

FATA—A Most Dangerous Place

Meeting the Challenge of Militancy and Terror in the Federally Administered Tribal Areas of Pakistan

PRINCIPAL AUTHOR
Shuja Nawaz

FOREWORD
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EXECUTIVE SUMMARY

Increased militancy and violence in the border region between Afghanistan and Pakistan known as the Federally Administered Tribal Areas of Pakistan has brought FATA into sharper focus, as U.S., Afghan, and Pakistani leaders attempt to find solutions to the problems underlying the situation there. This most dangerous spot on the map may well be the source of another 9/11 type of attack on the Western world or its surrogates in the region. Should such an attack occur, it likely will be spawned in the militancy that grips FATA and contiguous areas in Afghanistan and Pakistan today. The principal actors are the Taliban, in both countries; their allies—former Soviet-era mujahideen commanders including Gulbadin Hekmatyar of the Hezbe Islami and the Haqqani group (headed by Jalaluddin and his son Siraj); Sunni militants from Central and Southern Punjab; and al Qaeda, which benefits from links to most of these insurgents. The Taliban leader Mullah Omar is suspected to be hiding in southwestern Afghanistan and Pakistani Balochistan. The Taliban are engaged in a struggle against foreign forces inside Afghanistan and now against the military in Pakistan. Hekmatyar has spoken against the Pakistani government but has not yet taken up arms against it. The Haqqanis have also not provoked a battle with the Pakistani forces as yet. The Punjabi militants, however, have become franchisees of al Qaeda and have been linked to attacks on the Pakistani state and its army.

While many ideas have been put forward for tackling the issues facing FATA, too often they rely on longer-term plans and solutions. This report attempts to define the conditions that spawn militancy and violence among the Pakhtun tribesmen that inhabit FATA and suggest practicable ways of approaching them in the short and medium term. Concrete actions by the principal actors—the U.S., Afghan and Pakistan governments and the U.S. and Pakistan militaries—are suggested. These will need to be underpinned by a national debate in Pakistan, in particular, on the nature of the country's polity and the need to tackle terrorism and militancy as domestic issues. But the debate will need to be rooted in a clear consensus among the civil and military leadership on the nature of the Pakistani state and society and how to tackle the growing militancy inside the country and in broad-based support from major political parties and the general public. The United States needs to forge a longer-term relationship with Pakistan and its people, shifting from a transactional relationship to one built on strategic considerations and respect for Pakistan's political and development needs. Failure to bring peace and to restore a modicum of stability to FATA will have widespread repercussions for the region and perhaps the world.



FOREWORD

ARNAUD DE BORCHGRAVE

The geopolitical nexus of Pakistan-FATA-Afghanistan-India must be seen as a regional crisis that requires a holistic politico-military approach. But suspicions and disinformation about each other's motives, replete with conspiracy theories, have combined to make Pakistan, the Muslim world's only nuclear power, the most dangerous place in the world.

Pakistan is ground zero in the U.S.-jihadist war. The country's existential crisis is compounded by the global financial crisis. Now in International Monetary Fund (IMF) receivership, Pakistan (its 170 million people the second largest-Muslim population after Indonesia) is now in danger of becoming a failing state unless its friends help it financially and with training and advice. With inflation running 30 percent, grinding poverty, soaring food prices, and a resurgent Taliban on the home front, economic collapse would give al Qaeda additional cover against the U.S. war on terror. Pakistan is too important a state to be allowed to drift or decline.

Pakistan's Federally Administered Tribal Areas (FATA) that border Afghanistan are at the heart of the immediate crisis, as they provide safe havens for Taliban guerrillas and al Qaeda terrorists, and have sown the seed of Islamic militancy and terror inside Pakistan proper. Many Pakistanis are convinced the United States is colluding with India to break up Pakistan, one of the world's eight nuclear states. American observers of the South Asian geopolitical landscape have reportedly detected collusion between the ISI (Inter-Services Intelligence agency) and the Taliban organization as part of a Pakistani desire to have a pro-Pakistani Taliban regime in Kabul.

Throughout the 1990s, ISI enjoyed a close relationship with the Taliban movement that ruled Afghanistan from 1996 until overthrown by the U.S. invasion in October 2001. Taliban chief Mullah Mohammad Omar gave al Qaeda's Osama Bin Laden and his terrorist training camps extraterritorial privileges.

Pakistanis resent the United States' recent nuclear deal with India, establishing India as a counterweight to China, a close ally of Pakistan. They also see the United States as assisting India's economic activities in Afghanistan to supplant Pakistan's influence and encircle Pakistan. Thus, the July 2008 bombing of the Indian Embassy in Kabul was seen in New Delhi and Washington as the work of extremists linked to the ISI. The recent Mumbai terror attacks and the ensuing war of words between India and Pakistan could well have led to an actual conflict if cooler heads had not prevailed and friendly nations not intervened. The permutations of what South Asian players are doing to each other would be farcical if not so dangerous when taken seriously.

How does one deal with members of Pakistan's parliament who asked Gen. David M. McKiernan, the commander of U.S. forces in Afghanistan, "Why did you Americans come to Afghanistan when it was so peaceful before you got there?" Many Pakistanis still consider al Qaeda and the Taliban the good guys who launch suicide attacks as punishment for the Pakistani army fighting an American war. Such views are aired on Pakistani television talk programs, where conspiracy

theorists also argue that the United States is funding the Taliban to tie down the Pakistan Army while the United States takes over Pakistan's nuclear arsenal. Still others maintain Bin Laden is a figment of American propaganda that provided the pretext for the United States to invade Afghanistan and weaken Pakistan.

The lawless border regions of FATA tend to get lost in the shuffle of conspiracy theories. Yet FATA is critical to the success of the NATO operation in Afghanistan and the political integrity of Pakistan itself. As long as FATA gives cover to Taliban's safe havens, the United States and its NATO allies are bound to lose ground. Barack Obama has said that a strong, dependable Pakistan is a prerequisite to success in Afghanistan. America's new president also favors transferring some 7,500 troops from Iraq to Afghanistan to reinforce the 32,000 American soldiers there now, for a country the size of France. An unsecured FATA is tantamount to an unwinnable war.

The Pakistani army was never a willing partner of the United States against Taliban in FATA. Some \$10 billion in U.S. aid for Pakistan since 9/11 left Islamabad no choice but to move the army into tribal areas to take on Taliban. But the mostly Punjabi army needed interpreters to dialogue with locals. They also took heavy casualties. U.S. unmanned Predators appeared to be more successful with good intelligence and missiles aimed at Taliban and al Qaeda meetings, always surrounded by women and children, than the Pakistani military. And U.S. air strikes also fueled more anti-Americanism in Pakistan proper.

Chairman of the Joint Chiefs of Staff Adm. Michael Mullen says the longtime rift between the two militaries has deprived both nations of the trust needed to combat terrorism. "There's not a Pakistani junior officer that doesn't know who former Senator Pressler is," he told the *Washington Times*, "and there's not a junior officer in the U.S. military that knows who Sen. Pressler is." He was referring to the 1985 legislation sponsored by former Sen. Larry Pressler, a South Dakota Republican, which banned economic and military aid to Pakistan unless the U.S. president certified, on an annual basis, that Pakistan did not possess a nuclear explosive device.

Admiral Mullen said he was stunned in early 2008 when he was invited to speak to a group of 30 Pakistani war college students at the U.S. Embassy in Islamabad. The majority of the questions were about the Pressler amendment, which was passed before most of the students were born.

In October 1990, the Pressler amendment kicked in when President George H.W. Bush (41) could no longer certify Pakistan's non-nuclear status. U.S. and Pakistani military exchanges came to a halt during the 1990s. Anti-Americanism in Pakistan's officer corps soon took root. More recently, disagreement with the U.S. invasion of Iraq and the perception that U.S. policy in South Asia tilts toward India, have not improved matters. The U.S.-led war against Taliban extremists in Afghanistan and U.S. pressure to fight Taliban in FATA have made seamless cooperation arduous between the two militaries.

In the 1980s, during the Soviet occupation of Afghanistan, some 1,300 Pakistanis attended U.S. war-staff colleges. In the 1990s, the number dropped to 300. And over the past eight years, it was a paltry 98. Senior Pakistani officials are reluctant to accept U.S. counterterrorism training or to participate in combined operations. But they have accepted 25 military trainers to advise selected members of the Frontier Corps, raised from tribes in FATA, who will then train others fighting Taliban and al Qaeda terrorists.

The numbers are small and the FATA problem humongous. Outside of the global financial crisis, it is without question the most urgent problem facing the Obama administration and its Pakistani counterparts. Hence, this report.

To assess the nature of the problem and to offer practicable short- and medium-term solutions, the Center for Strategic and International Studies assembled a team of experts chaired by Shuja Nawaz, a long-time expert who has been studying the relationship between the Pakistani army and the country's polity. Their views and recommendations are distilled in this monograph written by Mr. Nawaz.

Arnaud de Borchgrave
Director, Transnational Threats
Center for Strategic and International Studies



PREFACE

The increasing militancy and violence in the border region of Pakistan and Afghanistan and the very complex skein of realities and perceptions affecting regional and external actors' view of the situation makes it necessary to shed light on the underlying issues in FATA, the Federally Administered Tribal Areas. By the same token, it is important that the national, provincial, and local governments and citizens' groups, plus the international community, take action sooner rather than later to address the needs of FATA and contiguous areas in Afghanistan so that the local population can be won over and thus help isolate the militants. This will require military, socioeconomic, and political actions and a willingness to move on all fronts.

It is likely that the next 9/11 type of attack on the global stage, though not necessarily on the United States proper, will be hatched from this region by the "foreigners" under the guidance of al Qaeda. Early in 2008, the former deputy head of Britain's MI6 secret service, Nigel Inkster, named as "public enemy number one" pro-Taliban commander Baitullah Mehsud, who comes from South Waziristan in Pakistan.¹ It is also widely believed in the West that the al Qaeda leaders Osama bin Laden and Ayman al Zawahiri are also somewhere in this region or move between FATA and Afghanistan. Mullah Omar, the Afghan Taliban leader, is also believed to be hiding in the region of southwestern Afghanistan and among sympathetic tribesmen in Balochistan Province. He and former mujahideen commanders from the anti-Soviet jihad have now declared war on the foreign troops inside Afghanistan. Adding to the threat is the presence of the Sunni militant groups that once were sponsored by the Pakistan's Inter-Services Intelligence in Kashmir but that now have allied with al Qaeda and the Pakistani Taliban to attack the state. FATA truly is a dangerous place today not only for the region but also for the world. Failure to change the current downward trajectory in FATA will have serious costs for Pakistan and its society and adversely affect Afghanistan's attempts to craft a stable national entity, making FATA an even more dangerous place for the region and the world.

Although the major responsibility for action rests with Pakistan, it is imperative that the new United States administration understands the gravity of the situation and the importance of helping Pakistan and Afghanistan to win back and empower the people of FATA and the bordering Afghan provinces. This can be possible only with a concerted and concentrated effort to improve their lives and thus help them resist successfully the inroads of militancy, religious extremism, and global terrorism that have made a home in that area and are spreading into the settled areas of the North-West Frontier Province (NWFP).

There is no simple or elegant solution to these problems that are rooted in history and the powerful local tribal culture. Nor is there any single approach that can be uniformly applied across

1. http://news.bbc.co.uk/2/hi/south_asia/7244817.stm, accessed October 26, 2008.

the region. Rather, both national governments and international actors, especially the United States with its huge military, economic, and political footprint in the region, will need to take into account the special circumstances of each of the seven agencies of FATA and contiguous areas in Pakistan and Afghanistan to come up with measures that will help the people of the region improve their lives and thus help create a stable polity and growing economy.

CSIS through its Office of Transnational Threats Projects under Director Arnaud de Borchgrave undertook a study to examine the situation in FATA and come up with some practicable measures that could be taken in the near term (1–2 years) and medium-term (3–5 years) and that could lay the ground for longer-term development and security in the region. A team led by Shuja Nawaz, and comprising Ayesha Jalal (Tufts University), Mariam Abou Zahab (Sciences Po, Paris), Joshua T. White (Johns Hopkins SAIS), Kimberly Marten (Barnard College), and Azhar Hussain (International Center for Religion and Development), undertook to examine the situation and come up with potential solutions. Khalid Aziz, an independent analyst in Peshawar and former chief secretary of the NWFP, provided much material and useful commentary. Shuja Nawaz supplemented the work of the team by a visit to Pakistan that included meetings with civil and military officials, leading experts on FATA, U.S. embassy and aid officials, tribal maliks, and local news media in Rawalpindi, Islamabad, Peshawar, North Waziristan, and Malakand/Swat. Joshua White also visited Pakistan in the late summer of 2008 and provided fresh insights from the field. The team met a number of times to pool its efforts and discuss its findings. Arnaud de Borchgrave supervised the analytical effort to identify and focus on the major issues and answers.

The team recognizes that a number of other studies were produced on the region in the U.S. election season. We note the particular contribution of the report on FATA from the Council on Foreign Relations by Daniel Markey, the report by the Pakistan Studies Working Group in Washington, D.C., and the report from the Center for American Progress, among others. Rather than take a long historical or 60,000-foot view of the situation, this study attempts to produce a granular view of the situation on the ground in FATA and of U.S.-Pakistan relations relating to the region and Afghanistan. And, rather than enumerating all the ideal changes that the team would want to see, this report offers suggestions for immediate and practicable measures as the basis for medium- and longer-term steps that can help change the socioeconomic and political landscape of the region so that it can be transformed from a dangerous place on the map to one of relative peace and stability.



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ACRONYMS AND ABBREVIATIONS

| | |
|---------|----------------------------------------------------|
| ANA | Afghan National Army |
| ANP | Awami National Party |
| BCCs | Border Coordination Centers |
| CAOs | civil affairs officers |
| CENTCOM | U.S. Central Command |
| CERF | Commander's Emergency Response Funds (CENTCOM) |
| COIN | counterinsurgency |
| FATA | Federally Administered Tribal Areas |
| FC | Frontier Corps |
| FCR | Federal Crimes Regulations |
| FR | Frontier Region |
| IMF | International Monetary Fund |
| ISAF | International Security Assistance Force |
| ISI | Inter-Services Intelligence (Pakistan) |
| JUI | Jamiat-e-Ulama-e-Islam |
| LIC | low-intensity conflict |
| MMA | Muttahida Majlis-e-Amal |
| MNA | member of the National Assembly |
| NWA | North Waziristan Agency |
| NWFP | North-West Frontier Province |
| OTI | Office of Transition Initiatives (USAID) |
| PA | political agent |
| PATA | provincially administered tribal areas |
| PML-N | Pakistan Muslim League–Nawaz Sharif |
| PPP | Pakistan People's Party |
| ROZs | Reconstruction Opportunity Zones |
| Rs. | Pakistani rupees |
| SOFA | status of forces agreement |
| SWA | South Waziristan Agency |
| TNSM | Tehreek–e-Nifaz-e-Shariat-e-Mohammedi |
| TTP | Tehreek-e-Taliban-e-Pakistan |
| UAVs | unmanned aerial vehicles |
| USAID | United States Agency for International Development |

1

A MOST DANGEROUS PLACE FATA EXPLAINED

If Pakistan loses the fight against militancy in FATA, it may face a regional political disaster with global repercussions. It is imperative, therefore, that Pakistan and its allies, especially the United States, understand the nature and causes of the conflict raging there.

FATA, a territory covering some 27,500 square kilometers perched on the border between Pakistan's North-West Frontier Province and southern Afghanistan and home to over 3.5 million Pashtun (also Pakhtun¹) tribesmen and some 1.5 million refugees from Afghanistan, continues to be the center of global attention in the wake of the United States invasion of Afghanistan in 2001. In recent years, FATA has become a bone of contention between the United States and Pakistan, as U.S. incursions into FATA have produced a war of words and even direct confrontations between U.S. and Pakistani forces on the border. FATA is also considered home to many al Qaeda operatives, especially the numerous "foreigners" from the Arab world, Central Asia, Muslim areas of the Far East, and even Europe who flock to this war zone for training, indoctrination, and sometimes respite from repression at home.

FATA rests in the middle of a tough neighborhood that extends in the southwest into Balochistan, a region of deep-seated political dissent against the central government of Pakistan from Baloch tribes that have frequently gone to battle against the Pakistan Army. Their insurgencies over time have shaken and continue to threaten the political stability of Pakistan. The Pashtun area of Balochistan is also home to some Afghan Taliban who took refuge among fellow tribesmen inside Pakistan. It and FATA proper also serve as a base for attacks against foreign forces in southwestern Afghanistan.

But FATA is only one part of a broader set of challenges that face Pakistan today as it struggles to find its feet as a democracy again after eight years of autocratic rule. The country is struggling to define its federalism and to concede powers to the federating provinces. But a history of autocratic, central rule (both civilian and military) from Islamabad remains a major stumbling block. Pakistan also faces a gigantic economic crisis, fueled among other things by global inflation and rises in the price of oil and food that, if they produce hyperinflation, would seriously threaten Pakistani society. An economic meltdown may pose a more immediate danger than even the simmering and sometimes horrific bursts of terrorism and militancy that afflict Pakistan's northwest and parts of the hinterland. To meet these existential threats, the new Pakistani government will need to create a national consensus on all fronts and will need the support of its friends from abroad.

The seven agencies that constitute FATA and come under the control of the president of Pakistan through the governor of the North-West Frontier Province (NWFP) are, from north to south, Bajaur, Mohmand, Khyber, Orakzai, Kurram, North Waziristan, and South Waziristan (see Map 1, Federally Administered Tribal Areas.) All except Orakzai share a border with Afghanistan

1. Both pronunciations are correct, *Pakhtun* being favored by northerners and *Pashtun* by southerners.

Table 1. Population of FATA (1998)

| Agency/FR | Area (sq km) | Population (total) | Population density (persons per sq km) | Annual growth rate, 1981–1998 (in percent) |
|---------------------|--------------|--------------------|----------------------------------------|--------------------------------------------|
| FATA | 27,220 | 3,176,331 | 117 | 2.19 |
| Bajaur | 1,290 | 595,227 | 461 | 4.33 |
| Khyber | 2,576 | 546,730 | 212 | 3.92 |
| Kurram | 3,380 | 448,310 | 133 | 2.50 |
| Mohmand | 2,296 | 334,453 | 146 | 4.28 |
| North Waziristan | 4,707 | 361,246 | 77 | 2.46 |
| Orakzai | 1,538 | 225,441 | 147 | - 2.69 |
| South Waziristan | 6,620 | 429,841 | 65 | 1.95 |
| FR Bannu | 745 | 19,593 | 26 | - 6.65 |
| FR Dera Ismail Khan | 2,008 | 38,990 | 19 | - 2.09 |
| FR Kohat | 446 | 88,456 | 198 | 2.59 |
| FR Lakki | 132 | 6,987 | 53 | - 4.81 |
| FR Peshawar | 261 | 53,841 | 206 | 2.22 |
| FR Tank | 1,221 | 27,216 | 22 | -0.61 |

Source: Khalid Aziz, *FATA Sustainable Development Plan 2006-2015*, FATA Secretariat, 2006.

Note: The average annual population growth for FATA is slightly lower than the provincial average of 2.8 percent and the national average of 2.7 percent. The average household in FATA consists of 9.3 persons, compared to 8 persons in the NWFP and 6.8 persons in the country as a whole. FR = Frontier Region

and each has a dominant tribe or tribal group and economic base and physical characteristics that distinguish it from the others. Immediately to the east of FATA in the settled area of the NWFP are six contiguous Frontier Regions that also come under the control of the governor but are administered on a daily basis by provincial representatives: FR Peshawar, FR Kohat, FR Tank, FR Bannu, FR Lakki, and FR Dera Ismail Khan. Abutting FATA and the NWFP to the north and west in Afghanistan is a string of nine provinces (from north to south: Nuristan, Kunar, Nangarhar, Khost, Paktika, Zabol, Kandahar, Helmand, and Nimruz), most of which are inhabited by Pashtuns. (Nuristan, Kunar, and Nimruz have other tribal groups also present, but the ethos is largely Pashtun). Immediately beyond these nine are the heavily Pashtun provinces of Paktia and Logar.

Some 15 million Pashtuns inhabit Afghanistan while about 25 million inhabit Pakistan, of which FATA is an important part because it contains tribes that straddle the Durand Line, the disputed border between British India and then Pakistan and Afghanistan. (See Table 1, Population of FATA. See also Map 2, Ethnic Groups of Pakistan and Map 3, Ancient Tribal Boundaries, showing Pashtun areas of Afghanistan and Pakistan and overlapping tribal boundaries). Pashtuns represent some 42 per cent of the population of Afghanistan, by far the largest single ethnic group. Of the Pashtun population in Pakistan, about 3 million live in its largest city, Karachi. Interestingly, roughly half the population of FATA temporarily lives outside the territory as migrant labor or as displaced persons, another potential source of instability.²

2. Mariam Abou Zahab (see About the Authors at the end of this report).

Map 1. Federally Administered Tribal Areas (FATA)



Inset shows FATA in the context of Pakistan and neighboring countries.

Source: With permission, Centre for Research and Security Studies (CRSS), Islamabad, Pakistan; adapted for this report by Robert L. Wiser.

Map 2. Ethnic Groups of Pakistan



Mixed groups are indicated by alternating tones; only selected internal administration shown. Names and boundary representation are not necessarily authoritative.

Source: Khyber Gateway (<http://www.Khyber.org>); adapted for this report by Robert L. Wiser.

Map 3. Ancient Tribal Boundaries



Source: "Tribal Locations of the Pathans," Khyber Gateway (<http://www.Khyber.org>); adapted for this report by Robert L. Wisner.

While the Afghan government has not chosen to see it as such, the dominant element in the insurgency and now increasingly civil war taking place inside that country is Pashtun. The ousted Taliban leaders have chosen to portray themselves as representatives of the Pashtuns, fighting to take back their country from an occupying force of the United States and other foreigners and against, in their view, an unrepresentative government in Kabul that is dominated by non-Pashtuns. Whether this is a valid basis for their actions or not, it has been used to strengthen perceptions among the Afghan population and those inside FATA that the Pashtuns, who have been traditionally rulers of Afghanistan, have been displaced by force. The Taliban leaders use this perception as a fuel for recruitment and for garnering support in the Pashtun territories inside Afghanistan and across the border in FATA. As a result, the Taliban have allied themselves with various disaffected groups headed by former mujahideen commanders that operate in different regions of Afghanistan and FATA against foreign forces inside Afghanistan. The Afghan government views the Taliban and its allies as renegades that are trying to regain power and that survive largely because of “safe havens” across the border in Pakistan, specifically in FATA. In July 2008 “Afghanistan lashed out at neighboring Pakistan . . . , alleging that its intelligence service and army are behind the bloody Taliban-led insurgency, calling the security forces the ‘world’s biggest producers of terrorism and extremism.’”³ The discord between these neighbors runs deep into history.⁴

Pakistan has seen itself as a scapegoat for the failure of the U.S. invasion of Afghanistan to eliminate the Taliban. On its part, it sees Afghan involvement in FATA unrest. Reference is made to the Afghan Mullah Dadullah, the so-called father of suicide bombings in Pakistan, who was a militant leader in South Waziristan until his death in a Predator attack, and Qari Ziaur Rehman of the Afghan Kunar province who heads the militancy in Bajaur. Pakistan’s support for the Afghan Taliban may have waned after its own Operation Zalzila (earthquake) in South Waziristan that ended in 2008.

As described by Shahid Javed Burki, the

Pashtun belt that Afghanistan and Pakistan share presents a unique problem to the international community. It straddles a difficult, inhospitable, extremely underdeveloped terrain. It is inhabited by people who have preferred to be guided by a tribal code of behavior [Pashtunwali] rather than by laws made by modern states for modern times. To this code that has existed even before Islam entered the area, they have added some aspects of the Islamic law, Sharia. The combination of these two codes has produced a way of life that has been practiced for centuries. Among its many features the strongest are an abhorrence to accept outside interference in internal affairs, an equal amount of reluctance to be governed by a central authority that operates from a distant place, and confidence in the ability of local leaders to provide protection to their communities and to provide an environment in which they can live according to their own laws and practices.⁵

The tribes operate through their *maliks*, or influentials, some determined by the tribes themselves and others “official” maliks who are selected for favors by the political agent (PA) of each agency, the official who represents the government and who, along with the maliks, is responsible for local governance. The PA provides stipends to maliks in line with their perceived status in the government’s eyes. The number of maliks varies from agency to agency inside FATA. North

3. Associated Press, July 14, 2008.

4. See Barnett R. Rubin and Abubakar Siddique “Resolving the Afghanistan-Pakistan Stalemate,” United States Institute of Peace, Special Report. October 2006.

5. Shahid Javed Burki, “How to Develop the Afghan-Pak Tribal Belts?” unpublished paper.

Waziristan, for example, has some 1,600 maliks. (More than 600 tribal maliks in FATA have been assassinated by the militants.)

Pashtun society has changed over the years with greater interaction between inhabitants of FATA and other parts of Pakistan and the Middle East, largely through migration of laborers and provision of transport services inside Pakistan proper. Yet, elements of these old traditions continue to hold sway over portions of FATA.

Most of the Taliban leadership of Afghanistan and followers of at least two major mujahideen commanders⁶ of the Afghan war against Soviet occupation during the 1980s are believed to have taken refuge in FATA among their fellow tribesmen, where they continue to prosecute their war against the United States and the new Afghan government. In the past, the Afghan Taliban noticeably avoided getting into direct battle with their Pakistani hosts in the southern part of FATA, and the Pakistan Army appears to have returned the favor. But that is now changing. In the north, in Bajaur in particular, there is clear evidence of Afghan leadership of some of the Taliban insurgency. And, increasingly, it is becoming difficult to differentiate between the Afghan Taliban and the local variety. In addition, elements of al Qaeda, the global terrorist conglomerate, continue to use FATA as a base and training ground for al Qaeda and its franchisees, including the extreme right-wing Sunni extremist groups from Central and Southern Punjab inside the Pakistani hinterland. There is some empathy for al Qaeda in FATA in general and among the Taliban. There are also reports that the Taliban and al Qaeda have formed an effective military alliance of convenience. U.S. military sources point to the presence of Uzbeks, Arabs, and other “foreigners” in recent attacks inside Afghanistan.⁷

Adding to the witches’ brew of terror and militancy in FATA is the emergence of a homegrown Tehreek-e-Taliban-e-Pakistan (TTP) under a renegade leader from South Waziristan named Baitullah Mehsud. Mehsud is forming a regional alliance across the region and hooking up with Sunni extremist militants in the settled areas of the NWFP, for example Dir, Malakand, and Swat. He has also established links to the Afghan Taliban of Mullah Umar. The TTP’s avowed aim is to establish a religious state in Pakistan based on its own interpretation of Islamic jurisprudence (Sharia) but more closely linked to tribal custom or *rivaaj*. The TTP and its affiliates have taken the battle against the Pakistani state into the hinterland and are widely believed to have been behind some of the more spectacular and horrific attacks inside Pakistan proper, including the assassination of former prime minister Benazir Bhutto in December 2007 in Rawalpindi and the bombing of the Marriott Hotel in September 2008 in Islamabad.

Why FATA Is the Way It Is

One of the poorest and most disenfranchised regions of Pakistan, FATA has become a breeding ground of militancy and discontent and poses a serious threat to both Afghanistan and Pakistan. Almost all the socioeconomic indicators of FATA (health, access to doctors and health facilities, education, etc.) are nearly half those of Pakistan as a whole and much below the levels of the

6. Jalaluddin Haqqani, formerly of the Maulvi Khalis group within the Hizb-e-Islami and then a member of the Taliban government, and Gulbuddin Hekmatyar of the eponymous group of the Hizb-e-Islami. Haqqani has ties to North Waziristan. Hekmatyar does not have a permanent base.

7. Briefing at the Newseum, Washington, D.C., by Gen. David McKiernan, Commander, NATO International Security Force in Afghanistan, October 1, 2008; *Washington Post*, October 2, 2008.

Table 2. Selected Development Indicators for Pakistan, the NWFP, and FATA (2003)

| Indicator | Pakistan | NWFP | FATA |
|-------------------------------------------|----------|-------|-------|
| Literacy ratio (both sexes, in percent) | 43.92 | 35.41 | 17.42 |
| Male literacy ratio | 54.81 | 51.39 | 29.51 |
| Female literacy ratio | 32.02 | 18.82 | 3.00 |
| Population per doctor | 1,226 | 4,916 | 7,670 |
| Population per bed in health institutions | 1,341 | 1,594 | 2,179 |
| Roads (per sq km) | 0.26 | 0.13 | 0.17 |

Source: Imtiaz Sahibzada, Adviser to the Prime Minister on Tribal Areas, *Federally Administered Tribal Areas (Strengthening and Rationalization of Administration)* Draft Report 2006, Islamabad, April 2006, pp. 63–65.

Note: Literacy rates according to 1998 census; all other figures for 2003. NWFP = North-West Frontier Province.

NWFP. (See Table 2, Selected Development Indicators.) FATA has suffered from lack of proactive and participatory governance mechanisms and has been subject to an anachronistic, top-down administrative system that served the colonial British power but is not suitable for a modern society. Because of these conditions and general neglect by successive central governments in developing the economies and polity of the region, it will continue to provide a favorable environment for terrorism and militancy. This will create a contagion effect spreading into the heartland of Pakistan if the underlying conditions that spawn violence and provide a haven for the Afghan Taliban and al Qaeda are not addressed urgently.

Yet FATA remains one of the more misunderstood areas of the region despite its crucial location and key role in the current wars within Afghanistan and now Pakistan. Seven years after the U.S. invasion of Afghanistan and the removal of the Taliban regime and dislocation of the al Qaeda leadership into the border regions of Afghanistan and Pakistan, the war against terror and militancy in this region appears to be more of a game of blind man’s bluff than a well planned politico-military campaign in an area and a situation marked by layers of complexity. A major reason for this is the absence of involvement by the people of FATA in plans for their own development or political participation. Most plans are being made for them, often from afar.

FATA has had very limited participation in the political system of Pakistan. Until 1997, its representatives in the National Assembly (and briefly in the provincial assembly when West Pakistan had a single assembly) were selected by the tribal maliks. In 1997 universal franchise was extended to FATA. But it could only send representatives to the federal legislature. Today it has 12 members of the National Assembly and 8 senators. But there is no representation to the provincial assembly of the NWFP because FATA, unlike the contiguous provincially administered tribal areas (PATA), does not come under the government of the province. The Pakistan Political Parties Act does not apply to FATA and officially political parties cannot operate or campaign inside its boundaries (although their flags can be seen flying on many houses in FATA). This has given a free field of operation to the religious groups, affiliated with various political parties in Pakistan, who use the

Friday prayers, among other things, to spread their word and garner support. Paradoxically, the state of Pakistan has not only used FATA as a buffer zone between itself and Afghanistan but also employed its tribesmen as a reserve force that has been deployed for insurgency operations in Indian-held Kashmir. Traditionally, FATA political representatives tended to side with whatever government was in power in Pakistan. But the lack of political participation has also created a sense of deprivation of rights and alienation from Pakistan proper. The intrusion of religion-based politics in the region has changed the situation now and the state can no longer rely on blind support from FATA representatives. The militants use their own interpretation of Islam as a binding and legitimizing force for their activities against the state.

The Rising Militancy

The balance has been swinging in favor of the militants and terrorists inside both Afghanistan and Pakistan. Afghanistan is now facing a dramatic change from insurgency to civil war, with the NATO- and U.S.-supported government losing control of larger swathes of territory.⁸ Pakistan too has lost its ability to manage FATA to its ends as it did in the past and is fighting desperately to regain control even over parts of the NWFP where home-grown militancy has created a parallel government of terror. In 2002 the regime of President and Chief of Army Staff Pervez Musharraf moved the regular Pakistan Army into FATA for the first time since the army was withdrawn after independence in 1947. Today there are the equivalent of six infantry divisions in the area, with a combined military force of some 120,000 made up of members of the Pakistan Army and the Frontier Corps (FC), a federal paramilitary force recruited mostly from the tribal areas. The movement of the military into FATA severely compromised the writ of the political agents, who are responsible for handling the tribes in the seven agencies and six FRs. The diplomatic manipulation that a political agent uses was replaced by a supra authority that damaged the political command and control system. Pakistan lost control, which was replaced by management through coercion. But it did not work and caused the fire of militancy to spread not only inside FATA but also into the settled districts of the NWFP.

Adding to the explosive mixture has been the presence of sectarian violence in FATA, specifically in the Parachinar area of the Kurram Agency, where a proxy war was waged for many years between Iranian and Saudi-supported Shia and Sunni forces. The conflict now is locally supported. The injection of Punjabi Sunni militants into the area has further worsened the situation, as have the links between those elements and al Qaeda. These Sunni militants from the Punjab were once the chosen vanguard of the officially trained and sponsored groups that Pakistan's Inter-Services Intelligence (ISI) directorate used to prime the pump of Muslim unrest in Indian-held Kashmir and thus to stoke the fires of resistance and conflict against Indian rule in that disputed territory. That patron-client relationship continued well into the regime of President Musharraf but of late has been severed, with evidence emerging that these groups have been implicated in attacks on even the Pakistan Army itself inside Pakistan proper. A global dimension to this volatile situation has emerged from the al Qaeda connection, with FATA now serving as a magnet for disaffected social and political rebels from Western societies (some British or Pakistani origin and some Germans) and escapees from the repressive regimes of Central Asia that have made FATA their home for training under the aegis of al Qaeda as well as for rest and recuperation from struggles inside

8. See, for instance, Anthony Cordesman's report *Losing the Afghan-Pakistan War? The Rising Threat*, CSIS, Washington, D.C., September 18, 2008.

their own countries. The Afghan Taliban and the TTP have concentrated their actions against the U.S. forces in Afghanistan or the Pakistan Army and civilian targets respectively.

The United States and its coalition partners in Afghanistan under NATO via the United Nations-mandated ISAF (International Security Assistance Force in Afghanistan) have been fighting on the military and economic front to help rebuild war-torn Afghanistan since 2001. Roughly 70,000 foreign troops are currently deployed, but not all are involved in military operations. Almost all the fighting against the Taliban is being done by the United States, Britain, Netherlands, and Canada. The rest of the forces have been operating under some 70 caveats imposed by their parliaments or governments against aggressive military operations. The United States shifted its focus from Afghanistan to Iraq soon after the invasion of Afghanistan in 2001 in the quest to rid Iraq of Saddam Hussein and eliminate the potential threat of suspected “weapons of mass destruction.” This move created despondency in the region, especially in Pakistan, which saw this move as a reprise of the U.S. withdrawal from the region following the 1989 retreat from Afghanistan of the Soviet 40th Army under Gen. Boris Gromov, leaving behind a messy civil war that affected Pakistan’s border regions as well and drew its intelligence service into action on behalf of favored surrogates inside Afghanistan.

Basic Perceptions and Realities

Certain basic perceptions and realities emerge from the experience of the United States in Afghanistan after 2001 and Pakistan’s foray into FATA:

- The United States went into Afghanistan without a comprehensive plan for winning the war beyond the military ouster of the Taliban (evidenced by its shift of focus to Iraq), or for the socioeconomic rehabilitation of the country after decades of war.
- The United States failed to see the proactive need to help Pakistan transform its own army and Frontier Corps into a counterinsurgency force or help equip and train them for that purpose; It has been in reactive mode ever since 2001.
- Afghanistan has shown no willingness to address the grievances of the Taliban against the excesses of the Northern Alliance forces in the wake of the U.S. invasion. This keeps the anger of the Taliban and their Pashtun supporters alive.
- The United States cannot win the war in Afghanistan without the full and willing participation and support of Pakistan, its army, and the general population, especially with a new civilian administration in place. It certainly cannot win by aligning itself to any one Pakistani leader, political or military, as evident in the past reliance on President and General Pervez Musharraf.
- The United States depends for more than 80 percent of cargo and 40 percent of its fuel in Afghanistan on transit shipments via Pakistan⁹; Uzbekistan has expelled the United States; and Russia has the ability to block overflights to reach Turkmenistan or Tajikistan and then into Afghanistan. The only other relatively shorter land route is via Iran from Chahbahar on the Arabian Sea. But U.S. hostility toward Iran makes that an impossible alternative. This severely limits the United States’ options in taking military action inside Pakistan that could provoke a backlash, including the closure of this supply route into Afghanistan.

9. U.S. Secretary of Defense Robert Gates, UPI.com, September 23, 2008.

- Pakistan, its army, and the ISI have maintained an ambivalent position regarding the Afghan Taliban, based on the twin supposition that the United States would exit the region yet again, perhaps after capturing or killing some key al Qaeda leaders, and that the Pashtun Taliban would return to power in Kabul. They would rather have a neutral or friendly Pashtun government in power, even if it is the Taliban.
- On its part, Afghanistan fears a Pakistani desire to maintain control over Afghanistan because of its land-locked status and as a “client” state.
- Another powerful and persistent perception inside Pakistan is that rival India has chosen to develop civil and military ties with Afghanistan and even to fuel militancy inside Pakistan in retaliation for past (and perhaps current) Pakistani support for militants in Indian-held Kashmir. Many Pakistanis see a conspiracy to encircle and weaken Pakistan in the region.
- Yet neither confrontation nor capitulation by Pakistan to U.S. interests in Afghanistan and FATA is the right approach. Rather, engagement and a joint effort to eliminate the militancies inside Afghanistan and Pakistan is the best approach.
- The Pakistan Army is seen as an alien force inside FATA. The Frontier Corps has lost its efficacy over the years. Both the army and the FC are ill-equipped and ill-trained for counterinsurgency (COIN) warfare. Compounding their difficulty is the fact that they are operating inside their own borders against their own people.
- The traditional system of governance inside FATA involving the government’s political agents interacting with largely compliant tribal maliks, who are on the official payroll, has been supplanted by a freer system under which renegade leaders have emerged and the religious leaders have taken on greater import. The old system cannot be restored in its entirety nor for the long run.
- No plan for FATA will work unless it involves the local people and they are given a responsible role in its implementation. However, all efforts will need to be made to ensure that the traditional “leakage” of funds or resources to the privileged few is prevented or reduced and that there is equitable sharing of opportunities and finances.

Pakistan’s Role and Concerns

The United States and its NATO allies have been pressing Pakistan to do more to stop the Afghan Taliban and al Qaeda from seeking sanctuary in FATA and the northern reaches of the NWFP after the U.S. invasion of Afghanistan in 2001. To sweeten the incentive, the United States since 2001 has provided more than \$10 billion subvention to Pakistan to offset the cost of moving troops into the region. (The Pakistan Army now maintains that most of these financial flows did not, in fact, go to the army but were absorbed by the Ministry of Finance during the regime of General Musharraf for budgetary or balance of payments support. The army calculates that it received no more than \$300 million of U.S. Coalition Support Funds in 2008.¹⁰) The United States has also offered to help Pakistan retain and re-equip the Frontier Corps and even the regular army. Pakistan undertook to train the FC first. And agreement was reached among Pakistan, Afghanistan, and the United States to set up coordination mechanisms. But the United States suspects and alleges that

10. Interviews by Shuja Nawaz with senior Pakistan Army officials.

Pakistan has not done enough because it continues to support the Afghan Taliban or elements of the ISI continue to look the other way, if not actually assist these Taliban in their missions inside Afghanistan. Following growing attacks in Afghanistan, the United States moved to send in drones to attack selected targets inside FATA and on September 12, 2008, launched an incursion with Special Forces that landed helicopters near Angoor Adda in North Waziristan and attacked a suspected militant hideout inside Pakistani territory. Immediately, Pakistan stopped the passage of supplies to the United States and NATO via the Khyber Pass, ostensibly for security reasons and nonpayment of tolls. But the point was made, and U.S. troop movement into Pakistan stopped for the time being. A perception emerged inside Pakistan that the United States wished Pakistan to fight militancy on the border to aid U.S. efforts in Afghanistan. In other words, Pakistan was being forced to fight “America’s war.”

Adding to this is an abiding fear in Pakistan is that the United States will vacate Afghanistan again before the country is stabilized politically and economically and Pakistan will have to bear the brunt of the costly and bloody blowback of that move. In many ways that blowback from the U.S. invasion of Afghanistan has already started with the rise of Talibanization inside Pakistan and the terrorists taking the battle to the heart of Pakistan’s capital, Islamabad, and even targeting the army’s soft targets in different “cantonments” or military reservations.

Compounding the difficulty of Pakistan in collaborating with the U.S. and other foreign forces inside Afghanistan is the long-standing dispute of the Afghan government with the Durand Line, which it sees as an artificially imposed border by the British¹¹. Without recognition of the Durand Line as the border, Pakistan-Afghanistan collaboration cannot take place as effectively as it could if the border were officially sanctioned and could serve as the basis of collaborative efforts to seal it from both sides.¹² Currently some 1,000 border posts on Pakistan’s side attempt to monitor movement across this difficult and porous border. Pakistani military sources maintain that only 84 coalition and Afghan National Army border posts exist on the Afghan side. The tribes that straddle the border do not recognize the border as anything more than a bureaucratic hindrance to their movements for family and tribal functions and relationships. Indeed, the so-called refugees from the Afghan-Soviet War, some 1.5 million of whom still reside on the Pakistan side of the Durand Line, resent being called “refugees,” as they believe they are living in their own *vatan* or homeland.

As mentioned above by Burki, Afghans historically tend to coalesce against any foreign occupying force. Though divided into strong ethnic regions and tribes and subtribes to whom Afghans show strong allegiance, Afghanistan is one of the few countries in the region with a strong sense of territorial unity resulting from a historically autonomous provincial system of government with a weak central authority, having been a conjoined political entity for almost 200 years. Before

11. The history of the Durand Line that was set in 1893 is often forgotten in the current contretemps between Afghanistan and Pakistan about this boundary. Indeed, the Afghan ruler or amir, Abdur Rehman Khan, invited the British to help demarcate the border, leading to Sir Mortimer Durand’s expedition under orders from the Viceroy, Lord Lansdowne. Afghan clerics opposed their amir’s decision, and he too realized he would lose large areas of his tribal territory: Chagi, Toba Achakzai, Kakar Khorasan, Waziristan, Kurram, Tirah, Khyber, Mohmand, Bajaur, and Chitral. The survey of the border began in 1894 and lasted two years. The Mohmands refused to allow the actual survey work to be conducted because the proposed line would have cut their tribe in half, leaving the boundary in that agency between Shilman and Nawa unmarked to this day. (Details courtesy of a background note prepared by the late Lt. Col. M. Yahya Effendi (ret.).)

12. A formal border would allow the setting up of officially sanctioned border crossing points and eliminate the current free movement across the border. Anyone not using a formal crossing point could then be easily targeted as a militant.

Table 3. FATA Agencies and Tribes

| Agency | Major Tribe | Nature of Trouble |
|------------------|------------------------|-------------------------------|
| Bajaur | Tarkani, Utmankhel | Militancy |
| North Waziristan | Utmanzai Wazir, Daur | Militancy and tribal conflict |
| South Waziristan | Ahmedzai Wazir, Mehsud | Militancy |
| Khyber | Afridi, Shinwari | Militancy |
| Kurram | Toori, Bangash | Sectarian |
| Mohmand | Mohmand, Safi | Militancy and tribal conflict |
| Orakzai | Orakzai | Tribal conflict |

Source: Adapted, with permission, from Centre for Research and Security Studies (CRSS), Islamabad, Pakistan.

the arrival of the Taliban as an Islamist force that wanted to meld the different tribes into a single religious agglomeration, Afghanistan worked as a nation through a national compact or *meesak-e-milli* that recognized the pluralistic nature of the country and ceded the central role of government in Kabul to a ruler from the Durrani tribe.¹³

Understanding FATA Society and Dynamics

While it is tempting to consider FATA as a single entity, it would be a mistake to do so. Each of the seven agencies within FATA has its special tribal, geographic, socioeconomic, and religious characteristics and these affect the level and nature of the militancy in each. (See Table 3, FATA Agencies and Tribes.) And FATA as a whole, as was shown in Table 2, is on a much lower level of socioeconomic development than the rest of Pakistan, even the North-West Frontier Province. Most of the agencies contain a dominant tribe, with well-defined subtribes and clans that demand primary and absolute loyalty. While recent developments have created fissures in these tribal structures, with religious leaders and transregional leaders such as Baitullah Mehsud emerging in FATA, tradition continues to play a part in individual and group decisionmaking. In religious terms alone, there is a loose definition of Islamic traditions mixed with tribal customs often dominated by interpretations by local mullahs, or religious leaders, who themselves belong to different sects or subsects of Islam. Predominantly Sunni, the inhabitants of FATA are further split among the Deobandi and Bareilvi schools of jurisprudence. A small but powerful Shia minority in the Parrot's Beak area of Parachinar in the Kurram Agency has been the target of Sunni attacks, adding another layer of complexity to the troubles in the region.

Shia-Sunni conflict has produced more than 1,500 deaths in the Kurram Agency,¹⁴ with the Shia coming under attack from the Sunni locals aided by Punjabi militants belonging to the

13. Interestingly, even Afghan president Hamid Karzai belongs to a subtribe of the Durrani. Elements of this tribe have held leadership positions in Pakistan as well.

14. 1,500 killed and 500 injured. As reported by *News International*, October 9, 2008, <http://www.thenews.com.pk/>.

Sipah-i-Sahaba, Lashkar-e-Jhangvi, and other extremist groups once trained by the ISI for war in Kashmir, as well as the Taliban from South Waziristan. This conflict has its roots in history, going back to the creation of the Durand Line between Afghanistan and British India. Currently some 40 percent of the 500,000 inhabitants of Kurram are Shia belonging to the Turi tribe. The dominant Sunni tribes are Mangal and Bangash. Over time, the influx of Afghan refugees during the Soviet invasion tilted the balance in favor of the Sunnis. Although the Shia initially aided the Pakistan Army in tracking down the Taliban and al Qaeda escapees from Tora Bora in Afghanistan, during the more recent sectarian clashes, the government forces have not intervened on their behalf, blaming the violence on mysterious “foreign hands.” The Sunnis termed the Shia traitors and agents of the United States and the Punjabi-dominated Pakistan Army and made them the target of horrific attacks and punishment. These included beheadings that were videotaped, with DVDs of those actions distributed widely to spread terror among the population of the region. Frustrated in their inability to get help from the authorities, the Shia have turned to Afghanistan for succor, relying on Afghanistan as an escape route and also as a supply route for food and other essentials that cannot reach them through the Kurram Agency.

Role of the Mullahs

Traditionally in Pashtun areas, tribal mullahs or clerics did not have a lot of political authority. They often sat outside the circle at a tribal gathering or *jirga* and were asked only to lead the prayers for success of whatever course of action was decided by the maliks¹⁵ or elders at each meeting. If a tribal area was threatened by outside invasion, mullahs might be called on to rally the tribesmen and lead a jihad in response. But for the most part, the mullahs were impoverished and illiterate, and they depended on the maliks to provide them with both income and security (for example, by protecting their mosques from raiders). The mullahs did not have an independent political voice.

This changed radically starting in 1979. At that time, Pakistani leaders feared that two outside influences could challenge state security: growing extremist Shiite influence in the region that resulted from Ayatollah Khomeini’s revolution in neighboring Iran, and the large presence of Soviet forces in Afghanistan after December 1979. Pakistan feared that the Soviets might rekindle the Pashtunistan idea of a separate homeland for the Pashtuns of Afghanistan and Pakistan and prepare the ground for territorial control and access to the warm waters of the Arabian Sea and Indian Ocean. As a result, Pakistan poured state and private money and armaments into a variety of largely Sunni mujahideen movements. Iran supported the Shia mujahideen on the Western border of Afghanistan. Soon Pakistan’s efforts were supported by huge influxes of money from Saudi Arabia and the United States; eventually \$6–\$8 billion would be distributed to the clerics waging jihad.¹⁶ For the first time in history, the mullahs were not dependent on the maliks for their survival.

The Pakistani Inter-Services Intelligence directorate believed that it could control how these funds were used by setting up a group of “official” mujahideen parties, much as the British had

15. As mentioned earlier, *maliks* are not tribal chiefs but elders, many of them appointed by the government and placed on the official payroll in return for services. Some have hereditary positions. Others are “elected” from within their own tribes and function as equals in tribal gatherings. The titular head of a tribe is more often than not a *primus inter pares*.

16. Michael Bhatia and Mark Sedara, *Afghanistan, Arms, and Conflict* (London: Routledge, 2008).

set up official hereditary maliks. But over time, these movements mutated out of state control. Within a decade, the mujahideen infighting and chaos had spawned the Taliban¹⁷ in 1994—a movement of radical madrassa (religious school) students who were willing to work with the Pakistani state when it served their interests, but also able to undermine that same state when Pakistan threw its lot in with the United States in the war against al Qaeda. International support continued long after the United States and Saudis lost interest and the Soviets were driven out of Afghanistan. Some foreign funds were given to the mullahs by sympathetic Pakistani emigrants in the West, particularly in the UK; more recently, the work of the militants has been financed by the rent and service payments they receive from the al Qaeda operatives they have helped hide inside the FATA, smuggling, drug-running, and collection of “taxes” in the areas under their control. Once again, outside funding that was intended for a particular short-term political purpose provoked lasting and unintended social consequences that undercut the intentions of its original financiers. In recent years these mullahs have adopted a “Kalashnikov culture,” heading up militias that enforce their obscurantist interpretations of Sharia law even in villages and city neighborhoods beyond FATA, in the nearby settled areas of Pakistan. They have killed more than 600 maliks¹⁸ in the past two years, and they regularly lead deadly raids against military and police installations. Adding to the militancy is the presence of remnants of the Maoist Mazdoor Kissan Party that is fueled by unhappiness with the unequal distribution of land in the region.

U.S. Actions in Afghanistan and the Region

Another element in the increasing disaffection inside FATA and the NWFP has been the ratcheting upward of U.S. actions along the border and inside that region. Unmanned aerial vehicles (UAVs) or drones launched from Afghanistan have been regularly used by U.S. forces to target specific al Qaeda and other targets inside FATA with Hellfire missiles. While these attacks have been successful in many cases in eliminating their intended targets, in some case they have produced collateral civilian damage and deaths of innocent women and children. This has created a huge backlash among the tribesmen and even among the general population of Pakistan. Statements from U.S. leaders about reserving the right to pursue and attack Taliban and other targets inside Pakistan have further set local populations and even the Pakistan Army against the United States, as all such actions reflect badly on the armed forces of Pakistan and their ability to protect the borders with Afghanistan.

Pakistan has been either unable or unwilling to stop the cross-border activity of Taliban and allied forces operating out of FATA. Apart from the lack of capacity of Pakistani forces, there are signs that local tribal ties and ambivalence of Pakistani intelligence operatives inside FATA toward Afghan Taliban or mujahideen commanders may be responsible for the inability of Pakistan to control these militants.

The United States, for its part, believes that it is owed support and allegiance by the Pakistani army and other forces because it has covered the costs of moving the 120,000 Pakistani troops into FATA. Pakistan measures its costs not only in the movement of troops and loss of public support

17. *Taliban* is the plural of *talib* or student or more generally someone who seeks knowledge. This collective name of the group has begun to be used erroneously often as a singular noun in the West, for example when referring to a single person as the “American Taliban.”

18. Khalid Aziz.

for its action but also in deaths of more than 1,300 soldiers since the army moved into FATA and adjoining areas in the NWFP.

The lack of a single U.S. commander in charge of the fighting inside Afghanistan means there are often conflicting tactical and strategic considerations at play, especially in dealing with Pakistan. The U.S. Central Intelligence Agency controls many of the drones that attack inside Pakistan. At the tactical level, the relatively small number of U.S. forces in Afghanistan produces frustrations for local commanders, leading them to attack Pakistani positions in areas from where they see attacks being launched into Afghanistan by the Taliban. Inside Afghanistan, the absence of an exit strategy has prolonged the conflict and thus not allowed the allies (and the Afghan government) to shift the blame on to the Taliban for not agreeing to negotiate a solution to the war.

As stated earlier, the United States wants Pakistan to “do more.” There is some basis for this stance. The United States sees Pakistan as taking action selectively against some but not all militant groups and certainly refraining from attacking those Afghan Taliban who seek sanctuary inside FATA but do not fight against the Pakistan military. The perception on the Pakistani side is that the United States wishes Pakistan to “do all!” Civil and military officers state that the United States has not devoted the quantum of force inside Afghanistan necessary to turn the tide militarily against the insurgency or attempt to seal the border from the Afghan side. Some also believe that the U.S. presence in Afghanistan fuels the militancy inside that country and Pakistan. The Afghan National Army (ANA) of roughly 80,000 is also not seen as trained enough to take on the fighting or the patrolling effectively. The strong perception in Pakistan is that the ANA is predominantly composed of non-Pashtuns and therefore unwelcome in the nine largely Pashtun provinces that abut the Pakistan-Afghanistan border near FATA.

While the United States has attempted to set up collaborative mechanisms to bring Pakistan, Afghanistan and U.S. or NATO forces together, this effort did not begin in earnest until some five years after the invasion. After much discussion and debate and foot dragging on the Pakistan side, plans were finalized to set up Border Coordination Centers (BCCs) and to train trainers who would then train members of the Frontier Corps inside FATA. Only one BCC had been set up by fall 2008, and the training program of selected Frontier Corps trainers had just begun in October. Some progress in cooperation was evident when Gen. Ashfaq Pervez Kayani, the Chief of Army Staff of Pakistan, attended a meeting of the tripartite commission in Kabul in August 2008 and hosted another meeting the next month in Rawalpindi. Despite Pakistan’s complaints against the United States for its lack of support, a key factor hindering Pakistan’s ability to fight the insurgency has been its own forces’ lack of training and indoctrination for fighting an insurgency inside its own borders. Still clinging to its self-image as a conventional army, Pakistan’s military has not fully accepted the need to change to counterinsurgency mode. Although its commanders in the field have shown the capability for learning by doing, Pakistan still needs to make a concerted effort to accumulate the lessons from the field and incorporate them into a doctrine.

2

ISSUES AND ANSWERS

The Afghan Taliban and Their Role in FATA

The Afghan Taliban rely on tribal ties to set up bases inside FATA. The Haqqani network, for instance, uses North Waziristan as its refuge from the war inside Afghanistan. Here it benefits from tribal loyalties, even from the Frontier Corps' lower ranks, who are, after all, often members of the same Wazir or Daur tribes of that agency or from FC units from other FATA agencies. Similarly, Gulbuddin Hekmatyar also has well-established links inside FATA, dating back to his days as a rebel, trained and equipped by the ISI against the communist Afghan government and later against the Soviet forces in Afghanistan. He also has well-developed ties to old ISI hands from the Taliban era. These ISI hands are often recruited as contractors to develop intelligence and maintain ties at local levels by the novice army officers rotated into ISI from the regular ranks of the Pakistan Army. (Many of the Soviet-era ISI hands are now less active and effective in dealing with Taliban fighters, many of whom were not even born when the Soviets entered Afghanistan in 1979.) Cleverly, the Afghan Taliban have chosen not to enter the fray against the Pakistan Army or state in most of FATA, except Bajaur where an Afghan is leading the militants. The army may have returned the favor. The FC certainly finds it difficult to attack the Afghan Taliban who may be fellow tribesmen, creating a paradoxical situation with regard to the sealing of the border. U.S. observers on the Afghan side believe that FC personnel either do nothing or sometimes provide covering fire for ingress or egress of Afghan Taliban fighters. One reason for the inefficacy of the FC border posts is that they are isolated and poorly manned and cannot be defended against concentrated attacks by militants. FC soldiers find it wiser sometimes to look the other way when well-armed Taliban bands cross the border near them. These deficiencies are being addressed jointly by Pakistan and the United States.

Inside Afghanistan, the Taliban have increased their area of influence, often with local support. Their financing is robust, with money likely coming from a thriving opium trade and "taxes" imposed by local warlords, and contributions from the Pashtun diaspora and Arab supporters in the Middle East. The inability of the Afghan government to successfully draw the Taliban into talks on governing the country and thereby separating the extremists from the moderate elements in the movement has allowed the conflict to continue. Talks between the Afghan government and the Taliban in Saudi Arabia late in 2008 offer some hope of a change that may help dilute the strength of the Taliban. Historically, the Taliban resist instructions from any foreign government, Muslim or non-Muslim.

The Tehreek-e-Taliban-e-Pakistan and Other Militant Groups

Many people in the North-West Frontier Province of Pakistan retain positive associations regarding the Taliban movement of the 1990s, which they saw as bringing stability and traditional Pashtun values to Afghanistan after years of civil war. Their view of the contemporary Taliban movement in Afghanistan is somewhat more complex but still largely positive. There is a great deal of confusion, however, about Pakistani Taliban groups such as the TTP. On the one hand, their criminality and willingness to resort to suicide attacks against other Muslims belie their Islamic message; on the other hand, their violent resistance against the Pakistani state is unsettling to many Pashtuns in both the settled and the tribal areas of the frontier.

Baitullah Mehsud, who originated the idea of the TTP in South Waziristan and broke out of the normal boundaries of tribal leadership and the confines of his native area in South Waziristan, has created a transregional movement. He has aligned himself with different disaffected local groups and even some criminal elements to produce a network of militants across the NWFP and FATA and has been linked to operations inside the settled areas of Pakistan. He faced initial difficulty in recruiting for his movement but admitted to a journalist that U.S. Predator attacks that killed civilians helped his recruitment efforts tremendously: “I spent three months trying to recruit and only got 10–15 persons. One U.S. attack and I got 150 volunteers!”¹ The TTP faces some local opposition from other militant groups, including Mullah Nazir in South Waziristan, who is Ahmedzai. The Mehsuds largely stayed away from the insurgency in 2003–2004 led by Nek Mohammad Wazir.

In the Khyber and Mohmand areas, other local militant groups have been fighting each other, some even under the guidance of the ISI and other official sponsors with a view to keeping them occupied and away from any alliances with the TTP. The reasons for these skirmishes are often local, criminal, or for control of local markets and “taxes” on commercial activities. In some cases the fighting is based on differences of opinion on religious dogma (Deobandi versus Barelvi schools of Sunni Islamic thought, for example).

The rise of ad hoc anti-Taliban *lashkars* (militia) in recent months, and the relatively muted response of the public in the NWFP to the military’s operations in Swat, Bajaur, and Mohmand, suggest that the tide of public opinion may be slowly turning against the insurgents. Now that the sheer criminality of these insurgent groups is becoming widely known and acknowledged, public patience is wearing thin. The government of Pakistan has wisely begun to refer to these Taliban groups as “criminals” and “dacoits” (quaint old Anglo-Indian term for robbers, derived from the local word *dakoo*), refusing to brand them with religious labels. Another quaint old English term, “miscreant,”² has been in vogue in the Pakistan Army since 1971, when the independence-seeking Bengalis were labeled as such. The religious basis of this word may not be the reason it was chosen this time by the military spokesmen, but most Pakistanis and even audiences in English-speaking countries around the world have a hard time understanding this outmoded term! This convergence between the discourse of the state and that of the common people vis-à-vis the insurgents is an important and positive development.

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1. Based on an interview that Baitullah Mehsud gave to Iqbal Khattak of the *Daily Times* (Lahore).
 2. Middle English word for disbeliever or heretic.

Current Developments in FATA and the NWFP

Local communities are beginning to mobilize against militant groups. This is happening sporadically, in places like Bajaur, Dir, Buner, and Peshawar, but it has made quite an impression on provincial elites. Citizen mobilization programs have the potential to play an important role in counterinsurgency (COIN) efforts in the Frontier, since most communities have both the legitimating mechanisms (*jirgas* or tribal conclaves) and means (small arms) to mobilize quickly. The U.S. government might want to consider ramping up support for provincial programs that can take advantage of this trend, including the training of well-equipped, rapid-response police forces that can be deployed in support of citizen groups, while ensuring that these efforts are not seen as American-managed but as locally managed. The emergence of tribal *lashkars* in Bajaur against militants in the fall of 2008 was a sign of the success of this movement. Yet there is a potential danger that the leaders of these groups may become independent local warlords, equipped by the state.

The provincial government has gained a measure of public support for anti-insurgent operations. The Awami National Party-led government's attempted peace deals in Swat succeeded by failing. Even though the deals in Swat with the Tehreek-e-Nifaz-e-Shariah-e-Mohammedi (TNSM) and the TTP fell apart rather spectacularly, they were both necessary and productive: by demonstrating a good-faith effort, the government won substantial public support for more kinetic operations of the kind that are currently being conducted in Swat by the army and in the Bajaur agency by the Frontier Corps. The ANP-led government, however, remains vulnerable on a number of fronts. Most directly, Taliban groups have begun specifically targeting the ANP in an attempt to weaken its resolve. Targeted actions against ANP politicians and their families, as well as ANP-affiliated businesses, have already caused a number of party workers to dampen their public rhetoric and question more aggressive action against the militants. On the political front, the ANP is highly vulnerable on the "right" from religious parties and from the factions of the mainstream Pakistan Muslim League. If the security situation does not improve noticeably in the next six to nine months, this government may be in trouble.

The United States can also help Pakistan develop a comprehensive communications strategy to counter the militants' propaganda. Lack of access to speedy justice, tentative responses by police to insurgent activity, and dysfunctional systems of local government are all important secondary drivers of the Taliban insurgency in the Frontier. The U.S. government should do an initial needs assessment with the government of Pakistan to see if there are any practical ways that the United States and the international community could support targeted justice reform efforts.

Fighting Militancy in the Frontier Region

Although the militants in FATA and the NWFP have tried to paint their struggle in Islamic terms, at heart the issues that have spawned unrest and violence in the region are economic and political. The extended neglect of the needs of the local population for economic development and political voice has made FATA an area that is ripe for militancy as a means of asserting the rights of its inhabitants. The traditional system of political administration and intermediary maliks was riddled with corruption with resources diverted by the privileged maliks to their own uses rather than to the needs of the tribes. The political agents and the government were complicit in these arrangements, as they used bribery and corruption to further their control over the maliks and the tribes

in FATA. It was common knowledge that many maliks and other leaders of the tribal communities had established residence in Peshawar, Kohat, Bannu, Hangu, and even Islamabad. They and their families were on the official dole and often served as “ghost” employees of various government-sponsored projects. A celebrated recent case challenged the credentials of a member of the National Assembly from FATA who continued to be shown as a caretaker of a local government school. Pakistani rules prohibit anyone in government service from being able to contest elections for at least two years after retirement or separation from such a post.

Interaction between FATA tribesmen and their counterparts in the settled areas of the NWFP and Pakistan proper provided evidence of the vast economic and social disparities that exist between FATA and the rest of Pakistan (as was shown in Table 3 in chapter 1). Such disparities as literacy rates (almost 44 percent for Pakistan as a whole versus 35.4 percent in the NWFP and 17.4 percent in FATA) provide fertile ground for militancy in the name of religion and social justice. Tribesmen who traveled to the settled areas found it hard to compete with their brethren for jobs in the marketplace or places in higher educational institutions.

Making the sense of deprivation of the local population worse is the continuation of an anachronistic legal system that operates in FATA. The Frontier Crimes Regulation (FCR) inherited from the British applies in FATA. Not that the criminal justice system of Pakistan provides speedy justice to Pakistanis in general. However, onerous local rules that apply colonial solutions and punishments to crimes committed in FATA persist under the FCR. For example, a whole tribe may be held responsible for the actions of an individual. This has helped the militants gain favor among large numbers of disaffected people who see such rules as unfair and unjust. While the new civilian government announced its intention to amend the FCR, progress has been slowed by locally vested interests, including FATA’s current representatives who would tend to lose some of their influence if the system of governance were to be changed.

Changes within FATA

Pakistan used FATA as a buffer zone between itself and Afghanistan, and so long as troubles remained confined to FATA they did not concern the government deeply. That situation has changed now with violence and militancy spilling over into the settled areas. FATA can no longer be compartmentalized.

The separation of FATA from the government of the NWFP also makes it difficult to treat militancy in both FATA and the NWFP in a coordinated manner, with FATA being managed from Islamabad via the Governor’s House in Peshawar rather than from the provincial government of the NWFP. Economic planning is also complicated, since FATA has a separate secretariat and a separate development plan that is not easily dovetailed into provincial efforts.

Certain basic changes have occurred in FATA that need to be recognized and dealt with:

- The weapons balance has shifted. Except for tanks and airplanes, insurgents all have good weapons and communications systems, including satellite phones.
- Insurgents are very mobile, relying on all-terrain double-cab pickup trucks, often smuggled in from Afghanistan.
- Demographic pressure in FATA has emerged from a rising “youth bulge” that is largely

unemployed and ripe for conversion to the mission of the militants.³ New power centers have emerged within each agency, as local warlords have supplanted traditional tribal maliks. FATA is no longer an isolated area. It contains big towns now. Miranshah, in North Waziristan, for example, with a population of 70,000, is ten times the size of the newly famous town of Wasilla in Alaska. The chain of tribal command has become less clear as a result of the changes in the demographics and resultant social dynamics of FATA.

- The Frontier Corps was built for a peacetime environment for policing activities not to fight a counterinsurgency campaign. They need local officers, not officers imported from the Pakistan Army, as well as better training and heavier weapons systems.
- Administrative reforms are now a compulsion. The electoral system needs to be revamped also, tying the region to the NWFP perhaps or giving it a status similar to the provincially administered tribal areas, or PATA.

U.S. Development Assistance for FATA

The recent shift of emphasis to economic development with assistance from the United States to the government of Pakistan represents a late realization that economic and political development are symbiotic. The flow of funds has been much delayed, however, and is proceeding at a trickle. Complicated project implementation procedures of U.S. AID (designed to ensure proper use of funds) and staffing shortages in the FATA Secretariat, as well as the inability of secretariat staff to operate in individual FATA agencies because of security considerations, make the whole process sclerotic and slow. Economic and social development requires a presence in the field and an ability to draw the local population into the process of selecting projects and helping implement them, not basing them on academic approaches crafted in Washington or Islamabad. According to local officials, one of the most effective elements of the United States' development effort is operated by the Narcotics Affairs Section of the U.S. embassy in Islamabad, which has been in the field since 1987 and has a strong presence in and knowledge of FATA, especially in Bajaur, Mohmand, and Khyber agencies. It has helped Pakistan eradicate poppy cultivation and its effectiveness is based on its relatively simple processes and action-oriented approach.

Some successful though small projects along these lines have been launched by the Office of Transition Initiatives (OTI) of USAID. These have provided funding to the government of Pakistan for specific projects, such as the provision of non-food items to internally displaced persons in Tank, just outside FATA, and involving the local community in Hangu to oversee a development project. But OTI has yet to replicate these efforts inside FATA. According to Pakistani officials some 30–38 percent of OTI financing actually reaches the affected people at the ground level in the area. USAID maintains that only 20–30 percent of project funds do not actually reach the target populations and some of these are spent on hiring locals to help administer the project. Moreover, the FATA Secretariat does not have the staff to audit or monitor projects effectively. The Annual Development Programme for FATA has grown from Rs. (Pakistani rupees) 1 billion in 2001 to Rs. 7–8 billion in 2008. This is roughly equivalent, however, to only \$103 million, a small proportion of what the region needs and minuscule when compared to the cost of waging war in the region.⁴

3. Some 15 percent of the population of FATA falls into the youth category.

4. It costs \$343 million per day for the war in Iraq. http://www.nationalpriorities.org/costofwar_home, accessed October 3, 2008.

Regardless of these issues, a key factor in the eventual success of all development efforts inside FATA remains the ability of local actors, including governmental bodies, to deliver most of the aid from domestic and overseas sources to the recipients and to reduce the leakage that occurs en route. There is much finger-pointing between military and civil authorities about the preponderance of aid money being spent on acquisition of vehicles and setting up offices rather than delivering services to the needy inside FATA. Lack of security has also deterred civilian officials from venturing deep into the territory to assess and meet needs.

Political, Economic, and Social Development Challenges in FATA

Most studies dealing with the tribal areas explain the developments of the last two decades by focusing on the external factors without taking into account the local dynamics. The importance of external factors should not be underplayed, but they can only work in a conducive atmosphere. By focusing on one key part of FATA—Waziristan—that has become the center of militancy, we can understand the major factors at play in fostering the rise of militancy.⁵

The Talibanization of Waziristan might be analyzed as the outcome of a social movement among the Wazir tribesmen that started in the 1970s and was accelerated in the post-9/11 context by the emergence of “tribal entrepreneurs” who took advantage of a change of political opportunities and of their access to resources to contest the traditional tribal leadership. It is a movement of the *kashars* (the young, the poor, and those belonging to minor lineages) against the *mashars* (the tribal elders) and the political agent and also a movement of the *kashars* against those who have an interest in the status quo, namely the “mafia” of maliks, transporters, and traffickers. (See also box, Changes in the Demographic Structure of Waziristan, on page 24).

After Pakistan’s declaration of independence in 1947 and the withdrawal of military forces from FATA, there was an increase in lawlessness in Khyber and Kohat pass. Jirgas of all the important tribes were held by Sir George Cunningham, the governor of the NWFP, to reach agreement with the tribes to accept the new government of Pakistan as their suzerain on the same terms as had existed with the British. Finally an all-tribal jirga was held with Muhammad Ali Jinnah, the founder and first governor general of Pakistan, on April 17, 1948, at the Government House, Peshawar, which was attended by 200 maliks from all the tribes. The tribes pledged their allegiance to Pakistan and re-stated their determination to win Kashmir for their new country. They also requested that they be placed under the direct administration of the central government. The request was met when on July 6, 1948, the governor general created the new Ministry of State and Frontier Regions and personally took over responsibility for the tribal areas.

There has been little change in the administrative setup of Waziristan since the creation of the agencies of North and South Waziristan during British rule⁶. This area, which is geographically, economically, and socially at the extreme periphery of Pakistani society, has been historically independent of any central authority due to its inaccessibility. After partition, the federal government

5. This discussion is based on an unpublished paper in French by Mariam Abou Zahab (see About the Authors at the end of this report).

6. The Wazirs opposed the demarcation of the Durand Line in 1893. A *lashkar* led by the famous Mullah Powinda attacked the army camp in Wana. A punitive operation was launched and in 1895 political agents were posted to Miranshah and Wana. North Waziristan and South Waziristan were thus constituted.

continued to deal with the maliks through the political agent and the system of allowances and subsidies has survived⁷. In 1996, the caretaker government of Malik Miraj Khalid introduced universal adult franchise in the tribal areas. A large number of candidates contested elections in 1997 and in October 2002; these elections, however, were held on a non-party basis in the tribal areas. The introduction of local government institutions under the Pakistan Devolution Plan of 2000 and the FATA reform plan announced in January 2002 by President Musharraf was shelved due to the war on terror, as the government thought that a centralized command structure was more suitable for the military operations. The tribesmen were not given any representation in the NWFP assembly during the October 2002 election, judicial powers were not separated from the executive powers and the necessary amendments were not made in the Frontier Crime Regulations of 1901.⁸ In October 2008, the new civilian government began drafting changes to the FCR to give a right of appeal against decisions of the political agents heading each tribal agency or the district coordination officers (DCOs), the administrative heads of local districts.⁹

The Emergence of an Alternative Leadership after 9/11

The introduction in 1996 of adult franchise—although without political parties—was meant to bring tribal areas into the mainstream. The participation of the general tribal population in the general elections of 1997 eroded the power and authority of tribal elders.¹⁰ Before, members of parliament were chosen by the jirga. The maliks had political influence and could get rich; the political system was centered on them and its effectiveness was linked to the competency of the political agent. The system was strong as long as the institution of the maliks was strong, but maliks are no longer the representatives of the tribes. An alternative leadership, more charismatic and with access to considerable resources, has emerged from the war and filled the vacuum. The October 2002 elections saw the destruction of the base and the power of maliks; mullahs linked to the JUI-F were elected as members of parliament.

After the U.S. intervention, foreign militants, Taliban, and others who fled Afghanistan entered the tribal areas and a sizeable number of foreigners settled in Waziristan where they developed deep links with Ahmedzai Wazirs. From 2003, Waziristan, described by Ahmed Rashid as “al Qaeda central,” has been the focal point of the militant activities. But their contribution to the overall Taliban operations inside Afghanistan is not as large as widely assumed. Apart from local Taliban inside Afghanistan, operations from Baluchistan are also significant.

After the arrival of al Qaeda, unemployed locals —“tribal entrepreneurs” —discovered the lucrative business of harboring foreign militants, which became a source of extra money. They rented compounds for shelter and training camps and provided food at inflated prices, which was a way of gaining influence. Criminals have joined them because of the tremendous influx of Arab money.

7. For details about the FATA reform plan and the role of the political agent and the law enforcement system, see Pervaiz Iqbal Cheema and Maqsoodul Hasan Nuri, eds., *Tribal Areas of Pakistan: Challenges and Responses*, Islamabad Policy Research Institute (IPRI) / Hanns Seidel Foundation, 2005.

8. Ibid.

9. Nasir Iqbal, “Cabinet Panel Suggests Drastic Changes in FCR,” *Dawn*, October 14, 2008, <http://DAWN.com>.

10. Irfan Ghauri, “Adult Franchise System in FATA Put Clerics in Parliament: ISPR DG,” *Daily Times* (Lahore), July 27, 2006. Eight members of the National Assembly (MNAs) were elected, seven of them for the first time. Maulana Noor Mohammad was elected in South Waziristan.

Changes in the Demographic Structure of Waziristan

Changes in the population of individual agencies in FATA have had a significant effect on local conditions and conflicts. According to the 1998 census, North Waziristan had approximately 360,000 inhabitants, an increase of 51 percent from 1981 to 1998, while South Waziristan had 430,000 inhabitants, an increase of 39 percent over the same period.¹ Half of the population of North Waziristan belongs to the Wazir tribe, and one-third are Dauris, a minor tribe; this proportion has been stable for the last three decades.

The situation in South Waziristan is very different. Traditionally, 75 percent of the population were Mehsuds and 25 percent Wazirs, the most important clan being the Zalikhels, a subtribe of the Ahmedzai Wazirs, who have links with Afghan tribes across the Durand Line.² According to the population census of 1972, the Mehsuds numbered about 250,000 and the Wazirs 50,000. Since 1981, however, the number of Mehsuds has constantly declined while the Wazir population has kept increasing³ and is now on par with the Mehsuds. The Mehsuds have achieved an impressive literacy rate and produced scores of civil servants and military officers. They have joined the mainstream Pakistani society and moved to the settled areas of Tank and Dera Ismail Khan. Many of them have also settled in Karachi. Well-placed in the power hierarchy of the state, these expatriate Mehsuds are inclined toward integration in the state rather than separation from it.

The rivalry between Mehsuds and Wazirs for control of the resources of South Waziristan goes back to the period preceding partition. Although they were the largest tribe in South Waziristan, the Mehsuds are described in colonial literature as the junior lineage among the main Wazir tribes and therefore having the worst land and living in the most crowded conditions, which partly explains why they looked southward.

In the 1950s, at a time when the Wazirs were in the minority, a peace deal was struck and the political administration introduced the *nikat* (loss and profit sharing) system on the basis of population: the Mehsuds were given three-fourths of the share of resources and development funds and the Wazirs one-fourth.⁴ The government continued to follow this system in spite of the Wazir tribe's demand to do away with it. In December 2004, an

1. For detailed statistics on FATA, see <http://www.nwfpbos.sdnpc.org/fds/2000/6.htm>. Official estimates for 2002 give a figure of 401,000 for North Waziristan and 467,000 for South Waziristan.

2. The Zalikhels are famous for their resistance against the British. They were instrumental in Nadir Shah's success in capturing Kabul in 1929, they were used to crush a rebellion in Kohistan in 1930, and they laid siege to Khost in 1933 when the partisans of Amanullah wanted to use them to get rid of Nadir Shah. They were part of a tribal *laskhar* (militia group) that entered Kashmir in 1948. The memory of jihad in Kashmir is very strong among the Wazirs.

3. According to the 1981 census, the Mehsuds were 234,000 and the Wazirs 61,000.

4. Iqbal Khattak, "Wazir Tribesmen Want Independent Agency," *Friday Times* (Lahore), October 17–23, 2003.

(continued)

Changes in the Demographic Structure (continued)

Ahmedzai jirga refused to accept the elections of the Agency Council (two-thirds of the seats were allocated to Mehsuds and one-third to Wazirs according to the *nikat*), calling them antidemocratic, while the Mehsuds defended the status quo.⁵ The administration is indifferent to the problem and is seen by the Wazirs as supporting the Mehsuds. These claims are not new: a movement was launched among the Wazirs in the early 1970s by Maulana Noor Mohammad, who “mobilized Islam to activate specific tribal ideology into a political movement against the Mehsuds, accusing the administration of supporting them.”⁶ The army moved into South Waziristan in May 1976, and the mullah and his key followers were jailed. Noor Mohammad spent 10 years in jail. He joined the Jamiat-e Ulama-e-Islam (JUI) and received Arab money and weapons in the 1980s, which enabled him to build a madrassa. He was elected to parliament in 1997. He is now seen as pro-government and keeps a low profile.

5. “Wazir Elder Demands Proportionate Council Seats,” *Daily Times* (Lahore), December 5, 2004.

6. Akbar S. Ahmed, *Pakistan Society: Islam, Ethnicity and Leadership in South Asia* (New York: Oxford University Press, 1986), p. 77.

Almost every tribe supported al Qaeda, actively or passively, as its guests.¹¹ In the eyes of the Pashtuns, standing by the weak reinforces one’s honor. But Pashtunwali is intended to protect the weakest members within the tribe; for outsiders, the rules have limits: if a foreigner is a cause of war, he has to leave. In the eyes of many observers, *melmastia* (hospitality), which is one of the stronger Pashtun traditions, has lost its meaning: it is no more a free hospitality but is used by some tribesmen as a way of acquiring wealth and influence.

For the last five years, the army has conducted military operations in Waziristan under intense American pressure after the traditional approach of carrot-and-stick and of tribal *lashkars* had failed. The military raids have weakened the already eroded power of the tribal elders who, locked in negotiations with the political administration, saw these raids as a betrayal and a violation of the traditions and lost whatever influence they still had on the tribes.

The debacle of Kalusha in March 2004 changed the dynamics, forcing the army to sign peace deals with the empowered militants. At Kalusha, the army was ambushed by the militant forces of Nek Mohammed and suffered heavy casualties. Suddenly the army realized that it was dealing with a major force. Three deals were later signed between the army and the militants, one in Shakai in April 2004, the second in Sararogha in February 2005, and the North Waziristan Agreement of Set in 2006. As a result, the tribal elders were sidelined and the political agent was made redundant by the army.

11. Local conflicts were played out in the context of army operations. The tribes made alliances of opportunity with the government or with the militants in order to gain advantage in local conflicts. In Pashtun society, “duality structures all relationships. Betrayal is always a threat and alliances can shift; one is never defeated, except by death. While allied, Pashtuns are reliable until the point at which it is in their advantage in local disputes to no longer be reliable.” (A. Haroon Akram-Lodhi, Professor of International Development Studies, Trent University, Peterborough, Canada).

The tribal society in FATA now is highly polarized and the tribal social contract is broken: as stated earlier, more than 100 maliks have been assassinated since 2004 on suspicion of spying for the United States or for the government and many others have left Waziristan to find shelter in the cities. The maliks under threat refused the protection of the state, as this would have been contrary to tribal honor.

The military operations also created the conditions for the emergence of new actors who have deep influence on the society: charismatic young men who fought in Afghanistan and are not tribal leaders by lineage or election and whose power and legitimacy are based on their recently acquired wealth—either Arab money or the exorbitant compensations paid by the army—and their ability to fight and fill the power vacuum.¹² They capitalized on the hostility toward the presence in the area of Pakistani forces seen as American proxies.¹³ This dynamic is similar to the situation in Afghanistan in the 1980s where the mullahs gained autonomy in the Pashtun rural areas after the elimination, or marginalization, of the *khans* (the tribal leaders) and the absence of the writ of the government. This led in the 1990s to the emergence of the Taliban as a social movement.

The Redefinition of the Jirga and the New Role of the Mullahs

Traditionally, every member of the tribe can participate in the jirga (council of elders), the malik dominates the proceedings, but everyone has a chance to speak. Although there are some officially sponsored jirgas, most are organized by the tribes themselves. The jirga takes place in the open, and participants sit in a circle that signifies equality. There is no place for the mullah; he sits on the side and prays for the success of the jirga. The concept of jirga has changed since the 1980s, when the emergence of the mujahideen created a new type of leadership in FATA, not based on lineage or official position. The officially sponsored jirga has lost much of its credibility after becoming a tool in the hands of the political administration and is ridden by corruption. From being a tribal gathering to resolve issues, it is now even more artificial than before; it is no more egalitarian, and has been converted into a state-manipulated gathering.

Traditionally, the mosque was not used for tribal political activity. The mullah, who has a low status in Pashtun society, was subordinated to the tribal elders, who had the monopoly on political activity conducted in the *hujra* (the guest house of the leaders), which acted as a counterweight to the mosque. The mullah acted as a mediator between parties in conflict but he did not handle the gun. When the threat came from a non-Muslim enemy, the mullah came to the front and preached jihad, but once the conflict was finished, he went back to the mosque. New opportunities have enabled the mullah to reject his traditional role and to move from the mosque to the *hujra*. Mullahs participate in the new jirga as members of parliament, and guarantees that were given by the tribe are now given by the mullahs. Jirgas, which were traditionally held in the open, have been held inside madrassas and addressed by mullahs. In the traditional system, mullahs could not sustain a network of political patronage, as they lacked financial means. But now they have access to money and have created a space for themselves in the society. Complicating the changed societal structure inside FATA is the emergence of religious leaders like Baitullah Mehsud, who are not clerics but use religion as the basis of their movement to gain power.

12. Nek Mohammad and Baitullah Mehsud, who signed the deals with the army, are the archetype of *kashars* contesting the tribal hierarchy. For an interesting profile of Nek Mohammad, see Tanvir Qaisar Shahid and Naim Mustafa, “Nek Mohammad kaun tha?” *Daily Pakistan* (Islamabad), June 19, 2004.

13. The army presence in Waziristan is described as a violation of the *pardah* of Pashtun territory. Invading tribal space is considered as penetrating private space and is an affront to tribal honor.

The Talibanization of Waziristan

The shift in the structure of power—from the political administration to the army and from the maliks to the militants—and the new status of the mullahs as arbitrators between the tribes and the state gave assurance to the local Taliban who became an alternative leadership.¹⁴ The deals with the army gave the militants an upper hand. The Shakai deal was not a surrender: in tribal tradition, surrender means that one approaches the rival group and meets them on their territory.¹⁵ In Shakai, the army came to meet Nek Mohammad in a JUI-F madrassa: “I did not go to them, they came to my place. That should make it clear who surrendered to whom.”¹⁶ The militants described the deal as a “reconciliation,” which means in tribal code accepting the other group as equally powerful and legitimate. By signing the deals with the militants, the army gave them legitimacy and allowed them to consolidate themselves.

The tribal society has been reshaped around the militants, who succeeded where the government and the traditional institutions had failed and have been able to carve out enclaves of alternative power. They capitalized on the local anger at the general lawlessness and gangs of bandits and, in doing so, they have become an alternative moral authority. The Pakistani Taliban thus have established alternative centers for the administration of justice and the settling of disputes, displacing the tribal jirgas and elders. The role of the tribal elders was effectively buried when the implementation of Sharia was announced by the Taliban in March 2006 in South Waziristan.

This new Taliban leadership, which is accessible and efficient, has tried to build a power base within the population, particularly among the young tribals and the disadvantaged segments of the society. This has offset the resentment of the elders against the arbitrary and severe rule of the Taliban. (This resentment mostly is from the better-off and dominant clans, who blame the Taliban for disrupting the status quo and challenging the traditional power relations. The local population generally tends to blame the Taliban only when their activities create a law-and-order problem and a pretext for army intervention and bombings; they still support the Taliban when they provide quick and free justice).

Unemployment, the sense of alienation, the slow pace of development projects and hence absence of benefits for the local population, and the military operations radicalized many of the young tribals who join the Pakistani Taliban. Some of the educated young tribals also support them. Moreover, in the tribal society businessmen are considered weak, while to be a *talib* is a good occupation as, apart from the financial incentive,¹⁷ it gives power and respect.

The Redefinition of Pashtun Identity

The Pakistani Taliban have instrumentalized cultural symbols to mobilize the tribals. There has been a reformulation of what it means to be a Pashtun: Pashtun nationalism has been replaced by religious nationalism and has taken the form of political Islam. The Pashtunization of the religious parties, which started in the 1980s, was a fallout of the Afghan jihad. Since the mid-1980s the

14. The role of Saudi Arabia in elevating the clerics in support of their Wahabi agenda helped start this change in the war against the Soviet Union, when tribal leaders were ditched in favor of the mullahs. This movement eventually led to the Taliban.

15. Weapons were not surrendered but “offered” and, after the 2006 deal, “exchanged.”

16. Iqbal Khattak, “I did not surrender to the military, says Nek Mohammad,” *Friday Times*, April 30–May 6, 2004.

17. The Taliban are reported to receive a monthly salary of Rs. 15,000, much more than local police or soldiers receive.

leaders of the main religious parties¹⁸ have been Pashtuns, and their center of gravity has shifted to the Pashtun areas. This process led to the formation of the government of the Islamic grouping Muttahida Majlis-e-Amal (MMA) in the NWFP after the October 2002 elections. Similarly, in the settled areas, Pashtun nationalist leaders who had failed to comprehend the changing dynamics of Pashtun politics were marginalized.

In the reckoning (or perhaps rationalization) of some maliks, harboring foreign militants as “guests” and refusing to surrender them made the Wazirs better Pashtuns: “In our customs and traditions, we can die but never even think of handing over our guests to their enemy. Tribal people fought against their own security forces for almost three years in the North Waziristan Agency but did not compromise on their traditions.”¹⁹ Once hospitality is granted, to give it up under exterior pressure would demonstrate that Pashtuns do not have mastery over their own circumstances. The deals signed with the army had no clause binding the militants to deliver non-Pakistanis to the government. To deny hospitality under an exterior pressure would also be seen as an infringement on freedom: “It is our land, our tradition to give shelter, and there should be no interference in our affairs.” It is not surprising that despite huge rewards, \$25 million offered by the United States for Osama bin Laden and smaller amounts for other leaders of the Taliban and al Qaeda, none have been found.

At the same time, the Taliban feel that confronting the Pakistani army makes them better Muslims and better Pakistanis: to justify their so-called jihad against a Muslim army, they accuse Pakistani soldiers of being American proxies “used by the United States against their brothers” and, in the recent past, accused President Musharraf to be allied with infidels, which enables them to claim that they defend themselves against the attacks of the *munaḥiqin* (hypocrites.) Here they are going beyond even the mainstream religious parties of Pakistan. General public opinion seems to be aligned with the militants’ negative view of support for U.S. military actions in the region. A majority of Pakistanis continue to believe that Pakistan is fighting a war on behalf of the United States. Statements by the civilian government about this being Pakistan’s war will need to be bolstered by arguments and actions that would convince the population that the battle against militancy inside Pakistan is not a proxy war on behalf of any other power.

How to Change the Situation

The economy of FATA has been politicized and structured so as to further the interests of two sets of competing elites: the official maliks (whose power has recently declined substantially, as radicalized Islamists have undercut their authority and murdered those whose authority was unassailable), and the radical mullahs (whose power has recently soared with the new militias and weapons they control as a result of the war in Afghanistan). Therefore a new way of providing economic opportunities will need to be explored. If ordinary people are not given the opportunity to escape this set of circumstances, there will be no change in FATA. A small number of elites and their very limited political interests will continue to control the economy, as well as who benefits from all new economic inputs into the area.²⁰

18. Qazi Hussain, Maulana Fazlur Rehman, Maulana Sami ul Haq, and, in the mid-1980s, Allama Arif Hussaini, the leader of the Tehrik-e Nifaz-e Fiqh-e Jaafriya, a Shia party.

19. Mushtaq Yusufzai, “Tribal Elders Call for Raising Fata Force,” *The News* (Islamabad), September 14, 2006.

20. This discussion is based on the work of Kimberly Marten (see About the Authors at the end of this report).

Outside assistance, despite its good intentions and some small-scale successes in helping individual families in FATA, can be abused by local actors on the ground and used to calcify existing political relationships. As noted above, this has occurred regularly in Pakistani history with assistance packages coming from the Pakistani state into FATA; the official maliks diverted that assistance to serve their own ends. Patronage networks that are impenetrable to outsiders may continue to find subtle ways to channel the aid to benefit particular clients. Newly constructed roads may be laid in directions that accord with particular economic interests, rather than for the public good of entire villages, as political agents, surveyors, and contractors are paid off or intimidated into compliance. Land for construction of new buildings or water wells may be selectively provided to benefit particular families, and those same families may find ways to provide the contractors and control how the blueprints are executed. Education and health care may be provided to some and denied to others, through campaigns of intimidation or through bribery of the local providers. Even the question of how and where food, medicines, and school supplies are delivered and used can be manipulated, since aid workers cannot know what happens in a particular village after they leave—whose home is visited by an enforcer, whose shop is targeted in an arson attack, whose son is accused of a crime by a circle of selected witnesses. If official maliks in some districts are still able to grasp the levers that control the aid, then that aid will likely be used to benefit selected, traditionally favored tribes and clans at the expense of others, causing the Pakistani state and its American benefactors to be identified with the status quo hierarchy that has driven lesser tribes and clans into the arms of the Taliban. If, on the other hand, radical mullahs and their militias are able to swing the aid distribution to their own benefit, then USAID may end up unknowingly empowering the enemies of U.S. forces in Afghanistan. The long-term social and political impact of economic projects based in FATA is therefore to some extent unknowable.

But history also gives us hope that there is an alternative. During the Persian Gulf oil boom of the 1970s, ordinary FATA residents migrated in large numbers and brought back wage money that ushered in the beginnings of great social and economic change. In the end, those prospects for change were overshadowed by an even greater social transformation, namely the empowerment of radical mullahs that ensued from the massive amounts of outside funding that flowed in to wage jihad against the Soviets in Afghanistan. Yet the hope for change that began in the early 1970s can serve as a template for future aid policy.

There are no accurate records of how many young men from FATA migrated for work at that time because the vast majority of them went illegally. This meant that the maliks were unable to control who went; they sent their own sons and other favorites through the official visas whose distribution they controlled, but could not stop the prevalent illegal migration that occurred. Informed observers agree that at least half (and probably more) of all families in FATA sent at least one member to the Gulf. The wages paid to day-laborers in Peshawar, the city nearest FATA, shot up due to the labor shortage that resulted from Gulf migration.

Experts believe that the Gulf migrants on average may have quadrupled their family incomes. It appears that the families used the money primarily to build new homes and to improve their standards of living, buying new conveniences such as toilets, refrigerators, and fancy cloth for clothing. Many of the returning men used their newfound relative wealth to try to start their own businesses.²¹

21. Robert Nichols, *A History of Pashtun Migration 1775–2006* (Karachi: Oxford University Press, 2008).

Most significant for the argument here, it appears that many of these migrants may have moved their families out of the FATA borders and into the settled urban areas of the neighboring North-West Frontier Province. They may have maintained two homes—one in the settled area, and one in FATA—since Pashtuns throughout history have maintained a pattern of moving between two residences, both for the purpose of seasonal migration and to have an escape route from tribal feuds. In other words, even if they maintained their loyalty to their FATA homeland and their clan connections, these men recognized and took advantage of the opportunities for education, commerce, and relative security that living in settled areas under national law could provide. It is therefore not surprising that one of the top political issues in FATA following the 2008 parliamentary elections was the question of whether FATA should become a “normal” territory or province under the Pakistani constitution. It appears that the majority of the FATA population is alienated because it has been left out of the opportunities for socioeconomic advancement that other citizens of Pakistan have enjoyed. Not surprisingly, it is some of the official maliks and radical mullahs who have been least willing to consider such change, since it would also bring in political emancipation and decimate their own power and control.

The Gulf migration of the 1970s followed patterns similar to those of labor migration from Pashtun areas earlier in history. Many of the buildings and businesses in urban Peshawar, for example, are owned by Pashtun families who got their start-up money from the pensions of men returning to FATA from service in the British Indian Army. This history suggests that one way to encourage lasting positive change in FATA is to provide opportunities for ambitious individuals to migrate outside the tribal areas for work. If wages are high enough, and travel (including even illegal travel) is sufficiently cheap and easy, ordinary people will be able to carve out better livelihoods for themselves and their families.

Given fears throughout the Persian Gulf region about the export of jihadist Islam, and given the current instability in the oil market, a similar foreign migration of significant numbers of FATA youth might be impossible at present. Yet encouraging those youth to migrate for employment inside Pakistan but outside FATA's boundaries would provide an immediate relief from unemployment and take them beyond the likely lure of radical Islam. It would also help speed up the transformation of the rigorous tribal system into a more egalitarian economic system by allowing all residents relatively equal opportunities to gain employment and accumulate wealth. Given the strong historical pattern of past labor migration out of the tribal areas, including to urban locales in Pakistan, and the family support ties created by past migration that can ease the process of migration now, a high-wage, low-skills employment magnet that was well advertised in FATA could draw a significant number of young men. Creation of employment opportunities in the regions bordering FATA would allow the youth to work and still be able to participate in their tribal and family lives at home. The downsides of such moves obviously have to be weighed and moderated since such migration would leave the field to the militants inside FATA for the near term.

In a session with 23 maliks from North Waziristan, a number of them supported such an approach to creating employment on the borders of FATA because it would not take their youth far away from home.²² At the same time, the opportunity to experience a relatively stable and profitable life in the settled areas might bolster support among the younger generation for the notion of better integrating FATA into the Pakistani state. The security situation in the Frontier Regions

22. Interview conducted by Shuja Nawaz with 23 maliks in Miranshah. The maliks were invited by the political agent but he did not participate in the meeting.

is relatively better and more easily controlled by the Pakistan Army and local police forces. Aid programs would have to take into account the need for enhanced security initially.

The Waziristan maliks also identified three areas of urgent need within their region:

- Irrigation via canals and tube wells and control of waterways to prevent flash floods and conserve rain water through small dams. They said they wished to grow cash crops such as olives, mulberry, and date palms for canning and export.
- Education for children, especially girls, so the children of FATA could compete effectively against others in the NWFP and Pakistan. They want damaged schools refurbished and real, not “ghost,” teachers appointed.
- Basic health care so tribes can get immediate medical attention rather than have to take seriously ill persons to the settled areas or to the few hospitals inside FATA, where many patients end up dying. They asked for “lady doctors” for female patients.

Serious financial constraints have prevented the Pakistan Army from meeting all these needs, although medical camps, repair of infrastructure, and other assistance through their military budgets has been provided from time to time. An improvement in the security situation outside FATA may allow the army and civil administration to protect new employment opportunities and even involve USAID workers in managing the projects before handing them over to locals. The projects inside FATA suggested by the maliks, however, would need to be managed by local communities themselves, with the involvement of the political agents and under the protection of the Frontier Corps to ensure that resources are not diverted to preferred maliks or their tribes. Using OTI's methodologies, review and reimbursement systems would need to be set up to prevent undue leakage of resources.

3

SEARCHING FOR A
MILITARY SOLUTION

In the absence of a national consensus on what the Pakistani nation wants to do in FATA and what sort of society it wants in Pakistan as a whole, the only possible reaction left to the government once the Tehreek-e-Taliban-e-Pakistan began organizing itself and linked up with malcontents across FATA and in the adjoining Frontier Regions as well as Swat, Dir, and Chitral was to send in the army. For the first time since independence, the army went into FATA in force.¹ The equivalent of six infantry divisions were deployed over time to FATA and Swat, some having moved from their positions along the Indo-Pakistan border where they were elements of the Strike Force of Pakistan against any Indian attack. But this was largely a conventional army, trained and equipped for regular warfare against other similar forces, not against an insurgent guerrilla force.

The locally deployed Frontier Corps, a largely peacetime militia that had lost its efficacy over the years through neglect and lack of training and upgrading of arms and systems, was not up to the job of aggressively patrolling or fighting the well-armed and well-trained militants. Clearly, they had never faced such a serious threat from militants before. Moreover, the FC was composed of local tribals and commanded by officers from the Pakistan army, who had little knowledge of the people and the terrain. Many of the officers were sent to the FC rather than volunteering for it, as had been the practice in the past. So, in effect, the FC received the dregs of the officer corps of the Pakistan Army. As one inspector general of the Frontier Corps for Baluchistan complained: “I found out that most of my officers were from the ack ack [the air defense corps]! They only knew how to fire in the air!”² Moreover, the commanders of the individual wings of the FC were only majors, not lieutenant colonels, as in the Pakistan Army. (This has now changed and all FC wings are now commanded by lieutenant colonels.) There was little incentive for officers to do well during their short rotation to the FC. And no local residents could hope to rise to officer ranks in the FC; instead, they had to enlist in the regular army to become officers. The number of officers commissioned into the Pakistan Army from FATA rose from 63 in the 18-year period 1970–1989 to 147 in the 15-year period 1990–2005. Even the numbers of soldiers recruited by the Pakistan Army from FATA began rising, with some 2,255 recruited in the decade 1990–2006, compared with only 75 during 1991–1995.³

But the poor training and morale of the FC began to show in its encounters with the militants. The troops proved unable or unwilling to fight their fellow tribesmen because of fears of being ostracized by their relatives and because of the mullahs’ propaganda that fighting on behalf of the American “infidels,” who had provoked the army’s move into FATA in their “war on terror,” would deny the FC troops entry into heaven as “martyrs.” In some cases, local clerics refused to say funeral prayers over the bodies of dead FC soldiers.

1. In 1960 the army went into Bajaur briefly to repel an alleged Afghan incursion.

2. Lt. Gen. Alam Jan Mehsud (ret.) in conversation with Shuja Nawaz.

3. Data obtained by Shuja Nawaz from General Headquarters, Pakistan Army, for his book *Crossed Swords: Pakistan, Its Army, and the Wars Within* (Oxford: Oxford University Press, 2008).

The regular army, appearing for the first time inside FATA, was seen as an “alien” force. And many of its officers still consider it as such. A largely Punjabi army (60 percent or more), the army lacked the ability to converse with the local population and had to rely on interpreters. According to one report, the commander of 31 Baluch Regiment reported children running away from him when he entered a village. They said they thought he was an American because he wore U.S.-style pants and a jacket rather than the *shalwar* (baggy trousers) and *kameez* (long shirt) of the FC. He had to prove his religion and nationality by joining them in evening prayers.⁴

Changing the Tactics

In the Swat district, the first operation by the regular army was named Operation Mountain Viper, not exactly a name that inspired participants or local residents or drew them into the task for fighting Islamist militants of the Wahabi orthodox Tehreek-e-Nifaz-e-Shariat-Mohammedi, or TNSM, of Maulana Fazlullah, who wished to impose his version of religious law on the area. Fazlullah had inherited the organization from his father-in-law, Sufi Mohammed, who had launched the movement in 1992, operating against the government of Prime Minister Benazir Bhutto and winning the right from the government to administer Sharia in parts of Swat and Malakand. Sufi Mohammed was arrested after taking a large army into Afghanistan in 2001 to fight against the U.S. invasion. In an effort to create a rift between him and his son-in-law Maulana Fazlullah, he was released in April 2008 by the provincial government and signed an agreement to oppose the insurgency and, among other things, not destroy girls’ schools. The agreement was broken almost immediately by Fazlullah. A rift was created between Fazlullah and Sufi Mohammed, with the former ending up aligning with the wider TTP franchise.

The new commander of the troops in Swat, Maj. Gen. Nasser Janjua, commanding 17 Division from Kharian near the Kashmir border⁵, launched a fresh operation named *Rah-e-Haq* or the Path of Truth (i.e., the true Islamic faith), aimed at wresting the Islamic ground from the insurgents by claiming to act in the name of the true Islam. Recognizing the need to “reduce civilian casualties, since we are operating inside our own territory against our own people,”⁶ he planned to isolate the insurgents and to cordon off and search areas repeatedly to draw them out and eliminate them, while providing medical aid and food supplies to the people in the affected areas. Initially, he maintained that he allowed the insurgents to “escape” into the northernmost Piochar Valley, giving them a false sense of security and letting them establish fixed positions for training there. Whether this is an *ex post* rationalization of the army’s shortcoming at that stage or fact is hard to prove. By the end of August and early September 2008, he had identified these targets and attacked them, causing heavy damage and forcing the militants to seek help from others in Dir and Bajaur. Meanwhile, the FC in Bajaur, under Maj. Gen. Tariq Khan, himself a Pashtun, mounted an intensive campaign against the militants in that area and found much support from the local tribes, including the Salarzai tribe, the dominant tribe in Bajaur that wants to reassert its status against the Taliban. According to a newspaper report, the tribe’s leader, Malik Zeb Salarzai, stated, “The Taliban fighters and commanders are of humble backgrounds and not in a position to challenge

4. Interview with then-Director General of Military Operations Maj. Gen. Ahmed Shuja Pasha by Shuja Nawaz. General Pasha is now DG ISI.

5. This division has since been switched back to its peacetime location in Kharian; 37 Division under Maj. Gen. Ijaz Awan has been moved into Swat to continue operations.

6. Interview with Maj. Gen. Nasser Janjua by Shuja Nawaz.

the lashkar. They will be eliminated in a few days.” The Salarzai promised to bring their own armed militia in support of the FC for patrolling and fighting the “foreigners.” The militants were told to leave the area or risk being killed and their property destroyed.⁷

Poor Training and Equipment

Both the FC and the army operated with severe handicaps: poor training for counterinsurgency warfare and poor equipment for the highly mobile war against the militants, who used double-cab pickup trucks to operate in remote areas and used surprise to attack and disappear before troops could reach the affected areas or military posts. These handicaps were magnified to some extent by the unwillingness of Pakistan to accept U.S. military training during much of 2008 and a virtual state of denial by an army rooted in conventional warfare about the need to shift to COIN operations. The government of Pakistan also did not wish to be seen as accepting U.S. advisers or any large-scale U.S. military presence inside Pakistan (most of the U.S. military were accepted in quiet deals that were not shared with the general population). Lack of attack helicopters and troop-lifting helicopters limited the ability of the Pakistani forces to react with alacrity to seemingly random and widely distant insurgent attacks. The United States promised Cobra helicopters but not all the helicopters had been delivered by the end of summer 2008. The smaller Bell helicopters available to the Pakistan Army cannot operate at the altitude of the mountains of Malakand and Swat, especially during hot days, when they gasp for traction in the thin atmosphere. The solitary heli-lift squadron supplied and supported by the United States at Tarbela cannot adequately cover the wide arc of militancy in the region from South Waziristan to Dir and Swat.

The Pakistan Army has begun some preparatory training of units being deployed into FATA and Swat with a three-phase program that gradually indoctrinates, acclimatizes, and trains troops under live fire before sending them into battle against the insurgents. But in general the army has been “learning by doing,” and standard operational procedures (SOPs) change with changes in commanders at all levels. Indeed, lack of SOPs among the FC and poor training were two of the causes for the surrender of FC and regular army troops in FATA during convoys that were not adequately organized or protected.

An underlying issue that affects military operations is the importance over the midterm and long term of fashioning political context and political structures in FATA that create more space for the military and the paramilitary to act in legitimate ways. One is a question of the political space that is available to the military to act, and another is a question of how the military chooses to use the space that it has and the legitimacy that it has for its strategic interests. In other words, the government, by setting national policy publicly, has to give the military the legitimacy to act on its behalf in the context of the strategic interest of the country. Without clarity on what those strategic interests are, the military solution can be only temporary and perhaps even counterproductive. Troops, training, and equipment are one part of a two-part approach to counterinsurgency. The other, and some might say more important, part is the underlying political dynamic and governance, without which military actions will fail to gain traction or produce a lasting solution.

At heart, the government of Pakistan, supported by its political partners and substantial segments of the population needs to end its ambivalence about fighting Islamist militants inside its

7. Quoted in Anwarullah Khan, “Crackdown on Militants by Tribal Volunteers,” *Dawn*, October 6, 2008, <http://DAWN.com>.

borders and to be committed to de-weaponizing Pakistani society with carefully calibrated operations against militant strongholds in FATA, the NWFP, and even the Punjab. Delaying or not implementing such actions will only make the problem worse over time. Similarly, the Pakistan Army needs to formally introduce a special command that would include forces trained for COIN warfare rather than treat this effort on the margin. This would provide an incentive to its officers and soldiers to specialize in COIN warfare and to improve its operations against militants in FATA and elsewhere.

4

WHAT CAN BE DONE?

Despite the complexities of the situation, there are some practicable measures that could be taken by different actors in both the near term and the medium term, either singly or in concert with one or more partners, in the fight against militancy and terror in FATA and indeed in Pakistan proper.¹ Given the existential crisis facing Pakistan from rising militancy inside its borders, the government and civil society need to collaborate in overcoming whatever hindrances exist to formulating a clear policy and then implementing it. Simple slogans will not do. Nor will a military solution alone suffice.

The Government of Pakistan

In the near term (next 1–2 years) the government of Pakistan should

- Openly discuss and agree in parliament on the status of FATA and its relationship with the NWFP and the federal government in order to redefine its political place in Pakistan. Both the federal and the provincial governments must then implement the agreed-on policy against militancy uniformly.
- Give the NWFP provincial government a political stake in the management of the tribal areas. Without some measure of political and managerial integration across the tribal-settled line, the government of Pakistan will continue to face the “dual border” problem (dealing with both the Durand Line and the tribal-settled border further east) and will continue to have incentives to displace problems from the settled areas into the tribal areas rather than deal with them in a politically integrated manner.
- End treatment of FATA as a buffer zone between Afghanistan and Pakistan and treat the Durand Line as a true border, with greater regulation of travel through more numerous formal border crossing points. All other crossings would then be seen as hostile and liable to interdiction with force. This will be helped if there is Afghan recognition of the Durand Line as a *de jure* border.
- Amend the Frontier Crime Regulations to reduce the anachronistic colonial and onerous punishments of entire tribes. Recognize the role of tribal jirgas in the legal system as a first level for resolution of local disputes but linked to formal legal systems at higher levels that would ratify jirga decisions.

1. For a detailed survey of the background to many of the ideas expressed here, please see Joshua T. White, “The Shape of Frontier Rule: Governance and Transition from the Raj to the Modern Pakistani Frontier,” *Asian Security* 4, no. 3 (2008): 219–243.

- Create local court systems that would provide speedy resolution of disputes that cannot be resolved by jirgas.
- Speed up the integration of the FATA economy into that of the NWFP and Pakistan proper by increasing financial aid for education, health, and infrastructure. Use Quick Impact Projects,² along the lines of the OTI and Pakistan Army, to gain traction for development inside FATA.
- Under a special amnesty rule, legalize registration of all smuggled vehicles currently in FATA so they can be used legally for transport in FATA and Pakistan proper.
- With the United States, have as high priorities the gradual establishment of systems of local governance in FATA and their close integration with the development aims of the Biden-Lugar bill for Pakistan, for example. While there is no simple roadmap for establishing local governance in FATA, some of the most elementary proposals are likely to be the most viable: these involve the creation or reinvigoration of elected councils at both the agency and subagency levels. The government of Pakistan could begin a demonstration project in one or two tribal agencies in which elected councils at the subagency level are delegated limited (and, initially, peripheral) responsibilities for law and order and are allocated substantial funds for local development that could be drawn upon by the councils with approval of the FATA Secretariat.³
- Launch infrastructure repair and maintenance programs under the security umbrella of the FC and the Pakistan Army to rebuild schools, roads, river embankments, and small dams and to start new construction projects desired by the local population and thus provide local employment.
- Set up registration and training centers for FATA youth to facilitate their emigration into Pakistan proper and the Middle East for employment. This will allow some respite from the unemployment of the “youth bulge” of the local population and give the authorities time to begin employment-generating projects inside FATA.
- Register and regulate all madrassas inside FATA so they operate under accreditation of and affiliation with provincial education boards—no exceptions. Provide incentives for madrassas that register. There are a number of institutions of learning and vocational training in FATA, but madrassa leaders are generally not inclined to encourage their students to participate in programs that operate outside the madrassa compounds. As these madrassa students are arguably the most likely targets of recruitment by extremist groups, the government of Pakistan should focus a significant part of its vocational training efforts on engaging the madrassa system.
- Introduce vocational training into the regular public school system also.
- Extend the Political Parties Act of 1962 to FATA as a first step to helping transform the system of tribal maliks to a more participatory system tied into the rest of the country and thus prepare for a system that would allow the phasing out of the tribal malik system.⁴

2. Quick Impact Projects (QIPs) are usually short-term, small-scale initiatives designed to have an impact on the immediate situation but also possibly on longer-term development.

3. Such a plan would be similar to that which operates in the settled areas of the NWFP. Local councils and citizen community boards are given a pool of funds to use locally, subject to approval by officials in Peshawar.

4. At present, political parties are not allowed to field candidates in FATA, even though there are 12 seats reserved for FATA members in the National Assembly and 8 seats in the Senate. Religious parties are under no such restrictions in FATA.

- Discuss and set up a status of forces agreement (SOFA) with the United States to ensure a mutually beneficial longer-term relationship between the United States and Pakistan military beyond the U.S. involvement in Afghanistan, and one that would protect Pakistani sovereignty. Such an agreement would provide the basis for a longer-term U.S.-Pakistan relationship and one not subject to sudden shifts in U.S. strategic policies or a departure, as in the past in the region.

Over the medium term (next 3–5 years) the government of Pakistan should

- In a two-step process that involves setting up a hybrid of the older system of administration and governance and new elements, redefine the role of the political agents to transform them into district administrators along the line of officials inside the NWFP and thus prepare to transform FATA into regular districts over time. (Some movement in this direction is already evident.)
- Once reasonable security has been established inside FATA, launch a human development strategy to build up the skills of FATA residents to operate effectively in the economy of FATA and Pakistan; this would include education of girls and adult education for men and women and opening of more colleges for both sexes.
- Develop a plan to establish vocational centers within the madrassa compounds, and arrange for all of the students at the participating madrassas to take at least one six-to-nine-month skill-based certification course. Many madrassa leaders recognize that their students have few job opportunities upon graduating, and they have expressed interest in setting up vocational training programs alongside their religious curriculum. Incentives should also be given for these leaders to participate in specialized madrassa teacher training programs that emphasize subjects such as pedagogy, skills training, and tolerance.
- Move aggressively to set up programs to bring FATA-based madrassa graduates into the educational mainstream. This could be done by establishing a substantial scholarship program for such students and by engaging universities—public-sector institutions throughout Pakistan as well as nontraditional ones like Allama Iqbal University—to set up special transitional programs that could prepare madrassa students to enter into the higher education system.
- Using the USAID Livelihoods program as a model, define and launch a concentrated effort with donor help to create jobs inside FATA for FATA's youth and provide micro-lending for small projects based on agriculture, transport, vehicle maintenance and repairs, and mining-related activities.
- Encourage the setting up of larger factories and industries on the secure edge of FATA in Reconstruction Opportunity Zones (ROZs) to provide more employment to FATA youth in proximity to their tribal bases.
- Involve the local population in upgrading and expanding irrigation systems to prevent flooding, capture rain water in small dams, and install tube wells to assist in the growth of new agricultural projects designed in collaboration with the tribes. Cultivation of olive, mulberry, and date palm trees could be encouraged for processing, canning, and export.
- Either create a separate FATA province or merge it into the NWFP.

The Pakistani Military

In the near term (next 1–2 years) the Pakistani military should

- Strengthen the ability and role of the Frontier Corps to provide security to the local population in FATA in a counterinsurgency, or COIN, mode; this should include better equipment and recruitment of a permanent officer cadre from the region (initially Pashtuns and Pashtu-speaking officers only).
- Hire retired FC and Pashtu-speaking officers and soldiers from FATA and the NWFP as auxiliaries to provide security for development projects.
- Routinely rotate FC wings among agencies to de-link them from local ties with militants or Afghan Taliban.
- Intensify training of regular army officers and soldiers in COIN tactics and strategy, with external help, and rotate troops frequently to extend COIN experience to a large proportion of the army.
- Make Pashtu language training and education on FATA society and systems compulsory for all officers posted into FATA.
- Establish closer cooperation with allied forces across the Durand Line to avoid potential conflicts.
- With training from U.S. forces on the use of civil affairs officers (CAOs), set up Pashtu-speaking CAOs to liaise with the local population in FATA;
- To build the confidence of the local population in the army, assist the FC and the local population in repair and building of infrastructure and other Quick Impact Projects desired by residents, and work with CENTCOM (U.S. Central Command) to use its financing and expertise to expedite such projects.
- Establish better liaison with CENTCOM and NATO to regularize targeting and use of unmanned aerial vehicles or drones inside FATA so that the decision to use them rests with Pakistani commanders.
- Establish officer exchange programs with U.S. and NATO forces to benefit from their operational experience and improve coordination in the field.

Over the medium term (next 3–5 years) the Pakistani military should

- Shift from a low-intensity-conflict (LIC) mode to a COIN mode by setting up a new COIN command in the army and begin crafting a new doctrine for COIN operations inside Pakistan.
- Introduce COIN training in the Pakistan Military Academy, the Command and Staff College, and the National Defence University. Shift the training focus from low-intensity conflict to COIN to produce a doctrinal change. Open a COIN school.
- Send officers for overseas COIN training.
- Introduce COIN training for junior commissioned officers and soldiers.

The U.S. Government

In the near term (next 1–2 years) the U.S. government should

- Try to define an exit strategy from Afghanistan that would bring the Taliban to the meeting table and in the context of a grand jirga allow the Afghan government and Afghan National Army to take over the governance of their country from the U.S. and NATO forces. This would force the Taliban to conclude their operations or risk losing the support of the general population that may favor an end to conflict and the exit of the United States' forces from their country.
- Accelerate funding for targeted economic development of Pakistan, the NWFP, and FATA while cutting through red tape to reach project populations as directly as possible.
- Build on the success of OTI projects that involve the local population in identifying and designing projects at the community level.
- Reduce the use of expensive, large, U.S.-based consultancies and work with local groups and nongovernmental organizations by investing in education, health, and agricultural projects, especially in horticulture and food processing.
- Declare FATA as part of the Afghan war theater so CENTCOM can operate with the Pakistan Army in both military and economic development efforts as needed and agreed on by both countries.

In the medium term (next 3–5 years) the U.S. government should

- Shift the preponderance of assistance from military to economic aid and reorient military aid to primarily benefit COIN operations.
- Help arbitrate recognition of the Durand Line as an international border and thus help eliminate a long-standing problem between Afghanistan and Pakistan.
- Coordinate with the European Community and the Gulf Cooperation Council to provide investment in infrastructure and job creation in FATA and on the periphery of FATA, thus helping bring back home many trained FATA workers employed in the Gulf area and creating the backbone of a strong local work force.
- Establish the Reconstruction Opportunity Zones as a mechanism for longer-term development.

The U.S. Military and CENTCOM

In the near term (next 1–2 years) the U.S. military and CENTCOM should

- Rebuild trust with their Pakistani counterparts and facilitate Pakistani-Afghan military communication and collaboration by expanding the exchange program for officers beyond the Staff College.
- Encourage Pakistan to set up a SOFA that would not infringe on Pakistani sovereignty and would help lead to a longer-term relationship between the United States and Pakistan in the region. This would also regularize and bring into the open current under-the-table arrangements that allow U.S. military presence inside Pakistan and create suspicions among its population.

- Provide attack and troop-lifting helicopters to Pakistan for its COIN operations, through direct sales and/or lease or from third parties.
- Assist the Pakistan Army in developing a civil affairs capacity and counterpropaganda units to meet head on the militants' propaganda machine, which relies on a distorted vision of Islam.
- Collaborate with Pakistan Army units in using the CENTCOM Commander's Emergency Response Funds (CERF) for Quick Impact Projects in civil works and health and education development in FATA in short order. Use the U.S. relief work after the 2005 earthquake as a model and establish the role of the United States as a friend of the people of FATA and Pakistan by bypassing bureaucratic delays associated with normal U.S. aid.

In the medium term (next 3–5 years) the U.S. military and CENTCOM should

- Building on the initial success of training of trainers of the FC, help the Pakistan Army and FC convert larger numbers of units to COIN operations.
- Establish exchange programs for U.S. and Pakistani army officers to serve with each other's operational units and thus establish links and trust, currently lacking.
- Set up tripartite training and exercises with Afghan, Pakistan, and U.S. forces in the region.

The Government of Afghanistan

In the near term (next 1–2 years) the government of Afghanistan should

- Coordinate with Pakistan in building up infrastructure and basic needs-oriented employment opportunities on both sides of the Durand Line to reduce the heavy unemployment in the Pakhtun regions.
- Provide cash-crop and other employment opportunities to divert the local population from opium to cash-crop cultivation and processing of fruits and nuts for export.
- Increase education development in the border provinces near FATA to help reduce the number of potential recruits for the Taliban.
- Set up joint training programs for FC and Pakistan Army forces with the Afghan National Army and invite the Pakistan Air Force to help rebuild and train the Afghan Air Force (using Pakistan's experience with such work in the Gulf States).

In the medium term (next 3–5 years) the government of Afghanistan should

- Involve Pakistan and Iran in preparing for oil and gas pipelines from Central Asia through Afghanistan to the Gulf and into Pakistan and thus generate transit fees and employment for Afghans, especially those in the border provinces near FATA.
- Help Pakistan transform the Durand Line from a porous into a more formal border with well-regulated and more designated crossing points.
- In conjunction with Pakistan set up joint grand, or *loya*, jirgas for regular and routine resolution of cross-border disputes with Pakistan over FATA.
- Initiate large-scale infrastructure projects with Pakistan inside Afghanistan to take advantage of Pakistani cement production and engineering expertise.

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CONCLUSION

FATA remains a most dangerous place, with the failure of governance and the rise of militancy affecting Afghanistan and Pakistan not only individually and separately but also jointly. Regardless of whether the United States remains in the region or goes, both Afghanistan and Pakistan will remain, confined by their geography and historical and economic ties and necessities. They cannot avoid taking on terror and militancy head on. Muddling along is not an option: recent history shows that the costs of procrastination are too high in the end. The problem affects both countries. Afghanistan was and could well again become a haven for international terror. FATA and Pakistan may also suffer the same fate. A nuclear Pakistan as a base for international terrorism is a prospect that the world cannot afford.

Therefore it is critical that not only the international community but also the government and general populations of both Afghanistan and Pakistan become partners in an effort to develop FATA and the contiguous nine Afghan provinces. (See box, *The Costs of Failure: What ifs...*, below.) Afghanistan and Pakistan could then become a true pivot and fulcrum for economic development and progress in the region, including Central Asia.

The Costs of Failure: What ifs...

Effect on FATA of a collapse of the current civilian government

- The FATA population would continue to lose confidence in the state's commitment to pursuing political solutions for the problems of the tribal areas and would (rightly or wrongly) expect the resumption of more military-oriented approaches.
- The consultative process for dealing with political and structural reforms in FATA would be set back.
- If the ANP (Awami National Party)-led government in the NWFP collapsed along with the civilian government in Islamabad, it could open the door to an alternate coalition in Peshawar composed of the right-of-center PML-N (Pakistan Muslim League–Nawaz Sharif), along with the religious parties. This political bloc, like the coalition Islamist government during the Musharraf period, might take a more cautious approach toward dealing with Taliban-like movements that operate along the settled tribal border areas.

(continued)

The Costs of Failure (continued)

Effect on FATA of a declaration of martial law

- The first two implications from the above section would apply here, but to a greater degree.
- Militant groups in FATA would be able to more effectively challenge the legitimacy of the state.
- The relationship with the Afghan government would likely deteriorate, increasing the challenges of cross-border cooperation in countering militancy.

Effect on FATA of frequent and unilateral U.S./NATO hot pursuit

- The legitimacy of the Taliban forces would increase among the common people, and cross-border attacks would likely increase in retaliation.
- Depending on the details of the unilateral action, the Pakistan military as an institution would be dishonored and embarrassed. The military could feel forced to respond by publicly demonstrating its independence from American influence, thus further setting back U.S.-Pakistani military and diplomatic cooperation.
- Any incursion would force Pakistan's political parties—including those on the “left” such as the PPP (Pakistan People's Party) and the ANP—to intensify anti-American rhetoric and distance themselves even from those U.S. policies with which they might agree. Right-of-center parties would attempt to take the issue to the streets, though perhaps with limited success.
- Even pro-government maliks in the tribal areas would feel compelled to cede political space to the Taliban in the wake of U.S. or NATO action in FATA.
- Tripartite cooperation would certainly suffer, particularly on border issues and information-sharing.
- The nature of any incursion is likely to affect the intensity of the response. A small, fast, and focused operation by U.S./NATO Special Forces into FATA against a small number of foreigners (e.g., Uzbeks) would probably elicit a much more modest reaction than one that had a larger footprint, was prolonged, involved civilian casualties, operated deep inside FATA, or targeted Pashtun militants. The Pakistani public, and even rightist political parties, have—after several years—largely acclimated to the regular Predator strikes in FATA that have become almost an accepted feature of the political landscape. Ground troops are not likely to be so easily accepted, but it should not be assumed that even very limited operations will necessarily have an explosive political impact. The reaction inside FATA to any U.S. attack, however, is highly negative.



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