OF 1973 CONSTITUTION)

1. The Tribal Areas as defined in Article 246 of the constitution are Federally Administered Tribal Areas and Provincially Administered Tribal Areas.

FEDERALLY ADMINISTERED TRIBAL AREAS

Agency/F.R	Area (Sq. Miles)	Population as per March 1981 Census (in thousands)	Main Tribes
Bajaur Agency	498	289	Ultman Khel, Salarzai, Charmungi.
Mohmand Agency	887	164	Tarakzai, Halimzai, Khwaezai, Baezai, Safi, Mullagori, and Utman Khel.
Khyber Agency	995	284	Afridi, Shinwari, Mullagori,
Orakzai Agency	403	359	Orakzai.
Kurram Agency	1305	294	Turi, Bangash, Ziamusht, Mengal.
N.W. Agency	1817	239	Utmanzai Wazir, Daur, Saidgi, Gurbaz.
S.W. Agency	2556	310	Mahsud and Ahmadzai Wazir.
F.R. Peshawar	101	37	Hassan Khel.
F.R. Kohat	363	57	Jawaki and Adam Khel.
F.R. Bannu	339	79	Jani Khel, Bakka.
F.R. D.I. Khan	1247	86	Bhittani, Sherani.
Total	10511	2198 (As per last census in 1998, it is now 3.176 million)	

AREA & POPULATION COMPARISON OF AGENCIES AND FRONTIER REGIONS



APPENDIX C

PASHTUNWALI-THE TRIBAL HONOUR CODE

*To my mind death is better than life
when life can no longer be held with honor.*

Khushal Khan Khattak

- 1. The people of Tribal Area, essentially Pathans, are grouped into tight tribal communities, the chief being Bajauri's, Mohmand's, Afridi's, Turi's, Wazir's, Mahsud's, and Sherain's, each with its own distinct individuality marked off from the other by slight differences ranging from social customs to pronunciation, but all knit together by a common language, culture and religion.*
- 2. A unique feature of tribal life is the Jirga, "moot" or a council of tribal elders which settles all inter-tribal disputes and acts as the spokesman of the whole tribe where relations with the Government are concerned. In many respects the tribal system of administration is reminiscent of the primary democracy of the city-states of ancient Greece, for it ensures for every male adult an effective participation. Although, the women have direct participation denied to them, but in actual fact they exercise a very real influence over their men folk.*
- 3. Brave to the point recklessness, impulsive, warm hearted, they are ruthless enemies should one violate their code of honor. It is code of honor whose sanctity and inviolability the tribesmen cherish above all things. The tribesmen can be bitterest foes; they can also be the staunchest of friends. They are the soul of loyalty. Honor and chivalry and no crime appears more heinous to them than letting down one's friend.*
- 4. The Pathan outlook of life has undergone a complete change during the last half century. The Pathans are now awake. They have genuine desire to change their socio-economic conditions, without of course disturbing the basic character of tribal society and violating the 'Pashtunwali' or Pathan's code of honor. They want to make material progress through development of barren and bleak chunks of land by bringing them under the plough, using modern and mechanized means of framing; by setting up new industries; and above all by fully participating in national and international affairs.*
- 5. Tribal customs and traditions form an inseparable part of Pashtun society. These are closest to the heart of every Pathan and are followed religiously in tribal polity in spite of the noticeable social change. Despite these changes their centuries old traditions, social usage and customs have not the least changed, rather they have added luster to their way of life. These important traditions, writes James W Spain, guide community life and in many cases influence and even determine the actions of individuals.*
- 6. Certain of them are almost universal and their knowledge is essential to understanding, what the Pathan is and how he got that way. The Pashtun social behavior revolves around 'Pashtunwali.' Sometimes called 'Nang-i-Pashtun' or 'The Pashtun code' or 'The Way of the Pathan.' Every Pathan is aware of the main elements of Pashtunwali. This code has numerous laws, which in one way or the other are interrelated. Important ones are:-*

a. Nang (Honor). Under this code a tribesman is obliged to employ every mean available, in order to shield and protect himself, his honor and the honor of his family

b. Melmastia (Hospitality). This means the showing of hospitality to all visitors without hope of remuneration or favor. It is the hallmark of tribal social customs and traditions. 'Melmastia' enjoins the obligation of protection. Anyone who can gain access to the house of a Pathan can claim asylum from the house, regardless of the previous relationship between them. Incidents have occurred where innocent men have died defending strangers or even their own personal enemies who demanded refuge while being pursued by hostile forces. Tribal society's obligations of Melmastia frequently led to difficulties under the British rule. A classic case in point is Melmastia for Osama Bin Laden (or for that matter proclaimed offenders from Pakistan) by the Taliban.

c. Badal (Revenge). Badal permits no limits, no limitation in time or space and regardless of cost or consequences. Blood feuds and enmities at times extend over generations. On the positive side, it is only because of these unremitting principles of revenge that crimes in the tribal Areas are limited in number and extent.

d. Nanawatay (To seek Forgiveness). It means to go in and seek forgiveness from the victim to whom a wrong has been done. It is used when the vanquished party is prepared to go into the house or hujra of his enemy to beg forgiveness and make peace with him, usually with the Holy Quran in hand. There is no Nanawatay when the dispute involves Tor (black) i.e. concerned with the dishonor of a woman. Tor can only be converted to Speen (white) by the victims on agreed conditions.

e. Tor (Black). It is a state of open guilt or infamy. It refers to those cases, which are concerned with the honor of a woman. Tor can only be converted to speen (white) by death. Because of the serious consequences involved, cases of adulatory or illicit relations between sexes are extremely rare. It is important to underline that the only killing in tribal society that does not involve the law of revenge, is, when a man and a woman having illicit relations are killed.

f. Tarboor (Cousin). This term is used for paternal cousin and has a connotation of cousin rivalry in Pashtun customs and traditions. The tarboor may grow up as a childhood friend, in time, the chief rival for status and political leadership within the lineage. It is in this competition that tarboorwali (cousin rivalry) exists and manifests itself in many a conflicts in the tribal area.

g. Jirga (Tribal Council). It is an assembly of tribal elders who are called to decide specific issues and whose decision is binding on all parties in conflicts. As an institution, the Jirga may pronounce penalties against persons or groups who do not submit to its decision. The Jirga may also call for a Lashkar (tribal army) to implement its decision through force. The relations with the outside world are also conducted through the Jirga.

h. Lashkar/Lakhar (Tribal Army). A body of tribesmen rose for an offensive purpose or to deal with particular incident. The strength of tribalism is manifested in the institutions of the Lashkar, which is primarily raised to enforce the decisions of the Jirga. It may be raised against individuals, a group, or against the outside powers.

i. Teega or Kanrai. Means a fixed date until which all hostilities between warring factions will be suspended. The Jirga then ensures the implementation of cease-

fire. Any violation of the terms of truce, by any party, makes it liable to joint action by Jirga.

j. Badragga (Tribal escort). A tribal escort usually composed of members of that tribe through which the travelers are passing. If a badragga is violated a tribal feud will follow.

k. Hamsays. Is a word used for client or dependent groups, who attach themselves to larger or stronger Maliks. An attack against Hamsays is considered as an attack on the protector.

l. Muajib. It means the yearly (or half-yearly) fixed allowances paid by the political authorities to the tribe and its various sections.

m. Lungi. Means the allowances given by the political authorities to individual Maliks.

n. Nagha. Is a tribal fine decided by the council of elders and imposed upon the wrongdoer. It is extracted, if necessary by force.

o. Hujra. Is a common sitting (or sleeping) place for males in the village. Visitors and unmarried young men sleep in the Hujra. Expenses are usually shared by the village. Almost every Hujra has mosque attached to it. It is in the Hujra that hospitality of the Pathan is portrayed.

p. Rawaj. The Pathan's way of life is also governed by the Rawaj, or Rawaj-i-am, customary law, and by Shariet, the Muslim Law. Rawaj is more in use than the Shariet and is generally preferred.

q. Malik. Certain men are accepted as leaders and a spokesman for the group, on the basis of ability and experience, are able within a group is called a Malik. A Malik among the Pathans, is at best "first among equals." From the point of view of the political authorities, he may often be obscurantist and obdurate. His main objectives are then to maximize individual not tribal gains. In the present times, with such vast development schemes afoot, the Malik may well ignore tribal benefits to better his bargaining position vis-à-vis the political authorities. He may actually oppose two reasons for doing so. The first and obvious one is the expectation of monetary or other rewards. The second is more subtle. He feels that any change in status quo of the village, whether in the educational or economic spheres, there comes a corresponding change in his social position and political hegemony.

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