The threat of talibanisation of Pakistan : a case study of federally administered tribal areas (FATA) and north west frontier province (NWFP)

Syed Adnan Ali Shah Bukhari

2015

Syed Adnan Ali Shah Bukhari. (2015). The threat of talibanisation of Pakistan : a case study of federally administered tribal areas (FATA) and north west frontier province (NWFP). Doctoral thesis, Nanyang Technological University, Singapore.

<http://hdl.handle.net/10356/65418>

<https://doi.org/10.32657/10356/65418>

**THE THREAT OF TALIBANISATION OF
PAKISTAN: A CASE STUDY OF FEDERALLY
ADMINISTERED TRIBAL AREAS (FATA) AND
NORTH WEST FRONTIER PROVINCE (N.W.F.P.)**

SYED ADNAN ALI SHAH BUKHARI

S. RAJARATNAM SCHOOL OF INTERNATIONAL STUDIES

Thesis submitted to the Nanyang Technological University in fulfilment of
the requirement for the degree of
Doctor of Philosophy

2015

ACKNOWLEDGEMENTS

First and foremost, I want to extend my deepest gratitude to Professor Ahmed Saleh Hashim and Professor Rohan Gunaratna, who encouraged, guided and helped me through the course of this study. Without their guidance and supervision, I would not have been able to finish this study successfully. Professor Hashim deserves special thanks for helping me in laying out a theoretical foundation for the study.

I take this opportunity to express my gratitude to Professor Ron Mathews, former Head of Studies at the S. Rajaratnam School of International Studies (RSIS), who was always instrumental and patient in motivating me to ensure my success. I would like to thank Arabinda Acharya, former Research Fellow, for guiding my research and helping me developing knowledge and understanding of the terrorism and counter-terrorism phenomenon.

I would also like to thank all the researchers who have contributed to the field of radicalisation, terrorism and Talibanisation – without your work there would be no accumulation of knowledge and nothing for me to build on.

I am also grateful to all the administrative staff of the Graduate Studies Programme of the School, who has always been there to extend help to me in both relaxed and distressed situations. Above all, Roxane Romano Domingo deserves special thanks for helping me in organizing my thesis submission and going an extra mile to take care of thesis matters owing to my inability to be physically present in Singapore.

Last but not the least, I am thankful to my family, especially my wife, Dr. Sadia Sulaiman, who facilitated and helped me in the writing of the thesis and my brother Amir Ali Shah for his unflinching support. My friend, Anders Nielson deserves special thanks for familiarising me with the subject matter. I would like to thank my children for having tolerated my indulgence in thesis writing and spending less time with them.

Table of Contents

CHAPTER 1: Introduction

Introduction	1
Aim of the Study.....	3
Working Hypothesis.....	8
Conceptual Framework.....	12
Significance of the Study	20
Research Methodology	25
Chapterization of the Thesis.....	29

CHAPTER 2: Literature Review

Introduction.....	31
Sources of Talibanisation in FATA.....	31
Existing Explanations for the Sources of Talibanisation in FATA	38
Institutions and Instability in FATA.....	41
Sources of Radicalisation within Societies and States.....	48
The Role of State Institutions in Stability.....	52

Gaps in Literature.....	59
-------------------------	----

CHAPTER 3: History of Evolution of FATA and NWFP

Introduction.....	60
Physical Features and Climate.....	61
Economy and Livelihood.....	63
The People.....	63
History of N.W.F.P.....	67
Formation of North West Frontier Province (N.W.F.P.)	84
N.W.F.P. Merges With Pakistan.....	90

CHAPTER 4: Institutional Drawbacks in the Talibanisation of FATA

Introduction.....	95
Institutions in FATA: Salient Features.....	95
Talibanisation of FATA	110
Establishment of a Taliban State.....	114
Collapse of the local administration in FATA.....	117

The State Strikes Back.....	123
-----------------------------	-----

CHAPTER 5: Comparative Peace in N.W.F.P

Introduction.....	128
-------------------	-----

Administrative System in the N.W.F.P.....	130
---	-----

Threat of Talibanisation of NWFP.....	137
---------------------------------------	-----

Key Drivers Behind the Threat of Talibanisation of NWFP.....	148
--	-----

Reversing the Taliban Gains	153
-----------------------------------	-----

CHAPTER 6: Conclusion.....	157
-----------------------------------	------------

Findings of the Study.....	159
----------------------------	-----

Contribution of the Study.....	160
--------------------------------	-----

Policy Recommendations.....	161
-----------------------------	-----

Bibliography.....	163
--------------------------	------------

Abstract

The terrorist attacks in the United States of America (U.S.) on 11 September 2001 had its epicenter in Afghanistan. The subsequent U.S.-led war on terror in Afghanistan overthrew the Taliban regime in the country and dismantled Al-Qaeda (AQ) network. However, the Taliban and AQ terrorists successfully fled Afghanistan and took refuge in the adjoining Pashtun-inhabited western border areas, including the Federally Administered Tribal Areas (FATA) of Pakistan. Gradually, the Afghan Taliban and AQ were able to spread their ideology and recruit local Pashtun tribesmen to their cause of waging jihad in Afghanistan and abroad.

The rise of the Pakistani Taliban in FATA witnessed a gradual Talibanisation of the entire region between 2003-2008. The Taliban successfully exerted control over the area by side-lining the political administration in FATA. The subsequent Talibanisation virtually diminished the state authority in the region. Gradually, FATA became a no-go area for the government. During the same time, the Pakistani Taliban, after successfully Talibanising the FATA, attempted to Talibanise the adjoining North West Frontier Province or N.W.F.P. (now renamed as the Khyber Pakhtunkhwa Province). Despite causing much mayhem in the N.W.F.P, the Taliban failed in Talibanising the Province.

This thesis seeks to understand why the Pakistani Taliban were able to Talibanise the FATA region but failed to do so in the adjoining N.W.F.P., despite the fact that both are predominantly Pashtun-inhabited and share similar ethnicity, culture, language, religion and are geographically contiguous with each other.

A logical explanation could be the difference in the constitutional status of both FATA and N.W.F.P., and the nature of institutions which exist in both the area. The presence of British-era archaic institutions in FATA failed to deter the onslaught of the Taliban, while formal governance institutions existing in the N.W.F.P. inhibited the Talibanisation of the Province.

MAP OF FATA AND NWFP

Source: “Khyber Pakhtunkhwa Province”, <http://humshehri.org/place/khyber-pakhtunkhwa-province/> (Accessed on April 12, 2015)

CHAPTER 1: Introduction

Introduction

This thesis discusses the Talibanisation phenomenon in the Federally Administered Tribal Areas (FATA) of Pakistan and explains why another geographically contiguous territory, such as the North West Frontier Province (N.W.F.P.)¹ has not been affected. Despite commonalities in culture, customs, traditions, ethnicity and religion, the N.W.F.P. remains relatively insulated from the spread of Talibanisation. In this thesis, I argue that the lack of institutionalized governing structures in FATA has resulted in the virtual absence of governance. This situation has enabled the Taliban militants to enforce their writ on the region. Compared to FATA, the existence of formal institutional governing structures has made the N.W.F.P. relatively stable politically, economically and socially, and has created an environment which is hostile to the spread of the ideology that the Taliban espouse.

Pakistan is a cause of concern for the international community due to rising extremism and terrorism in the country. Of particular concern is the western border area of Pakistan that adjoins Afghanistan, commonly known as the Federally Administered Tribal Areas (FATA). The presence of terrorist sanctuaries in FATA since 2002 has provided an array of jihadist groups, including Al-Qaeda and various splinters of the Taliban – both local and Afghan – to survive and thrive, and also provided them with the opportunity to plan and execute acts of terrorism in the South and Central Asian region and beyond.²

A study conducted by a United States-based research institute, The New American Foundation, in July 2011 reported that terrorist safe-havens in Pakistan presents the biggest threat to the U.S. and other Western countries. The study further

¹ The NWFP was renamed as Khyber Pakhtunkhwa Province through 18 Amendment passed by

² Julian Borger, “Pakistan Poses Global Security Worry, Says Top US Official”, *The Guardian*, March 4, 2009, <http://www.guardian.co.uk/world/2009/mar/04/pakistan-global-security-threat>

concluded that out of the 32 “serious” jihadist terrorist plots against the West between 2004 and 2011, 53 percent had operational or training links to established jihadist groups in Pakistan.³ As the US plans to wind up its active military role in Afghanistan by accomplishing a phased withdrawal from the insurgency-wrecked country by 2014, its focus on Pakistan increases tremendously due to presence of terrorist safe havens.

Much of the international concern about Pakistan arise from the fact that various factions of the Pakistani Taliban have established their control over FATA and set-up parallel government and virtually Talibanised the entire area. A strong perception exists within the Western world that Pakistan remains reluctant and “has no real desire to defeat the Taliban ... [Pakistanis] see them as a problem but not as a threat” to their country.⁴ Associated with this is a persistent fear within the West that Pakistan’s nuclear weapons could fall into the hands of terrorist groups operating in FATA and other parts of Pakistan.⁵

The fear of Talibanisation has also raised concerns within Pakistan. Many political leaders belonging to various political parties as well as civil society have raised their voices, with some calling it as an existential threat to Pakistan, while others describing it as a serious threat to the viability of the country.⁶

³ Paul Cruickshank, ‘The Militant Pipeline: Between the Afghanistan-Pakistan Border Region and the West’, *New American Foundation*, July 6, 2011, http://security.newamerica.net/publications/policy/the_militant_pipeline_0

⁴ “Reports of Taliban Advance Cause Concern in US”, *Dawn*, April 25, 2009, <http://archives.dawn.com/archives/35644>

⁵ Robert Winnett and Gordon Rayner, “WikiLeaks: Britain's concerns over safety of Pakistan's nuclear weapons”, *The Telegraph*, December 1, 2010, <http://www.telegraph.co.uk/news/worldnews/wikileaks/8172228/WikiLeaks-Britains-concerns-over-safety-of-Pakistans-nuclear-weapons.html>; David Leigh, “WikiLeaks Cables Expose Pakistan Nuclear Fears”, *The Guardian*, November 30, 2010, <http://www.guardian.co.uk/world/2010/nov/30/wikileaks-cables-pakistan-nuclear-fears>

⁶ “Talibanisation Could Challenge Viability of Pakistan: Altaf”, *Daily Times*, April 21, 2007, http://www.dailytimes.com.pk/default.asp?page=2007%5C04%5C21%5Cstory_21-4-2007_pg7_4; “Red Mosque: Endgame for Musharraf?”, *The Nation*, July 19, 2007, <http://www.thenation.com/article/red-mosque-endgame-musharraf>; “Hillary Clinton warns of 'existential threat' in Pakistan”, *Los Angeles Times*, April 23, 2009, <http://articles.latimes.com/2009/apr/23/world/fg-clinton-pakistan23>; “Peace deal or Talibanisation of Pakistan?”, *Merinews*, February 22, 2009, <http://www.merineews.com/article/peace-deal-or-talibanisation-of-pakistan/15711799.shtml>; “Pakistan is facing galloping Talibanisation: Ahmed

Aim of the Study

The Federally Administered Tribal Areas (FATA) is largely a mountainous territory situated on the Pakistan-Afghanistan border (Durand Line). It is spread over 27,200 square kilometer with a maximum length of 450 kilometer and a maximum breadth of 250 kilometer.⁷ It shares 373 miles (600 Km) border with Afghanistan. FATA is divided into seven agencies: Bajaur, Mohmand, Khyber, Orakzai, Kurram, North Waziristan and South Waziristan. While the Khyber, Kurram, North Waziristan and South Waziristan Agencies predate the establishment of Pakistan, Mohmand (1951), Bajaur (1973) and Orakzai (1973) were established by the Government of Pakistan. Many of these Agencies, such as the Mohmand, Orakzai and Wazirsitan are named after one of the prominent tribes, which inhabit them. The FATA has received this name as it is ruled directly by federal government⁸ through the Governor of the N.W.F.P. (now renamed as the Khyber Pakhtunkhwa Province or KP), who is appointed and answerable to the President of Pakistan.⁹

FATA retains a special status under Articles 246 and 247 respectively of the Constitution of Pakistan. FATA is primarily governed by a special set of British-era codified law called the Frontier Crimes Regulation (FCR). The Common English Law which is practiced in the rest of Pakistan, including in the N.W.F.P., is not applicable to FATA. The region is also exempted from taxation, customs duty and land revenue tax. Similarly, the Pakistan Parliament and superior judiciary cannot exercise any powers, promulgate laws or pass judgments on any matter relating to FATA or its inhabitants. The governance institutions existing in FATA dates back to the British India era, when

Rashid”, *Dawn*, April 5, 2009, <http://blog.dawn.com/2009/05/04/pakistan-is-facing-galloping-talibanisation-ahmed-rashid/>

⁷ “Federally Administered Tribal Areas”, <http://www.globalsecurity.org/military/world/pakistan/fata.htm> (Accessed on June 6, 2014)

⁸ Article 246 and 247 of the 1973 Constitution of Pakistan deals with the tribal areas of Pakistan. Under Article 247 (1) and (2), the Federation exercises executive authority over FATA, and falls under the direct jurisdiction of the President of Pakistan. The President rules the FATA through the Governor of N.W.F.P., who is appointed by him. Similarly, the National Assembly cannot enact any law regarding FATA unless approved by the President.

⁹ “Pakistan’s Tribal Areas: Appeasing the Militants”, International Crisis Group Report, December 11, 2006

the government adopted a “close-border” policy aimed at minimum interference in the area and allowing self-rule to the tribes of the area.

The N.W.F.P. is spread over an area of 74, 571 square kilometers and is one of the four federating units of Pakistan. It borders FATA on its West. Before the establishment of Pakistan, FATA was part of the greater N.W.F.P. which was divided into trans-Indus districts (settled districts which now comprises the present-day N.W.F.P.) and Tribal Area (now FATA). The previous governments insisted upon the inseparability of both the areas, citing security concerns emanating from the British India’s fear of Czarist expansion southwards towards Central Asia and Afghanistan. The fact that both the geographical areas were treated collectively is because both share a common ethnicity, cultural heritage, norms and ethos, language and a common history. The people of FATA frequent trading centres in the N.W.F.P and many FATA tribesmen are *Dwa Kore* (meaning that they maintain two houses: one in the FATA region, and the other one in the N.W.F.P.). Similarly, inter-marriages are common between the people of FATA and the N.W.F.P.

Apart from FATA and the N.W.F.P., there is another geographical area, the Provincially Administered Tribal Areas (PATA), which is located in the north of N.W.F.P. and FATA and is geographically contiguous with both of them as well as Afghanistan. The PATA region is also a predominantly Pashtun territory and shares a border with Afghanistan. PATA comprises of six districts – Swat, Buner, Shangla, Dir Lower, Dir Upper and Chitral – which together forms the Malakand Division. They formerly enjoyed the status of princely states under British India. After Pakistan’s independence in August 1947, these States were annexed into Pakistan in the form of PATA under article 246 and 247 respectively of the 1973 constitution of Pakistan. Unlike FATA which is governed by the federal government, PATA is governed through the N.W.F.P. government, which exercises executive control but cannot apply any provincial or federal laws unless specifically extended by the Governor of N.W.F.P. with the

president's consent.¹⁰ PATA is different from N.W.F.P. on many accounts. First, it is ruled under a different legal system, the *Sharia Nizam-e-Adl* (Urdu for Islamic justice system)¹¹, compared to the N.W.F.P. which is ruled through the English Law. The judicial system in the N.W.F.P. comprises of civil and high court, while Qazi courts and Darul Qaza forms the judicial foundation of PATA. The N.W.F.P. is dotted by military cantonments which date back to the British India era; there are no military cantonments in PATA, and civil armed forces (CAF) or paramilitary forces operate over there. PATA is exempted from taxes, custom duties and land revenue system, while they are applicable in the N.W.F.P. There is a general perception in Pakistan that Malakand Division is part of the N.W.F.P., which is not true. The PATA region was Talibanised by Mullah Fazlullah-led Taliban in 2007 and a large scale military operation, *Rah-e-Rast* (Urdu for the Right Path) was conducted by the Pakistani government in May 2009 which successfully dislodged the Taliban from the area. Therefore, the developments in PATA or its Talibanisation would not be part of this study, which would only confine itself to studying the Talibanisation process in the FATA and N.W.F.P.

Post-independence, both FATA and the N.W.F.P. enjoyed peace and tranquility despite trailing behind the rest of Pakistan in terms of socio-economic indicators. The Soviet invasion of Afghanistan in 1979 witnessed the two regions becoming an abode of the Afghan refugees and Mujahideen training camps. Out of the total refugee population of 3.7 million, the N.W.F.P. hosted 2.25 million while FATA accommodated 0.87 million refugees in 96 refugee camps setup in all the seven agencies of FATA.¹² The N.W.F.P.

¹⁰ "Pakistan: Countering Militancy in PATA", International Crisis Group (ICG), Asia Report No. 242, January 15, 2013, <http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/242-pakistan-countering-militancy-in-pata.pdf> (Accessed on 5 April 2015)

¹¹ Since its inception, PATA has been ruled through various legal frameworks, which include the PATA Regulations (1975-1994), the Nifaz-e-Shariat (1994-1999), Nizam-e-Adl (1999) and the Nizam-e-Adl Regulation (2009). Pakistan: Countering Miiltancy in PATA", Ibid; "Malakand Announces Nizam-e-Adl Implemation", *Dawn*, April 15, 2009, <http://www.dawn.com/news/457515/malakand-announces-nizam-e-adl-implementation> (Accessed on 5 April 2015)

¹² Fazal-ur-Rahim Marwat, *From Muhajir to Mujahid: Politics of War Through Aid*, Peshawa: Area Study Centre, University of Peshawar, (2004), 21.

housed 258 refugee camps for the Afghan refugees.¹³ The subordination of FATA and N.W.F.P.'s resources to the greater cause of fighting Jihad in Afghanistan resulted in a proliferation of sophisticated weapons, drug culture, prostitution and other socio-economic evils disturbed the peace of the two regions. The empowerment of religious circles and mushroom growth of madrassas and mosques radicalised the Pashtun societies in both the region. The number of madrassas in Pakistan which exclusively imparted religious education rose from a meager figure of 137 madrassas in 1947 to 14,680 in 2001.¹⁴ In FATA alone, there are 409 madrassas currently imparting religious education to 83,442 students.¹⁵ The mushroom growth of madrassas was witnessed during the 1980. Similarly, the Pashtun belt (comprising of FATA, N.W.F.P and Balochistan) witnessed the highest rate of enrolment of students in madrassas. According to a World Bank-funded study, the top 10 districts out of a total of 101 districts earmarked for studying the trends of students enrolment in madrassas fell within the Pashtun belt.¹⁶ The triumph of the Mujahideen over the Soviets and the Afghan communist regime further aroused religious fervor in the two areas. The rise of the Taliban as a consequence of factional fighting among the Mujahideen groups in Afghanistan and their control over 90 percent of the country's territory by 1996 strengthened the religious sentiments among the general population.

The overthrow of the Taliban regime in Afghanistan by the US-led coalition against terrorism in October 2001 aroused the religious sentiments of the people in both FATA and N.W.F.P. Anti-American and anti-Musharraf sentiments among the inhabitants of both FATA and N.W.F.P. remained high. During this time, foreign militants, especially Al-Qaeda, Islamic Movement of Uzbekistan (IMU) and the Afghan

¹³ "Afghan Refugees", Official Website of the Commissionerate Afghan Refugees (CAR) Khyber Pakhtunkhwa Peshawar, http://kpkcar.org/projects.php?project_id=2 (Accessed on April 3, 2015)

¹⁴ Mumtaz Ahmad, "Madrassa Education in Pakistan and Bangladesh", www.iiu.edu.pk/.../madrassa-education-in-pakistan-and-bangladesh.pdf (Accessed on April 3, 2015)

¹⁵ "FATA: Statistical Profile of Deeni Madaris (2013-2014)", *Official Report of the Directorate of Education FATA*, (May 2014), fata.gov.pk/cp/uploads/downloads/14147372955453252dcf3e2.pdf (Accessed on April 3, 2015).

¹⁶ Tahir Andrabi, Jishnu Das, Asim Ijaz Khwaja, Tristan Zajonc, "Religious School Enrollment in Pakistan: A Look at the Data", www.hks.harvard.edu/fs/akhwaja/papers/madrassa_CER_dec05.pdf (Accessed on April 3, 2015)

Taliban, were fleeing Afghanistan in search of sanctuaries. While some senior Al-Qaeda leaders took refuge in Iran¹⁷, a large number of them – both rank and file - arrived in Pakistan. Among those who arrived in Pakistan, some of these foreign militants stayed back in the FATA region, while a significant number sought refuge in the urban areas of Pakistan. However, incessant arrests by the Pakistani law enforcement agencies in the urban centres of country, including Peshawar and Mardan (N.W.F.P.), forced the remaining foreign militants to retreat to the FATA region and entrench themselves firmly with the Pashtun tribes over there. According to a study, Pakistan arrested or killed more than 1,000 Al-Qaeda and foreign militants during 2002 to 2006.¹⁸

Since 2002, local pro-Taliban militants initiated a drive in FATA to recruit local tribesmen to wage a holy war (Jihad) in Afghanistan. The drive gradually snowballed into the Talibanisation of the FATA region. The indigenous rise of the Pakistani Taliban during 2002-2003 in the FATA region effectively eroded the State writ in the region. Gradually, FATA became a “no-go” area for the government. In the N.W.F.P., the Muttahida Majlis-e-Amal (MMA) – a conglomerate of religio-political parties - which won the general elections held in 2002 and governed the N.W.F.P. and Balochistan Provinces. While violence continued to rise in the N.W.F.P. due to the Taliban actions who were operating out of the safety of the North and South Waziristan Agencies, they were not able to establish a foothold in the Province.

This thesis seeks to analyse why Talibanisation has taken place in FATA, and why it has failed to make inroads in the N.W.F.P.

¹⁷ Some of the prominent Al-Qaeda leaders who took refuge in Iran were Saif al-Adel (head of Al-Qaeda’s Security Committee), Abu Hafs al-Mauritani (head of Al-Qaeda’s Sharia Committee), Muhammad al-Masri and Sulaiman Abu Gaith (fund raiser). Please see Bruce Riedel, “The Al Qaeda-Iran Connection”, *Brookings Institute*, May 29, 2011, <http://www.brookings.edu/research/opinions/2011/05/29-al-qaeda-riedel>

¹⁸ Muhammad Amir Rana, “1,000 Al-Qaeda Suspects Arrested from Pakistan”, May 26, 2006, [file:///C:/Users/asus/Downloads/psr0001%20\(1\).pdf](file:///C:/Users/asus/Downloads/psr0001%20(1).pdf) (Accessed on 3 June 2014)

Working Hypothesis

In this thesis, I argue that a lack of modern state institutions in FATA resulted in a nominal government control. This symbolic writ of the State was effectively eroded when challenged by the Taliban militants, who established their own parallel Taliban-style administration in the region.

A number of explanations have been forwarded to explain the Talibanisation of FATA. These postulations are discussed below:

There is a general feeling that the rise of the Taliban in FATA and their subsequent Talibanisation was a result of the US invasion and occupation of Afghanistan in October 2001. The argument is based on the assumption that Pashtuns live on both sides of the Pakistan-Afghanistan border, and the Pakistani Pashtuns, especially the Waziristani tribes, have played a “defining role in Afghan dynastic struggles in the past.”¹⁹ This role was to continue when the Soviets invaded Afghanistan in December 1979 and continues to this day. Moreover, the Pakistani Pashtuns consider the presence of US and NATO force in Afghanistan as “occupation” and the Taliban’s war as a “national resistance struggle” and a “defensive jihad”;²⁰ a situation starkly similar to the occupation of Afghanistan by the former Soviet Union in December 1979. Similarly, the Pashtuns are predominantly Muslim race, who believe that the present US foreign policy is aimed at “occupying” the Muslim lands. The sense among the Pashtuns as being “one nation” motivates the Pashtuns in both Pakistan and Afghanistan to resist the “occupation” forces in Afghanistan. While religious sentiments and ethnic affiliation remained high among the Pashtuns in both FATA and the N.W.F.P., only FATA was Talibanised. This was despite the fact that the people in the N.W.F.P. voted for Muttahida Majlis-e-Amal (MMA) – a conglomeration of six religio-political parties. The MMA

¹⁹ Syed Farooq Hasnat, *Global Security Watch-Pakistan*, California: Praeger Security International, (2011): 145.

²⁰ Anatol Lieven, “Our War Against the Pashtuns”, *The New York Review of Books*, April 3, 2012, <http://www.nybooks.com/blogs/nyrblog/2012/apr/03/afghanistan-war-against-pashtuns/> (Accessed on April 4, 2015)

swept into power by winning 52 seats out of a total of 99 in the N.W.F.P., provincial assembly during the general elections held in Pakistan in 2002.²¹ The support to MMA can partly be explained as a reaction to the international military intervention in Afghanistan.²² However, despite holding similar perceptions, the N.W.F.P. did not lapse into the Talibanisation in comparison to FATA where the local Taliban challenged and eroded the State writ in 2004.

Another explanation focuses on the impact of external influences in FATA as the likely factor behind the Talibanisation of FATA. According to this explanation, the non-state foreign actors, such as Al-Qaeda and the Islamic Movement of Uzbekistan (IMU), spread its hate-ideology of jihad and encouraged and supported the rise of Pakistani Taliban.²³ Since, foreign militants are currently based in FATA, therefore their arrival and presence was a motivating factor in the Talibanisation of FATA and their absence in the N.W.F.P. did not allow the Talibanisation of the province.

However, it is pertinent to mention that the foreign militants belonging to Al-Qaeda initially made attempts to seek refuge in various parts of Pakistan, including the N.W.F.P., after the US invasion of Afghanistan in October 2001. However, they were either captured or killed.²⁴ This forced the foreign militants to retreat back into FATA, where they remained safe from Pakistani law enforcement and security agencies.²⁵

²¹ “Muttahida Majlis-e-Amal (MMA)”, <http://www.globalsecurity.org/military/world/pakistan/mma.htm> (Accessed on April 4, 2015)

²² Oliver Thranert and Christian Wagner, “Pakistan As a Nuclear Power: Nuclear Risks, Regional Conflicts and the Dominant Role of the Military”, Stiftung Wissenschaft Und Politik (SWP), RP 8, June 2009, http://www.swp-berlin.org/fileadmin/contents/products/research_papers/2009_RP08_trt_wgn_ks.pdf

²³ Simon Franzen, “Unity in Terrorism: the Relationship Between Al-Qaeda, the Taliban and Militants in Pakistan”, *Institute for Middle Eastern Democracy*, (2012), instmed.org/wp-content/uploads/2012/.../Al-Qaeda-and-the-Taliban.pdf (Accessed on April 6, 2015)

²⁴ More than 25 percent of the detainees in Guantanamo Bay, Cuba, were arrested in Pakistan. See Rohan Gunaratna & Anders Nielsen, “Al Qaeda in the Tribal Areas of Pakistan and Beyond”, *Studies in Conflict & Terrorism*, 31, no. 9, (2008): 782, <http://dx.doi.org/10.1080/10576100802291568>, (accessed on April 6, 2015)

²⁵ Ibid.

Similarly, another hypothesis which explains the Talibanisation of FATA, traces its roots in the religious radicalization which took place as a consequence of the occupation of Afghanistan by the former Soviet Union in 1979. The arrival of Afghan refugees and setting up of jihadi training camps witnessed FATA and the N.W.F.P., being used as a springboard for training and launching Mujahideen in Afghanistan. The Taliban that rose in Afghanistan during the 1990s were a byproduct of the religious madrassas in Pakistan. These developments in Afghanistan greatly impacted FATA in terms of promoting extremism, militancy, drugs and small weapons.²⁶ However, it is pertinent to mention that the N.W.F.P, being a Pashtun region shares a border with FATA, and was an abode of the Afghan refugees and a base for seven Afghan Mujahideen militant groups which fought against the Soviet forces in Afghanistan during the 1980s.²⁷ While radicalisation had a severe impact on FATA, it also left deep influence on the N.W.F.P. However post-9/11, FATA fell into the lap of the Taliban, while the N.W.F.P. evaded the Talibanisation drive.

There is another opinion that seeks to explain the Talibanisation in the context of Pashtun ethno-nationalism. According to this hypothesis, both FATA and the N.W.F.P. provided a basis for support to the Taliban resistance in Afghanistan against the US and NATO forces. This could be true in some respect because the Taliban phenomenon in both Afghanistan and Pakistan are mainly confined to the Pashtun land, and majority of the Taliban on both sides of the Pakistan-Afghanistan border are ethnically Pashtun.²⁸ However, this argument could also not explain the reason why FATA became Talibanised but N.W.F.P. was spared.

The drone strikes by the U.S. in the FATA region is viewed as another factor that has resulted in the rise of the Taliban and the subsequent Talibanisation of the entire

²⁶ Javid Husain, 'Threat of Talibanisation', *Dawn*, June 29, 2007, <http://www.dawn.com/2007/06/29/op.htm#1>

²⁷ Milton Bearden, 'Afghanistan Graveyard of Empires', <http://www.khyber.org/publications/006-010/afghangraveyard.shtml>; '9/11 brings slow death to Peshawar', *The Express Tribune*, September 7, 2011, <http://tribune.com.pk/story/246989/911-brings-slow-death-to-peshawar/>

²⁸ 'Pashtun Taliban Insurgency', <http://www.globalsecurity.org/military/world/war/pakistan2.htm> (Accessed on April 6, 2014)

region.²⁹ A total of 21 drone strikes took place in the FATA region during 2001-2008.³⁰ Out of a total of 21 strikes, 19 took place in 2008 alone, while only two drone strikes were reported in the year 2005 and 2007 respectively. A total of 177 people were reportedly killed and 32 were injured in these strikes. It is pertinent to mention that the drone strikes did not precede the arrival of foreign militants in FATA or the rise of the Pakistani Taliban. In fact, the strikes were preemptive in nature and aimed at preventing the terrorists from conducting terrorist attacks in the region and beyond by killing their rank and file and reduce their capability. It is also important to mention that the Pakistani Taliban had already Talibanised the South Waziristan Agency (SWA) in 2004 before the drone strikes were initiated. However, the drone strikes helped the Taliban in attracting new recruits to their outfit to avenge the death and destruction caused to their families.

All the above mentioned explanations, such as US occupation of Afghanistan, religious radicalisation of Pashtuns, Pashtun ethno-nationalism, anti-western perception due to US' military intervention in Afghanistan, and US drone strikes in the FATA region are important factors that may have contributed to the Talibanisation of FATA. However, none of them offers a plausible explanation as to why the N.W.F.P., which share similar attributes with FATA, such as common ethnic and cultural roots, geographical contiguity, socio-cultural, economic and political impact of the crisis in Afghanistan, evaded Talibanisation. One factor which has so far been missing in the academic debates is the role of modern state institutions in the N.W.F.P., which thwarted Talibanisation of the N.W.F.P.

I argue that the presence of colonial-era archaic institutions in FATA had historically allowed the establishment of a weak writ of the government in the region. However, FATA remained stable in the absence of internal disturbances within Pakistan as well as external influences from the outside to a large extent. The arrival of foreign

²⁹ "Living Under Drones: Death, Injury and Trauma to Civilians from US Drone Practices in Pakistan", <http://www.livingunderdrones.org/report/> (accessed on June 2, 2015)

³⁰ "Drone Attack in Pakistan: 2005-2015", *South Asia Terrorism Portal*, <http://www.satp.org/satporgtp/countries/pakistan/database/Droneattack.htm> (accessed on June 2, 2015)

militants in the post-9/11 and the rise of Pakistani Taliban were neither noticed nor challenged by the political administration of the respective Agencies of FATA. Under international pressure to curb cross-border Taliban attacks in Afghanistan, the Pakistani government mobilized its resources to “dislodge Al Qaeda from its soil.”³¹ However, its writ was challenged by the Pakistani Taliban, who targeted the archaic governing institutions, thereby eroding the writ of the government in FATA. Subsequently, the Taliban filled the power vacuum by establishing a parallel government in FATA, and Talibanising the region.

Conceptual Framework

There are a number of theoretical concepts which could be used to explain the phenomenon of Talibanisation of FATA. One explanation is based on the concept of internal colonialism. According to it, structural political and economic inequalities based on minorities within a state, and identified by their ethnic or religious distinction between geographical regions within a state tend to have uneven effects on economic and political development on a regional base. The concept derives itself from colonialism, which could mean the subjugation of physical and psychological force of one culture by another, mainly through military conquest of the territory.³² Subsequently, the minority groups who remain underdeveloped are exploited by the majority for its development. Although FATA is controlled by the federal government in Pakistan, the concept of internal colonialism does not fit nicely since FATA has neither been invaded nor colonized by the government of Pakistan. It is not subjected to economic and political exploitation of the federation. In fact, FATA enjoys maximum autonomy, which was granted to them of their own volition, and was not imposed on them by the federation. To the contrary, the N.W.F.P., which share similar attributes with FATA, was assimilated in Pakistan as a federating unit, and maintains a separate political, economic and social status vis-à-vis

³¹ D.P. Sharma, *The New Terrorism: Islamist International*, New Delhi: A.P.H. Publishing Corporation (2005): 346.

³² Philip McMichael, *Development and Change: A Global Perspective*, California: Sage Publications, Inc, (2012): 27.

FATA. The application of the concept of internal colonialism over FATA may not be appropriate since FATA never demanded separation from the federation.³³

The Talibanisation of FATA in comparison to the N.W.F.P. could also be explained through the Centre-Periphery theory. Michael Hechter has defined a core or center as a dominant cultural group which occupies territory extending from the political center of the society (e.g. the locus of central government) outwards to those territories largely occupied by the subordinate.³⁴ The periphery is defined as a “peripheral cultural group”, with both the core or center and the periphery regionally concentrated, with little or limited interaction.³⁵ Both the center and periphery are distinguished from each other on account of the level of national development which both of them are subjected to. While the center comprises of a national political culture through assimilation³⁶ of various cultures, the periphery retains its distinct cultural identity, and even resists acculturation.³⁷

What makes this divide of center and periphery a definitive feature is driven by mostly the nature of geography, ethnic groups and varying distinct cultures which both the center and periphery exhibit. In most cases, a periphery is a territory which is either geographically located on the edge or boundary of a nation states, or is either inaccessible or marked with difficult terrain, such as mountains, jungles and deserts. Difficult weather conditions coupled with scant and scattered population creates challenges of building

³³ Kaustav Chakrabarti, “There is an Insurgency in FATA”, *The Friday Times*, <http://www.thefridaytimes.com/tft/there-is-an-insurgency-in-fata/> (accessed on 19 April 2015)

³⁴ Michael Hechter, “Internal Colonialism: The Celtic Fringe in British National Development, 1536-1966”, University of California Press Berkeley and Los Angeles, 1975, P.18.

³⁵ Ibid.

³⁶ Assimilation is a term used in sociology and anthropology to denote a process in which individuals or groups of differing ethnic heritage are absorbed into the dominant culture of a society by adopting the traits of the dominant culture. Gradually, the assimilating group becomes socially indistinguishable from other members of the society. As such, assimilation is the most extreme form of acculturation. Please see, “Assimilation”, <http://www.britannica.com/topic/assimilation-society> (Accessed on 7 April 2015)

³⁷ Acculturation denotes a process in which artifacts, customs, and beliefs are modified when two cultures come into contact with each other. It can be reciprocal in which both the cultures – minority as well as the dominant one – incorporates the norms and values of the other culture by altering their own. Please see, <http://www.rice.edu/projects/HispanicHealth/Acculturation.html> (Accessed on April 7, 2015)

physical infrastructure within the region, which confines the population of peripheral area into small physical areas, with little communication between them as well as with the center. The communication means remains undeveloped and ideas scantily travel from one place to other, which allows the peripheral society or societies to remain aloof from integrating into a national political culture.

The existence of distinct ethnic or cultural groups within the periphery and the center further exacerbate efforts aimed at acculturation or assimilation of culture between the two geographical regions. Such efforts are impeded by the feelings of ethnocentrism.³⁸ Both cultural opposition and difficult physical terrain impedes efforts by the center to penetrate into the periphery. Subsequently, both the areas evolve differently, with the center assuming the role of a prosperous, urbane and industrialised entity, while the periphery remains marginalised, both economically and politically, and remains under-developed and poor.

The center-periphery theory, as evident from the above discussion, can also be used to discuss the Talibanisation of FATA owing to lack of modern state institutions, but then it does not serve the purpose of explaining the role of modern state institutions in the N.W.F.P. and their absence in FATA in the context of the Talibanisation phenomenon. If the study was about the policy of strategic-depth being pursued by the Pakistani government in Afghanistan and an intentional marginalisation of the FATA region in order to keep it backward, then the center-periphery theory could be of some help to understand the sources of the Talibanisation. To the contrary, FATA was granted maximum autonomy in deference to their wishes. In his speech to a grand tribal jirga of FATA tribesmen on 17 April 1948 in Peshawar, Pakistan's founder, Muhammad Ali Jinnah promised them of non-interference in their affairs. He said: *"You have expressed your desire that the benefits, such as allowances and Khassadari [sic] that you have had in the past [during British rule] and are receiving, should continue. Neither my*

³⁸³⁸ Ethnocentrism is a sociological and anthropological concept according to which an individual judges another culture, norms and values solely by the values and standards of his own culture. This would mean that an individual believes in the superiority of his ethnic or racial group. Please see, <http://www.merriam-webster.com/dictionary/ethnocentric> (Accessed on April 7, 2015)

*government nor I have any desire to modify the existing arrangements except, in consultation with you, so long as you remain loyal and faithful to Pakistan.*³⁹

For the purpose of this study, the best possible option is to use the concept of institutions or institutionalism. The study will rely on both the old and new institutionalism and formal and informal institutions within a state. These institutions can be political, economic, security and administrative in nature and they have a role to play in the stability and security of the state. The study emphasizes that the state institutions whether, political, socio-economic, security oriented or administrative in nature are essential to maintain state writ within its boundaries. These institutions give a sense of legitimacy to the state. Moreover, they enhance people's confidence on the state and give them a sense of participation, whether direct or indirect, in the state's affairs which may have a direct bearing on their lives.

A look at the governance institutions in FATA and the N.W.F.P. reveals that both the regions enjoy separate constitutional status under the Constitution of the Islamic Republic of Pakistan. FATA enjoys semi-autonomy under the Constitution of Pakistan, and retains a distinct constitutional status compared to the N.W.F.P. and other provinces of Pakistan. Under Article 246 and 247 of Chapter Three of the Pakistan Constitution, entitled "Tribal Areas", FATA falls under the executive control of the Federation, with the President of Pakistan exercising exclusive jurisdiction over FATA. The constitution also prohibits Pakistan's Majlis-e-Shura (Parliament) and the judiciary from exercising any jurisdiction over FATA.⁴⁰ The President has delegated his administrative powers to the Governor of N.W.F.P. for overseeing the day-to-day affairs of FATA.⁴¹ Similarly, the region is regulated by the Frontier Crimes Regulation (FCR), a British colonial-era legislation enacted in 1901, which lays down the laws dealing with the FATA region. The

³⁹ Syed Farooq Hasnat, "Global Security Watch-Pakistan", 148

⁴⁰ "The Constitution of the Islamic Republic of Pakistan," Official website of the Ministry of Foreign Affairs of Pakistan, <http://www.mofa.gov.pk/Publications/constitution.pdf> (Accessed on April 23, 2015)

⁴¹ "FATA Sustainable Development Plan 2007–2015", http://urban.unhabitat.org.pk/Portals/0/Portal_Contents/FATA/Landi%20Kotal/FATA%20Sustainable%20Dev%20Plan%202007-2015.pdf (Accessed on April 7, 2015)

FCR also entails collective responsibility clauses, under which an entire family, clan or a tribe could be held responsible and subsequently punished for the offense committed by any of its members.⁴² Under the FCR, the tribes are allowed to regulate their affairs under the traditional code of *Pashtunwali* (tribal code) and *Riwaj* (local customs). The government's writ was nominal in character and was confined only to the protection of communication infrastructure that the government had built in the area as well as government-owned property and officials. In every Agency of FATA, the entire government machinery is comprised of a handful of government officials, which is headed by the Political Agent (PA), a federal civil officer deputed to the area for a limited period of time. The PA enjoys extensive powers, since both the executive and judicial authority is vested in his office. There are no judicial courts in the Agency and the tribal disputes are resolved through the Jirga, while the civil matters involving crimes against the state are decided by the PA office.⁴³ The Office of the Provincial Secretary of Home and Tribal Affairs of the N.W.F.P. serves as the highest appellate court. The existing FCR system bars the local tribesmen from taking their matters to High Court or Supreme Court of Pakistan. The PA is also responsible for undertaking the developmental work in the Agency, and his funds are not auditable, which allow the PA to embezzle development funds.⁴⁴

Similarly, the maintenance of law and order in FATA is governed by the FCR, which allows the Pashtun tribes to deal with their personal, family and tribal disputes through the institution of *Jirga* (tribal council). The government does not maintain regular law enforcement personnel and police stations in the Agency. However, *Khassadars* (tribal militia) are present in every Agency who are recruited from within the tribe on the recommendation of the *Maliks* (tribal elders), and are paid a monthly salary, but are not imparted any training nor granted any post-retirement benefits. The *Khassadar* force is not equipped with weapons by the state; the *Khassadar* personnel

⁴² Zafar Nawaz Jaspal, "FCR 1901-2009: Selective Collective Punishment?," *Weekly Pulse*, August 19, 2009, Available at: <http://www.weeklypulse.org/pulse/article/4068.html> (Accessed on April 22, 2012)

⁴³ "FATA Development: 2000-2015", Embassy of Pakistan, Economic Division, July 1, 2008, <http://www.embassyofpakistanusa.org/forms/FATA%20Development%20Program%202008.pdf>

⁴⁴ Ibid.

carry their own weapons when called to the aid of the civil administration. The *Khassadars* are utilised by the PA when a fugitive from other part of Pakistan takes refuge in FATA, or when a tribesman commits a crime against the government in violation of the FCR. Under various treaties signed between the Government of Pakistan and various Pashtun tribes inhabiting FATA, the former does not maintain regular armed forces in the region or build military cantonments. However, the Frontier Corps – a civil armed force under the control of the Ministry of Interior, but lead by officers from the Pakistan Army and recruited from the tribes inhabiting FATA – operates along the Pakistan-Afghanistan border.

The main responsibility of the PA is to ensure that the tribes are kept under control. These colonial-era archaic institutions, however, were able to largely maintain peace in the region. However, a lack of penetration by the government in FATA did not provide opportunities to tribesmen in FATA to avail benefits that could accrue from the presence of the modern institutions and had to rely on their centuries old traditional institutions in socio-economic and political aspects of their life. This also had the inherent effect of allowing the tribal bonds and values to remain intact.

On the political front, the region remains deprived of political processes, such as political parties, local bodies, adult franchise etc., which were in practice in the entire country, including the N.W.F.P, but were not introduced in FATA. The only political reform introduced in FATA was the grant of universal adult franchise in 1996.⁴⁵ However, the government withheld the introduction of Political Parties Act (PPA) in the region, which meant that elections were to be held on non-party basis.⁴⁶ While the people of FATA elect 20 legislators for the Parliament – 12 seats for the National Assembly and eight seats for the Senate -, these legislators do not play any role to enact laws concerning

⁴⁵ Asmatullah Khan Wazir and Muhammad Zaheer Khan, “Mainstreaming FATA Through Legal and Political Reforms”, *A Report by FATA Research Centre*, <http://frc.com.pk/wp-content/uploads/2014/01/Research-Paper-2.pdf> (Accessed on April 6, 2015).

⁴⁶ C. Christine Fair, Nicholas Howenstein, and J. Alexander Their, “Troubles on the Pakistan-Afghanistan Border,” USI Peace Briefing, United States Institute Of Peace (USIP), December 2006, Available at: http://www.usip.org/files/resources/Fair_Howenstein_Thier_PB_Pakistan-Afghanistan%20Border.pdf (Accessed on May 2, 2015)

FATA in constitutional, socio-economic and political realm, and remains the sole domain of the President.⁴⁷

On the other hand, the present-day N.W.F.P. is assimilated into the mainland Indian subcontinent over the course of hundreds of years. The government's penetration into the N.W.F.P. has altered the traditional tribal institutions, and replaced them with modern state institutions. For example, while the institution of Jirga remains important in the N.W.F.P. society as an informal grassroots-level dispute resolution mechanism, it is the police and civil courts which regulate the law and order in the area. It was precisely because of this reason that the N.W.F.P. became part of a peaceful political and constitutional struggle for independence against the British colonial rule over the Indian subcontinent (1857-1947). FATA, on the other hand, witnessed regular armed uprisings by various tribes to resist the British penetration and control over the region. Subsequently, the British Indian government conducted punitive military expeditions against the respective tribes of FATA from time to time to suppress the uprising. After the departure of Britain from the Indian subcontinent in August 1947, the uprisings gradually came to an end when Pakistan took over from the British India as a successor state. This happened when the newly established Pakistani state decided to withdraw armed forces from the present-day FATA region.⁴⁸

The N.W.F.P. has all the attributes of modern state institutions, such as an executive, legislature, and judiciary. Apart from this, political processes, such as political parties, local bodies, general elections and right of adult franchise at the grass root level have allowed the people to participate in democratic processes. The presence of law enforcement agencies, judicial and executive magistracy and establishment of military cantonments ensures the rule of law and maintenance of public order throughout the province. Robust economic activity, especially the development of an agrarian economy and government and private sector-funded investments in the province ranging from

⁴⁷ "FATA Development: 2000-2015", 4.

⁴⁸ "Azadi/Independence", Official website of the government of Khyber Pakhtunkhwa Province, <http://www.khyberpakhtunkhwa.gov.pk/aboutus/Azadi-Independence.php> (Accessed on April 7, 2015)

industry to services sector changed the landscape of the N.W.F.P. and positively altered the behaviour and outlook of the people of the N.W.F.P.

Conceptual Diagram

SIGNIFICANCE OF THE STUDY

The thesis carries significance since it studies FATA and the N.W.F.P., two separate geographical and administrative regions which border Afghanistan and mainly inhabited by the Pashtun ethnic group that comprises tribes straddling both sides of the ill-defined and porous Pakistan-Afghanistan border (also known as the Durand Line). FATA assumed tremendous significance as the ground zero of terrorism in the post-September 11, 2001 (9/11), terrorist attacks in the U.S. Subsequently, a U.S.-led coalition overthrew the Taliban regime in Afghanistan in November 2001. This resulted in an exodus of Afghan Taliban and foreign militants, especially Al-Qaeda (AQ), into Pakistan in search of a sanctuary. These foreign militants were able to carve out safe havens for themselves in FATA.

It is from the FATA region that Al-Qaeda and its associated terrorist groups continue to plan and conduct terrorist attacks in the West. In fact, all the major terrorist plots in the West were traced to have been hatched by Al-Qaeda in the FATA region. Some major terrorist plots in the West which had Al-Qaeda's imprints, include the Madrid train bombing (March 2003)⁴⁹; London bombings (July 2005)⁵⁰; foiled Liquid Plot to bomb airplanes over the Atlantic Ocean (August 2006)⁵¹; foiled attacks in Germany and Denmark (September 2007)⁵²; foiled suicide attacks in Spain (January 2008)⁵³; Times Square Bombing Plot (2010)⁵⁴ etc. According to the US Department of

⁴⁹ "We bombed Madrid, says al-Qaeda tape", *The Guardian*, March 14, 2004, <http://www.theguardian.com/world/2004/mar/14/spain.terrorism3> (Accessed on April 7, 2015).

⁵⁰ "July 7 bombings were last successful al-Qaeda attack Osama bin Laden played a role in, US claims", *The Telegraph*, July 13, 2011, <http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/8633919/July-7-bombings-were-last-successful-al-Qaeda-attack-Osama-bin-Laden-played-a-role-in-US-claims.html> (Accessed on April 7, 2014)

⁵¹ "Plot to Bomb U.S.-Bound Jets Is Foiled", *The Washington Post*, August 11, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/08/10/AR2006081000152.html> (Accessed on April 7, 2015)

⁵² "Germany foils 'massive' bomb plot", *BBC*, September 5, 2007, <http://news.bbc.co.uk/2/hi/europe/6979295.stm>; "Denmark Arrests 'bomb' Suspect", *BBC*, September 5, 2007, <http://news.bbc.co.uk/2/hi/europe/6977741.stm> (Accessed on April 7, 2015)

⁵³ "Spain Arrests 14 Linked To Al Qaeda And Islamic Terrorism", *Sky News*, January 20, 2008, <http://news.sky.com/story/567247/spain-arrests-14-linked-to-al-qaeda-and-islamic-terrorism> (Accessed on April 7, 2015)

State's Country Reports on Terrorism 2007 released on 30 April 2008, FATA provided Al-Qaeda's leadership with "greater mobility and ability to conduct training and operation planning, particularly that targeting Western Europe and the United States."⁵⁵

Similarly, EUROPOL's Annual "Terrorism Situation and Trend Report-2008" released on 28 April 2008 describes FATA as the "command and control center" for Al-Qaeda's "remaining core leadership," who are planning terrorist attacks in the European Union (EU). The report said that the Afghan Taliban and pro-Taliban groups in Pakistan have links to the increasingly active core-structure of Al-Qaeda. The report further said that while terrorist links between Pakistan and the EU were almost exclusively focused on the UK, they have recently been expanded to the rest of the EU as well.⁵⁶ Despite the passage of 10 years since the September 2001 terror attacks in the U.S. and the commitment of massive human and material resources by the West, Al-Qaeda continues to enjoy semi-sanctuary in FATA, from where it regroups and launch terrorist attacks worldwide.

The US' major emphasis initially focused on eliminating Al-Qaeda from FATA. The regrouping and eventual re-emergence of Taliban in both Afghanistan and Pakistan received less attention in the West. Former Pakistani President, General Pervez Musharraf, diverted the attention of the world towards the Taliban phenomenon when he suggested that the Taliban now presented a greater threat to the world than Al-Qaeda.⁵⁷ He made this claim while addressing the European Parliament's Foreign Affairs Committee in Brussels in September 2006. In his address Musharraf stated that although the vast majority of Pashtuns are moderate, the resurgence of Taliban in Afghanistan

⁵⁴ Omar Waraich, "The Radical Lure of Pakistan's Jihad Tourism", *Times Magazine*, May 6, 2010.

⁵⁵ Chapter 5: Terrorist Safe Havens: Strategies, Tactics, Tools for Disrupting or Eliminating Safe Havens, Country Report on Terrorism 2007, US Department of State, <http://www.state.gov/s/ct/rls/crt/2007/> (Accessed on April 7, 2015)

⁵⁶ "TE-SAT - EU Terrorism Trend and Situation Report", EUROPOL 2008, http://www.europol.europa.eu/publications/EU_Terrorism_Situation_and_Trend_Report_TE-SAT/TE-SAT2008.pdf

⁵⁷ "Afghanistan: Taliban Could Spark Pashtun 'National War'," *RFERL*, September 12, 2006.

could lead to a Talibanisation of the Pashtuns in both Afghanistan and Pakistan.⁵⁸ Recent statements by the U.S. military and intelligence officials in 2009 seem to attest to Musharraf's claim, when they state that the Taliban have surpassed Al-Qaeda as a bigger threat, with the latter relying on the former for protection and manpower to carry out deadly attacks.⁵⁹ The frequent usage of the term "Af-Pak" as "bureaucratic shorthand" by President Obama's Administration since January 2009 is intended to convey that the situations in the border areas on both sides [Afghanistan and Pakistan] were linked and problem on one side could not be resolved without the other.⁶⁰ This signifies the importance of Pakistan's western border regions – FATA, N.W.F.P. and Balochistan Provinces – as an extension of existing conflict in Afghanistan.

It is important to define the term Taliban and Talibanisation in the context of FATA and the N.W.F.P. Talib is an Arabic word for a student, which in the present day context is mainly confined to those students who seek religious studies in a madrassa (Arabic for religious seminary). In literary Arabic, the plural of Talib is Tulaab, while its Pakistani derivative is the Taliban. The word Taliban and Talibanisation is historically related to the Afghan factional fighting among various mujahideen factions during the 1990s, when students – mainly Afghan nationals – studying at various religious seminaries in Pakistan took up arms under the leadership of Mullah Muhammad Omar.⁶¹ The latter is a former Afghan jihadist veteran of the 1980s jihad against the former Soviet Union, and was associated with the Hizb-e-Islami- Khalis. Omar rose up in 1994 in Kandahar in Afghanistan to rid the war ravaged country of warlordism and restore peace and stability. Between 1994-1996, the Taliban movement spread to most parts of Afghanistan, especially the Pashtun areas, and eventually controlled 90 percent of the country.⁶² The unblemished success of Taliban in Afghanistan spilled over into Pakistan,

⁵⁸ Ibid.

⁵⁹ Joshua Partlow, "In Afghanistan, Taliban Surpasses al-Qaeda," *Washington Post*, November 11, 2009, Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2009/11/10/AR2009111019644.html>.

⁶⁰ Nirupama Subramanian, "India Has Role to Play in Afghanistan: Holbrooke", *The Hindu* (India), June 6, 2009, Available at: www.hindu.com/2009/06/06/stories/2009060659771000.htm

⁶¹ Zachary Laub, "The Taliban in Afghanistan", *Council on Foreign Relations*, <http://www.cfr.org/afghanistan/taliban-afghanistan/p10551> (accessed on May 12, 2015)

⁶² Ibid.

where Taliban-like movements emerged in the Khyber Agency and Orakzai Agency (1997)⁶³, although its effects and scope was limited during that time. The Taliban mainly adhered to the Deobandi strand of Sunni sect of Islam and advocated extremist and puritanical thoughts on enforcing Sharia in the country. The Afghan Taliban ruled Afghanistan in the name of Islamic Emirate until they were overthrown in October 2001 by the US-led coalition against terrorism, for giving refuge to Osama Bin Laden and Al-Qaeda.⁶⁴

It was only in the post-September 2001 invasion of Afghanistan by the US-led coalition that Pakistan's FATA and the N.W.F.P. witnessed the emergence of Pakistani Taliban. The Taliban movements in Afghanistan and Pakistan are not a monolithic entity, though the latter owes allegiance to the former. The Afghan Taliban are believed to be very organized, while the Pakistani Taliban are fractured on a tribal basis into several militant groups. The Pakistani Taliban also differs from their Afghan counterparts in terms of their strategic, operational and tactical vision. While the Afghan Taliban have repeatedly stated that their jihadist struggle is confined to "liberate" Afghanistan and non-interference in the affairs of other countries,⁶⁵ the Pakistani Taliban announced that they would conduct militant attacks in the West, wage a "global jihad" and spread Islam throughout the world.⁶⁶

Similarly, the term Talibanisation applies to the process by which the Taliban occupy a territory through the use of force and violence and establish a strict interpretation of Sharia advocated by the Deobandi tenets. In a Talibanised territory, strict

⁶³ Muhammad Amir Rana, "The Two Taliban", Dawn, October 20, 2013, <http://www.dawn.com/news/1050578> (accessed on May 12, 2015)

⁶⁴ "Afghan Taliban", <http://www.nctc.gov/site/groups/taliban.html> (accessed on May 12, 2015)

⁶⁵ "Pakistan: Afghan Taliban has no interest in fighting Islamabad", Adnkronos, <http://www1.adnkronos.com/AKI/English/Security/?id=1.0.1822698264>; "Eid message: Mullah Omar urges fighters to protect Afghan borders, not interfere in other countries", The Express Tribune, July 26, 2014, <http://tribune.com.pk/story/741083/eid-message-mullah-omar-urges-fighters-to-protect-afghan-borders-not-interfere-in-other-countries/> (Accessed on April 7, 2015)

⁶⁶ "Rising Terror Chief Worries US Officials," CBSNews, March 17, 2008, <http://www.cbsnews.com/news/rising-terror-chief-worries-us-officials/>; "Exclusive New Interview with Maulana Faquir Mohammed," The NEFA Foundation, October 2008, www1.nefafoundation.org/multimedia-intvu.html#faqirmuhammad1022, (Accessed on April 7 2015)

regulations for women are enforced under which they are barred from leaving their houses without the company of their husbands, mixing up with stranger males and observance of strict veils which should not expose even the toes of the women. A lot of cultural and social activities are banned, such as music, dancing and singing, watching TV, movies and even playing sports. The males are forced to sport long beards and pray five times a day in public places. The violation of Taliban edicts would invite public punishments such as cutting of one's limbs, flogging and stoning to death in the case of fornication. The religious minorities – both Muslims and non-Muslims – are treated with utmost discrimination, and the latter are forced to pay *Jizya* or *Zimmi* Tax as well. The Taliban regulations are aggressively enforced through the establishment of a religious police, *Amr Bil Maroof wa Nahi Anil Munkir* (Arabic for Promotion of Virtue and Prevention of Vice)

At present, both FATA and the N.W.F.P. are subjected to Taliban violence. However, the nature of the Taliban activity is different in FATA, where they control huge swathes of land, established Taliban offices, Sharia courts and jails and collect taxes from local population and issue religious edicts. The N.W.F.P., on the other hand, is subjected to regular attacks by the Taliban who want to establish their control over it, which have failed so far.

The Pakistani Taliban mostly comprises of militants belonging to the FATA region. The number of militants from the N.W.F.P. remains low. Hence, the population of the N.W.F.P. views the Taliban efforts to Talibanise the Province as “ideological raids” by people who operate from the FATA region.⁶⁷

⁶⁷ Ishtiaq Ahmed, “The Talibanisation of Pakistan: Threat Abated!”, *South Asia*, Issue No. 14, October 2009, <http://www.isas.nus.edu.sg/SA%20online%2014.pdf>

RESEARCH METHODOLOGY

The study will test the following hypothesis:

A lack of modern state institutions in FATA resulted in a weak government authority, which led to the Talibanisation of the region.

In order to test this hypothesis, I will measure the value of the independent variable, i.e., lack of modern institutional structures as a first step. To accomplish this task, I will explain the meaning of institutional structures. Institutional structures imply administrative, legal, political, economic and social institutions

In order to measure the Independent Variable (IV), I have to determine two things: first, modern institutions are lacking in FATA; and secondly, the existing institutions are insufficient, and are archaic in nature as well. In order to measure the IV, one method is to compare the existing institutions in FATA with the institutions in N.W.F.P. It must be borne in mind that FATA and N.W.F.P. are geographically contiguous, and share ethnic, linguistic, religious and cultural values. However, while FATA has been Talibanised, the N.W.F.P. remains comparatively unaffected. This leads me to use the method of control comparison, and I will choose my case study according to Mill's method of difference.⁶⁸ The characteristics of both the cases (FATA and N.W.F.P.) are the same, but difference in the value of Independent Variable lead towards difference in outcome.

There is also a need to demonstrate that modern institutions are a necessary condition for stability – in other areas of Pakistan and elsewhere in the world. Furthermore, it will attempt to demonstrate if the N.W.F.P. could be described as essentially stable compared to other provinces of Pakistan. This is because while N.W.F.P. has been able to escape Talibanisation, the province remained the major target

⁶⁸ Stephen Van Evera, *Guide to Methods for Students of Political Science* (Ithaca, NY: Cornell University Press, 1997), pp. 56-58.

of the Taliban militants. For example, the N.W.F.P. witnessed 1,009 terrorist attacks in 2008 compared to 385 in FATA, 35 in Punjab, four in Sindh and 692 attacks in Balochistan.⁶⁹

Similarly, while measuring the value of the Independent Variable, I will approach the primary sources of information, which can be accessed through interviews and also looking into some official primary sources such as the 1973 Constitution of the Islamic Republic of Pakistan; Federal Ministry of Interior, Federal Ministry of Kashmir and Northern Areas and States and Frontier Region (KANA & SAFRON); Department of Home Affairs, N.W.F.P.; FATA Secretariat, Peshawar; and N.W.F.P. Governor Secretariat, Peshawar.

Once we determine that there is a fundamental difference in the institutional structure of FATA and N.W.F.P., my next step will be to demonstrate how this difference has resulted in Talibanisation of FATA, while it has impacted N.W.F.P. to a very lesser degree. In other words next task is to find the causal linkage between lack of institutions and the phenomenon of the Talibanisation.

In order to find that causal linkage the study will mainly rely on the methods of process tracing and congruence method. Process tracing is defined as “as the systematic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses posed by the investigator,”⁷⁰ Alexander L. George and Andrew Bennett have defined the process tracing as “methods attempt to identify the intervening causal process – the causal chain and causal mechanism – between an independent variable and the outcome of the dependent variable.”⁷¹

⁶⁹ “Pakistan Security Report 2008”, Pak Institute for Peace Studies (PIPS), Islamabad, Pakistan. The terrorist attacks which were recorded in Balochistan were due to the Baloch insurgency in the Province who are fighting for the separation of Balochistan Province from Pakistan.

⁷⁰ David Collier, “Understanding Process Tracing”. *Political Science and Politics*, 44, no4 (2011), <http://polisci.berkeley.edu/sites/default/files/people/u3827/Understanding%20Process%20Tracing.pdf> (accessed December 15, 2014).

⁷¹ Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in Social Sciences* (Cambridge: MIT Press, 2005): 206.

Process tracing is useful for explaining less explored dimensions of a case study and in tackling the intervening variables. Since the lack of institutions in FATA and its linkage with the Talibanisation of the area is relatively less explored so the use of process tracing can serve the purpose in a better way. Moreover, the data analysed as per the method of process tracing can counter the parallel explanations or variables in a better way.

In order to further strengthen the argument by polishing the causal linkage between the lack of institutions in FATA and the phenomenon of Talibanisation, the study will use the congruence method. In the congruence method, I will explore the congruence and incongruence between the values of independent and dependent variables. As mentioned earlier, congruence analysis will be useful for the purpose of this study since it is going to explore a relatively new hypothesis in the context of institutions and radicalization. The congruence method can be used not only for testing the already existing theories, but also for developing and refining the newly conceived theories.⁷²

Another benefit of mixing the two methods of congruence analysis and process tracing is to help in reducing the element of bias in his findings. Alexander George and Andrew Barnett have stated that the researchers may face the problem of ‘bias’ in using congruence method as it will be made sure that causes and effects should be at the same value.⁷³ In order to avoid this problem, Alexander George recommends the mixing of congruence method with process tracing.

The benefit of combining these two methods - the congruence method and process tracing – is that it will make it easy “to assess whether the congruence between dependent and independent variables is causal or spurious and also to enrich theories that only posit a relationship between independent and dependent variables and have nothing to say about the intervening variables and causal process that connects them”.⁷⁴

⁷² Ibid., 182 – 183.

⁷³ Ibid.

⁷⁴ Ibid.

The thesis will study the Talibanisation of FATA and N.W.F.P. during 2001 to 2008. The timeframe is selected because the Taliban were able to control the entire FATA region by 2008. In late 2008, the Pakistani security forces undertook large-scale military operations in most of the Agencies of FATA, and dislodged the Taliban out of their respective areas. However, security situation remains bleak and uncertain and the territory remains contested between the Tehrik-e-Taliban Pakistan (TTP) and the Pakistan Army. Similarly, In December 2007, various Pakistani Taliban groups announced the formation of the TTP. The announcement reflected that the TTP is planning to announce an Islamic Emirate.

The term North West Frontier Province (N.W.F.P.) is used instead of Khyber Pakhtunkhwa Province (KPK) since the thesis covers the time period 2001-2008, when the Province was retaining its old name. The research material available during this period mentions the N.W.F.P. as the name of the Province and it would be convenient for the author to use the old name.

Chapterization of the Thesis

The study will be structured in the following way;

Chapter 1: Introduction

The Introductory chapter will introduce the reader with the main question and argument of the present study. It will shed light on the conceptual framework, significance of the study and the research methodology used to pursue the study to find the answers to the hypothesis.

Chapter 2: Literature Review

The objective of this chapter is to review relevant literature available through both primary and secondary sources. It would form the theoretical basis to explore how the presence or lack of institutions promotes stability or vice versa.

Chapter 3: Evolution of FATA and the N.W.F.P.

The chapter gives an overview of the salient features of FATA and the N.W.F.P. it discusses the ethnography of the Pashtun tribes, their traits, culture, norms and values, code of Pashtunwali, and traditional socio-political and economic institutions. It deliberates on the geography and its impact on the overall behavior of tribes living in the two regions.

The chapter studies the political and administrative evolution of FATA and the N.W.F.P. as two different and distinct administrative units. It will discuss the role of external influences in shaping the internal dynamics of the two regions and the behavior of their respective people. This chapter studies the origin and development of the constitutional, administrative, political, economic and social institutions in FATA and the N.W.F.P. This chapter will make a comparative analysis of institutions in both the region and study the role of the institutions in dealing with it.

Chapter 4: Institutional Drawbacks in the Talibanisation of FATA

This chapter discusses the salient features of the various types of institutions existing in FATA. It discusses their evolution, strength and weaknesses. The second part of the thesis discusses the Talibanisation of FATA and how the institutions failed in inhibiting the rise and spread of the Talibanisation. The chapter discusses the government's approach since 2003 to deal with the issue, involving military/kinetic approach, political/peace agreements and the historical "divide and rule" policy being pursued by the government to weaken and eliminate the Taliban groups.

Chapter 5: Comparative Peace in N.W.F.P.

In this chapter, the author will discuss the administrative system existing in the Province and how it thwarted the Taliban's attempt to impose their ideology on them.

Chapter 6: Conclusion

CHAPTER 2: Literature Review

Introduction

The purpose of the study is to analyse why the FATA region of Pakistan witnessed Talibanisation and why the ethnically, geographically and socially synonymous North West Frontier Province (N.W.F.P.) region did not witness the Talibanisation. The study argues that the lack of formal state institutions in FATA provided the conditions for the Talibanisation while in KPK the presence of formal state institutions proved as a shield against the wave of Talibanisation.

For the purpose of the study the literature will be reviewed on the sources of Talibanisation in both FATA and KPK. Then literature on the sources of radicalization of societies will also be reviewed and finally literature on the significance of formal state institutions in maintaining stability or their role as a safeguard against radicalization will be studied.

Sources of Talibanisation in FATA

The Talibanisation of FATA is one of the widely discussed themes in post-9/11 literature on issues related to terrorism. The US Operation Enduring Freedom that was initiated in Afghanistan in October 2001 against Al-Qaeda and the Taliban in response to 9/11 resulted in many terrorists crossing over into the FATA areas and other urban centres in the settled areas like Peshawar, Lahore and Karachi. The crossing of Al-Qaeda and Taliban leadership and militants into Pakistan brought it into the limelight of the war on terror. Subsequently both the scholarly and policy makers' communities could not ignore the significance of FATA in particular and entire Pakistan in general in their discourse on post-9/11 terrorism.

As far as FATA is concerned it has been one of the widely researched areas in the South Asia region especially during the British era, when the area was a British colony. A survey of published literature on FATA and N.W.F.P. (the latter was part of the greater Punjab Province until 1901, when it was separated and established as a separate administrative unit) vividly reflects how academic interest in the region has seen ebbs and flows in terms of its importance over the course of history. The early literature on the region could be traced to the post-1857 British India's incursions into FATA and N.W.F.P. in pursuit of controlling Afghanistan and warding off Czarist Russia's penetration southwards towards the British Indian Dominion. The British feared that Russia's expansion into Central Asia may threaten to destroy the "jewel in the crown" of the British Empire, India. The British feared that the Tsar's troops would subdue the Central Asian Khanates and Afghanistan and may take over India. The subsequently intense geopolitical struggle between the British India and Czarist Russia was aptly described as the Great Game. In order to secure its interests, the British government wanted concessions from Afghanistan. Subsequently, the British fought two Anglo-Afghan wars of 1842 and 1878. The British apprehensions viz Afghanistan were addressed after signing of the Afghan-Russia border agreement (1873) and the Durand Line Agreement (Afghanistan-British India border) in 1893.

Since both FATA and N.W.F.P. were part of the greater Pashtun nation that straddles both sides of the Durand Line (herein referred to as Afghanistan-Pakistan border), hence initial but major emphasis was placed on studying the society and culture of the Pashtun tribes living on the British India side of the Durand Line. This was important since Pashtun society comprises tribes, which were further sub-divided into smaller denominations, such as sub-tribes, clans and sub-clans, with each of the denominations occupying a specific geographical area and distinguished themselves from each other through various Pashto dialects. While all the tribes followed a unified code of conduct, commonly known as *Pashtunwali*, they adopted various trades to sustain

themselves economically. For example, the tribes of the hills (highlanders)⁷⁵ were mostly hunters and food gatherers, while the tribes belonging to the plain areas (lowlanders)⁷⁶, especially around the Peshawar Valley, became farmers and led a sedentary life.

It was also important during the British India era to study the Pashtun society, since it was starkly different in terms of its social makeup, culture, ethos, values and eating habits from other communities inhabiting the mainland British India, such as that of Punjab and Sindh provinces, which are based on caste system.

An emphasis on undertaking ethnographic study of the Pashtun tribes in FATA and N.W.F.P. helped British India to pursue its foreign and defence policies towards Afghanistan. A deep understanding of the Pashtun society was a sine qua non for dealing with the Pashtuns and ensures that the policy objectives were met. It was noticed that British India's policy towards FATA during 1857-1947) vacillated between 'masterly inactivity' or 'Close Border' policy based on non-interference, to a more robust 'Forward Policy' based on physically controlling the entire area. Under the initial policy of 'masterly inactivity', "non-aggression on tribal territory and non-interference in tribal affairs" were the objectives."⁷⁷ British India however, guarded the FATA-N.W.F.P. frontier to minimize the tribal raids being conducted by FATA tribes into border towns of N.W.F.P., such as Peshawar, Kohat, Bannu and Dera Ismail Khan (D.I.Khan). In the wake of any tribal raid, the government adopted punitive action by dispatching military expeditions for reprisals. The Forward Policy on the contrary was aimed to control Afghanistan in a quest to inhibit the physical advance of Czarist Russia southward through Central Asia and into Afghanistan. This policy necessitated physical control of FATA region.

⁷⁵ The tribes of the hills refer to those which inhabit the Federally Administered Tribal Areas (FATA) of Pakistan. Some of the prominent tribes are Mohmand, Afridi, Shinwari, Orakzai, Turi, Wazir, Mahsud and Bhattani.

⁷⁶ Prominent among these tribes are Yousafzai, Mohammadzai, Khattak, Khalil, Momand, Bangash, Bannuchi and Marwat.

⁷⁷ Dr Noor ul Haq, Dr Rashid Ahmed Khan and Dr Maqsoodul Hasan Nuri, Federally Administered Tribal Areas of Pakistan, IPRI Paper 10, March 2005, <http://ipripak.org/papers/federally.shtml> (Accessed on April 8, 2015)

An excellent treatise on the subject “The Pathans” was written by Sir Olaf Caroe, who spent most of his life as a British Indian civil officer in the N.W.F.P., including Governor of the Province.⁷⁸ Caroe surveyed the genealogy of the Pashtuns using his personal observation, as well as consulting Greek, Persian and Arabic sources. Similarly, H. C. Wylly, in his book *The Borderland: The Country of the Pathans* discussed the genealogy of various Pashtun tribes inhabiting FATA and N.W.F.P., as well as various punitive military expeditions that the British Indian Army undertook against them during the late 19th century. Other important work on the subject included *Eighteen Years in the Khyber: 1879-1898* by Col. Sir Robert Warburton, who gives his personal accounts while serving as a political officer in the Khyber Agency.⁷⁹ Warburton’ accounts include day-to-day dealings with the Afridi tribesmen, including personal feuds among tribesmen, manning the Khyber Pass, undertaking development work, military expeditions against Mullah-led rebellions in the Agency and the evolution of the Frontier Policy’ of the British India regarding the entire region.’. The book is a valuable addition to an anthropological study of the Afridi tribe.

Another book, *The Forward Policy And its Results, or Thirty-five Years’ Work Amongst the Tribes on Our North-Western Frontier of India* by Richard Isaac Bruce provides an extensive understanding of the British India’s ‘masterly inactivity’ as well as ‘Forward Policy’ on the ‘Indian Frontier’ question between 1862 to 1896.⁸⁰ Having served as the Political Agent of Balochistan as well as Commissioner of the Derajat Division of Punjab Province, Bruce described how the “Close Border” policy of British India worked, and how it was modified after Lord Sandeman ended this policy in Balochistan by successfully negotiating a treaty with the Khan of Kalat in 1876. The

⁷⁸ Sir Olaf Caroe, *The Pathans: 550 B.C.-A.D. 1957*, New York, St. Martins Press, (1958). 521.

⁷⁹ Col. Sir Robert Warburton, *Eighteen Years in the Khyber: 1879-1898*. London: John Murray. 1900. 351.

⁸⁰ Richard Isaac Bruce, “The Forward Policy And Its Results, or Thirty-Five Years’ Work Amongst the Tribes on Our North-Western Frontier of India”, London: Longmans, Green and Co. 1900, Pp.382.

treaty brought a “system of conciliatory intervention tempered by lucrative employment and light taxation.”⁸¹

Similarly, Colonel H. C. Wylly in his book *From The Black Mountains to Waziristan* describes various Pashtun tribes inhabiting the N.W.F.P. and FATA and various military expeditions undertaken against them from time to time to pacify them.⁸²

The departure of Great Britain from the Indian subcontinent and the subsequent establishment of Pakistan and India as its successor state saw a lessening of interest in the region. The armed uprisings in the FATA region against the British Indian government whom the local tribes viewed as “foreign colonial powers” came to an end. However, some good anthropological work was done by eminent scholars such as Akbar S. Ahmed. In an edited book “Islam in Tribal Societies: From the Atlas to the Indus”, Ahmed discusses the role of religious presence and symbolism in Pashtun society in a chapter entitled “Religious Presence and Symbolism in Pashtun Society”. Ahmed is of the view that religion and culture in a Pashtun society is inextricably intertwined in such a way that even purely cultural habits and behaviours tend to look like religious practices. His study mainly focuses on the role of symbols – rituals, religious figures etc – in the society.⁸³

In another study conducted in 1979 by Ahmed, he described the altogether different encounters the British Indian officers had with people of mainland Indian subcontinent, such as Madras, Calcutta, Bombay and New Delhi in contrast to the people of the tribal areas, especially Mohmand Agency. According to him, the Pashtun viewed colonisation as meaning destroyed villages, water tanks and grain stores; it meant electrified fences, block houses and unending series -of “butcher and bolt’ raids. When

⁸¹ “Kalat”, Official website of the government of Balochistan, http://www.balochistan.gov.pk/index.php?option=com_content&view=article&id=806&Itemid=1092 (Accessed on April 7, 2015)

⁸² Colonel H. C. Wylly, ‘From the Black Mountain to Waziristan’, London: Macmillan. 1912. Reprinted by Sang-e-Meel Publications, Lahore 2003, Pp 341

⁸³ Akbar S. Ahmed and David M. Hart, ‘Islam in Tribal Societies: From the Atlas to Indus’, Routledge & Kegan Paul plc London, 1984

the British finally left in 1947, the legacy they left behind did not consist of schools or colleges or such other symbols of development, but of repressive institutions like the Frontier Scouts and Frontier Constabulary. The barrenness of the colonial encounter in the Frontier is in notable contrast to that in Bengal, across the sub-continent, or even across the Indus in the Punjab. Nevertheless, the Pashtun-British encounter has been permeated with a strong element of ‘romance’ which is reflected in the memoirs and accounts left by the British, as well as in the creative works of various writers. The article examined the causal factors that led to the mystification of the colonial encounter, and the social and political needs that such mystification fulfilled.⁸⁴

As stated earlier, post-9/11 academic debates on the ‘Af-Pak’ focus on the current wave of violence in the FATA region. That literature can be broadly divided into three main categories. First, most of the debates focus on the broad political and security implications which FATA exerts on international peace and security. Some of the aspects that finds a heavy discussion in recent FATA studies explores the presence of foreign militants, impact of violence in FATA on stability of Afghanistan, and US and West’s policy towards the region. Similarly, most of the research produced on the area is by western academics, who may have insufficient understanding of FATA and N.W.F.P. due to lack of access to the region owing to the Taliban-led violence. This often results in a myopic understanding of the conflict based on preconceived notions about Islam, Pashtuns and FATA-N.W.F.P. that may be common in the Western hemisphere. A few studies have been done on the FATA region by Pakistani nationals, the majority of whom are from the Punjab province. These studies also suffer from the limitation of inadequate primary research based on field study or surveys within the area. Further, such studies are based on popular perceptions that exist within the Pakistani society, such as the US and NATO’s “occupation” of Afghanistan and the “domination” of Afghanistan by non-Pashtuns, which could be contested adequately. Similarly, most of these studies are devoid of the necessary knowledge of the tribal society of FATA, whose understanding becomes a *sine qua non* to deduced balanced conclusions about the entire issue.

⁸⁴ Akbar S. Ahmed, “Colonial Encounter on the North West Frontier Province: Myth and Mystification”, *Economic and Political Weekly*, Vol. 14, No. 51/52, December 22-29, 1979, 2092-2097

Second, some literature addresses the issues related to the US policy responses towards the phenomenon of Talibanisation in the FATA region of Pakistan, being a shelter point of the Al-Qaeda and its associated militant groups. For example, the Atlantic Council in one of its reports focuses on US policy to stabilize Pakistan and help it overcome the menace of Taliban violence in FATA. The report provides a conceptual framework, strategy, and specific actions that are needed to begin the long process of bringing peace, prosperity, and stability to Pakistan and to the region. One of the underlying arguments of the report is that Pakistan's stability is being viewed in a broader sense to ensure the security of regional and extra-regional countries, including India and the Gulf region.⁸⁵

Ashley Tellis, in one of his reports provides an analytical understanding of the problems associated with Pakistani performance in the combined counterterrorism operations currently under way in the FATA and in Afghanistan. The report points to the challenges Pakistan and the US faces in dealing with terrorism, and suggests that there are no easy choices for Washington. It also emphasizes that Islamabad's approach to defeating terrorism is sufficiently risky and could end up transforming Pakistan into an object of US wrath should a major attack on the latter in the future reveal Pakistani origins, neglect, or, in the worst case, connivance.⁸⁶

Frederic Grare, meanwhile, makes a case that the US and most Western countries have traditionally dealt with Pakistan according to short-term interests, and they have left deep, structural problems for the successive US administrations. His major contention remains that Pakistan's policies would remain fundamentally unchanged unless the Pakistan Army gradually cedes its political role to representative civilian leaders and limits itself to defending borders. In other words, the United States and other

⁸⁵ 'Needed a Comprehensive Policy Towards Pakistan, The Atlantic Council of the US, February 2009; Available at: www.acus.org/files/publication_pdfs/65/PakistanReport.pdf

⁸⁶ Ashley J Tellis, 'Pakistan and the War on Terror: Conflicted Goals, Compromised Performance', Carnegie Endowment for International Peace, 2008, Available at: www.carnegieendowment.org/files/tellis_pakistan_final.pdf

international actors vital to Pakistan's future must stop taking the metaphorical bribe of partial Pakistani cooperation in fighting Al-Qaeda terrorists in return for propping up an unrepresentative, military government of former President General Pervez Musharraf. The report called for a new strategy designed to encourage Pakistanis, particularly the military, to help in establishing the pre-eminence of civilian government. The key to his prescription is to make conditional the US aid to Pakistan contingent upon the return of democracy to the US and cessation of Pakistan Army's control over foreign policy, especially alleged support to terrorism in Afghanistan and Kashmir.⁸⁷

Existing Explanations for the Sources of Talibanisation in FATA

Third, some literature discusses the sources of Talibanisation in the FATA region in particular and rest of the country in general. Much of the literature has associated the rise of the phenomenon of the Talibanisation with Afghanistan.⁸⁸ The phenomenon of the Pakistani Taliban or Talibanisation has not attained attention to the level and extent of the Afghan Taliban. Nevertheless, here are some very detailed and good studies, which are worth mentioning, on the sources of Talibanisation in FATA and N.W.F.P.

A group of scholars is convinced that Talibanisation in FATA took place as a spill over implications of the decades-long war in Afghanistan. Clearly much needs to be explained in terms of the impact of the events in Afghanistan since 1979 that has impacted on the socio-cultural and religious dynamics of FATA. The rise of clergy in the region and the eclipse of tribal elders as the fundamental alteration in the power structure in the region is one of the impacts of the instability in Afghanistan. Shuja Nawaz's report

⁸⁷ Frederic Grare, 'Rethinking Western Strategies Towards Pakistan: An Action Agenda for the US and Europe', Carnegie Endowment for International Peace, 2007, Available At: http://www.carnegieendowment.org/files/grare_pakistan_final.pdf

⁸⁸ Kamal Matinuddin, 'The Taliban Phenomenon: Afghanistan 1994-1997', Oxford University Press, 1999 Rashid, "Taliban: Militant Islam, Oil and Fundamentalism in Central Asia", I.B. Tauris & Co. Ltd UK, 2000

Michael Griffin, "Reaping the Whirlwind: The Taliban Movement of Afghanistan", Pluto Press USA, 2001 Peter Marsden, "The Taliban: War and Religion in Afghanistan", Zed Books NY, 2002 William Maley, 'The Afghanistan Wars', Palgrave Mcmillan, 2002 Ron Synovitz, 'Afghanistan: Taliban Evolves Into Network Of Groups', *RFERL*, April 26, 2008, <http://www.rferl.org/content/article/1109636.html>

on “FATA – A Most Dangerous Place” sheds light on this aspect, but the study is too brief to explain the entire cause and effect of the phenomenon of Talibanisation in FATA.⁸⁹ Michael Semple has also associated the rise of the Taliban in the FATA areas of Pakistan with the conflict in Afghanistan due to which the FATA region radicalised during the 1980s Afghan Jihad.⁹⁰

Another school of thought blames the US and NATO’s invasion in Afghanistan in the wake of 9/11 as a primary source of Talibanisation of the tribal belt of Pakistan. For example, Nasreen Ghufraan in her study “Pushtun Ethnonationalism and the Taliban Insurgency in the North West Frontier Province of Pakistan” discusses the US and NATO invasion in Afghanistan, which gave rise to a particular brand of Islamism and extremism, as a causal factor behind the rise of the Taliban in FATA.⁹¹

The associated factor with the invasion by the US and NATO in Afghanistan was the arrival of the foreign militants in the FATA region especially those of Al-Qaeda which has also been considered as a source of Talibanisation in the area.⁹²

Asma Khawaja in her study on the sources of Talibanisation in Pakistan traces back the causes to the Afghan Jihad time when the Islamist and extremist political parties especially gained a foothold in the societies of Pakistan. She then links that wave of extremism that was generated during 1980s and 1990s with the socio-economic and political marginalisation of the FATA area. That economic underdevelopment and

⁸⁹ Shuja Nawaz, ‘FATA – A Most Dangerous Place’, CSIS, January 2009, Available at: csis.org/files/media/csis/pubs/081218_nawaz_fata_web.pdf

⁹⁰ Micheal Semple, “The Pakistan Taliban Movement: An Appraisal”, November 2014, http://www.cidob.org/en/publications/stap_rp/policy_research_papers/the_pakistan_taliban_movement_an_appraisal (accessed December 10, 2014).

⁹¹ Nasreen Ghufraan, “Pushtun Ethnonationalism and the Taliban Insurgency in the North West Frontier Province of Pakistan”, *Asian Survey*, 49, no. 6 (2009), 1092- 1114.

⁹² Daniel P. Sullivan, “Tinder, Spark, Oxygen, and Fuel: The Mysterious Rise of the Taliban”, *Journal of Peace Research*, 44, no. 1 (2007), 93-108.

political alienation of the people of FATA was very well exploited by the extremist elements and thus successfully Talibanised the FATA region.⁹³

A study conducted by Wang Lian also discusses certain various factors that changed the political landscape of FATA especially after 9/11.⁹⁴ He indicates the influx of foreign militants both in 1980s and post-9/11 as a prime source of Talibanisation of FATA. He further pin points the role played by the Mullah (religious clergy) and the radicalised youth in radicalising FATA as a source of Talibanisation. The political marginalisation and especially delay in introducing the adult franchise in FATA also became a source of political marginalisation and subsequently Talibanisation in the area. Finally, he thinks that area radicalised partially in reaction to the US and NATO operations in Iraq and Afghanistan.⁹⁵

There are very few studies on the institutional vacuum that existed in the FATA area and the how the Taliban adequately filled that vacuum for their purpose. For example, Dr. Raza Rahman Khan has put the blame on the absence of “state and governing institutions” in FATA for the current wave of Talibanisation.⁹⁶ While the presence of the formal state institutions across rest of Pakistan played a stabilising role against the Taliban’s violent agenda.

Although the institutions and their role in radicalising the FATA area remained a subject of less discussion but the institutions in FATA are studied very widely as evident from the following section:

⁹³ Asma Shakir Khawaja, “Talibanisation of Pakistan: A Myth or Reality”, Online Working Paper, No. 6, (2009), http://www.scm.uni-halle.de/gsscm/online_papers/online_papers_2007/talibanisation_of_pakistan/ (accessed December 10, 2014).

⁹⁴ Wang Lian, “Talibanization in the Tribal Areas of Pakistan”, *Journal of Middle Eastern and Islamic Studies*, 4, no.1, (2010). 88-90.

⁹⁵ Ibid.

⁹⁶ Dr. Raza Rahman Khan, “Local Government System in FATA”, <http://frc.com.pk/wp-content/uploads/2014/01/Research-Paper-7.pdf>

Institutions and Instability in FATA

There is a general recognition of the fact that the absence of strong governance institutions as a cause of the present violence in FATA, there is less debate about the fact that despite the presence of structural institutions which were archaic in nature, yet they were able to maintain peace in the region until 9/11. According to some reports, FATA had a low crime rate compared to many other parts of Pakistan before 9/11.⁹⁷ Yet, how suddenly did it become one of the most lawless region in the world that came to be categorized as “ungovernable”, “bad-lands”, the “wild wild West” and so forth.

Much of the policy and academic debate focuses on the form, nature and characteristics of unique institutional structure in FATA and very few have linked it with the phenomenon of the Talibanisation in the region. For example, a book entitled “The Evolution of North-West Frontier Province” by Rai Bahadur Diwan Chand Obhrai dwells into the history of the region dating back to the ancient Aryan immigration into South Asian subcontinent through the Khyber Pass. It also discusses the area under Muslim rule dating from the Arab invasion by Muhammad bin Qasim and leading up to the establishment of Mughal Empire. In subsequent chapters he briefly discusses various military expeditions in the present day N.W.F.P. and FATA region by British India. He highlights how governance institutions were established in N.W.F.P. as well as the role played by Province in the constitutional struggle waged for freedom from British colonial rule.⁹⁸ Similarly, governance system in FATA is discussed in various published works. For example, a monograph entitled Federally Administered Tribal Areas of Pakistan published by Islamabad Policy Research Institute in March 2005 discusses the evolution of governance system in FATA. The study, apart from discussing British India’s military expeditions in the region, also focuses on the Frontier Crimes Regulations (FCR), a unique set of laws that were enacted in 1901 and were strict in nature. FCR entails collective responsibility clauses under which a entire family, clan or tribe could be held responsible for the mischief of one its member. The punishments to this effect range from

⁹⁷ ‘Federally Administered Tribal Areas’, Available at: <http://www.globalsecurity.org/military/world/pakistan/fata.htm>

⁹⁸ , Rai Bahadur Diwan Chand Obhrai, “The Evolution of North-West Frontier Province”, *The Evolution of North-West Frontier Province*, (Delhi: London Book Co, 1938).

detention of the entire family, clan or tribe's member without trial, confiscation of moveable and immovable property, demolition of houses and banishment from the area. Apart from this, the study also informs us about the traditional tribal institutions, such as Jirga as a judicial organ within the society. The study also discussed the status of FATA under Pakistan in post-1947 independence era and its constitutional status.⁹⁹

In a research paper published in *Central Asia Journal*, entitled "The Dispensation of Justice in the Federally Administered Tribal Areas (FATA) of Pakistan: Its Implications and Analysis", the author gives a background of colonial-era law in force in the region and various attempts by the superior judiciary of Pakistan to scrutinize and challenge the validity of the law. It discusses the constitutional and administrative system of FATA, as well as the system of administrative justice in FATA which comprise of FCR and Jirga system. Various debates on its future constitutional role during the enactment of the three constitutions of Pakistan, namely 1956, 1962 and 1973 were also discussed by the author.¹⁰⁰

In another research paper, "Patriarchal Social and Administrative Practices in the Federally Administered Tribal Areas (FATA), Pakistan: A Case for Gender Inclusive Reforms", the authors discuss the special status of FATA, Pashtunwali and that of women in the tribal society. According to the authors, the entire socio-economic and political order in the society is built upon patriarchic model of domination of men over women.¹⁰¹ Similarly, another study "Traditional Structures in Local Governance for Local Development: A Case Study of Pakhtun Residing in N.W.F.P. & FATA, Pakistan",

⁹⁹ 'Federally Administered Tribal Areas of Pakistan'; Please also see Muhammad Hamid Hussain, "Frontier Crimes Regulation: A Case Study of Reforms Process", <http://frc.com.pk/wp-content/uploads/2012/08/Frontier-Crimes-Regulation-A-Case-Study-of-Reforms-Process.pdf> (accessed December 10, 2014).

¹⁰⁰ Abdul Malik Khan, "The Dispensation of Justice in the Federally Administered Tribal Areas (FATA) of Pakistan: Its Implications and Analysis", *Central Asia Journal*, No. 62, http://www.asc-centralasia.edu.pk/Issue_62/00-TOC.html

¹⁰¹ Dr. Sarfarz Khan and Samina, "Patriarchal Social and Administrative Practices in the Federally Administered Tribal Areas (FATA), Pakistan: A Case for Gender Inclusive Reforms", *Central Asia Journal*, No. 65, http://www.asc-centralasia.edu.pk/Issue_65/02_Patriarchal_Social_and_Administrative.html

looks into the traditional structures, such as Jirga, as a means to maintain harmony within the society.¹⁰²

A detailed report published by International Crisis Group (ICG) entitled “Pakistan’s Tribal Areas: Appeasing the Militants” published in December 2006 discusses the existing administrative-cum-judicial system existing in the area. The report also discusses Pakistan’s military operation in the region and the signing of the peace agreement in South and North Waziristan Agencies. According to the report, the agreements were tantamount to appeasement of the Taliban militants which led to the Talibanisation of FATA.¹⁰³

In another study entitled “Militancy in Pakistan’s Borderlands: Implications for the Nation and for Afghan Policy”, Hassan Abbas takes one through a brief journey of the FATA and N.W.F.P. region in historical context. Apart from discussing the Great Game that led to the penetration of the British Indian troops into FATA region, he discusses the region’s status post-1947 establishment of Pakistan. Abbas writes about the Soviet invasion of Afghanistan in December 1979 and the role played by FATA as a launching pad for mujahideen into Afghanistan. He then goes on to discuss the emergence of Taliban in Afghanistan in 1994 and their subsequent overthrow by the US-led coalition against terrorism in the aftermath of September 11, 2001 terrorist attacks in the US. Pakistan’s military operations and subsequent peace agreements were also discussed in the chapter.¹⁰⁴

Similarly, Dr Claude Rakisits in his research paper “Pakistan’s Tribal Areas: A Critical No-Man’s Land” discusses the political evolution of FATA and how it has been

¹⁰² “Traditional Structures in Local Governance for Local Development: A Case Study of Pakhtun Residing in NWFP & FATA, Pakistan”, info.worldbank.org/etools/docs/library/153053/Pakistan.pdf

¹⁰³ “Pakistan’s Tribal Areas: Appeasing the Militants”, International Crisis Group (ICG) Asia Report N°125, December 11, 2006

¹⁰⁴ Hassan Abbas, “Militancy in Pakistan’s Borderlands: Implications for the Nation and for Afghan Policy”, The Century Foundation, Available at <http://tcf.org/publications/2010/10/militancy-in-pakistan2019s-borderlands-implications-for-the-nation-and-for-afghan-policy/pdf>

intrinsically linked to developments in neighbouring Afghanistan. He argues that it is the history of poor governance and socio-economic underdevelopment in FATA which has facilitated the growth of Pakistan militancy and the establishment of Al-Qaeda and Taliban safe havens in those tribal areas. He also examined the latest political developments in FATA, especially Pakistan Army's military operations and its potential effect on the US-led coalition's war effort in Afghanistan.¹⁰⁵

There is also a debate on reforming the FATA region through introducing new administrative, legal and political institutions. For example, the report of a seminar entitled "FATA, FCR & Human Rights: Challenges and Responses" which was held by the Parliamentarians Commission for Human Rights suggested amendments to the constitution, FRC, as well as administrative system within the FATA region, such as reducing the authority of the Political Agent by introducing checks and balances as well as separating the executive and judicial authorities vested in the PA office.¹⁰⁶

Another report entitled "Mainstreaming FATA" also discusses the introduction of reforms in the FATA region.¹⁰⁷ Another study "FCR: A Bad Law Nobody Can Defend" by the Human Rights Commission of Pakistan (HRCP) discusses the law in respect of fundamental human rights and how it deprives individuals from their inalienable rights, such as lack of access to judicial system of Pakistan etc.¹⁰⁸

¹⁰⁵ Dr Claude Rakisits, "Pakistan's Tribal Areas: A Critical No-Man's Land", Available at www.geopoliticalassessments.com/Pakistan_s_Tribal_Areas.pdf

¹⁰⁶ Summary Report Seminar on "FATA, FRC and Human Rights: Challenges and Responses", Organised by Parliamentarians Commission for Human Rights, Pakistan, Parliament Lodges, Islamabad, September 22, 2005, http://www.pchr.org.pk/index_files/Seminars/22-09-2005.pdf

¹⁰⁷ "Mainstreaming FATA", Benazir Democracy Institute-Shaheed Bhutto Foundation, http://www.ndi.org/files/MainstreamingFATA_Report.pdf

¹⁰⁸ "FCR: A Bad Law Nobody Can Defend", Human Rights Commission of Pakistan (HRCP), <http://www.hrcp-web.org/pdf/FCR%20Report.pdf>

Another research paper “FATA Under FCR (Frontier Crimes Regulations): An Imperial Black Law” looks extensively into the “draconian” law from a historical perspective and discussed various debates on amending the law in recent times.¹⁰⁹

There is a general consensus that an absence of strong governance institutions in FATA is the major cause and effect of ongoing Taliban-led violence and subsequent Talibanisation of FATA. However, these nominal institutions were able to maintain peace for most part of the post-1947 independence of Pakistan. It is pertinent to mention that FATA was the most peaceful region of Pakistan before September 2001 and had the lowest crime rate compared to other parts of Pakistan.¹¹⁰ Yet, how suddenly did it become one of the most lawless region in the world that came to be categorized as “ungovernable”, “badlands”, “Wild Wild West”, “No Man’s Land”, and so forth.

The institutions crumbled under the impact of military operations in the region. However, there is almost no research on the impact of Pakistan’s initial military operations on the governance system existing in FATA, when the Political Agent was sidelined by military officials who opted to use kinetic approach to eliminate a handful of pro-Taliban militants, instead of using traditional carrot and stick approach under the FCR. Also, there is no study on the impact of Local Bodies Act of 2002, called as Devolution of Power Plan, which was introduced by former President Musharraf in all the four provinces of Pakistan, including N.W.F.P., which replaced the British-era administrative system in N.W.F.P. A comprehensive study in this regard entitled “Local Government Reforms In Pakistan: Context, Content And Causes” looks into the previous local body systems in Pakistan from the British India era to the recent one introduced by Musharraf.¹¹¹ However, it does not discuss the consequences of its implementation on N.W.F.P. and FATA.

¹⁰⁹ Muhammad Maqbool Khan Wazir, “FATA Under FCR (Frontier Crimes Regulations): An Imperial Black Law”, Central Asia Journal, Issue no. 61, http://www.asc-centralasia.edu.pk/Issue_61/09-FATA_UNDER_FCR.html

¹¹⁰ ‘Federally Administered Tribal Areas’, Available at: <http://www.globalsecurity.org/military/world/pakistan/fata.htm>

¹¹¹ Ali Cheema, Asim Ijaz Khwaja and Adnan Qadir, ‘Local Government Reforms In Pakistan: Context, Content And Causes’, www.hks.harvard.edu/fs/akhwaja/papers/Chapter8.pdf

It has been seen that an important aspect of the Musharraf's Local Bodies Act was the breakup of administrative link between the N.W.F.P. and FATA, which were previously closely knitted in such a way that it helped in maintaining law and order on the FATA-N.W.F.P. border. The introduction of the Act had a serious security impact in both the regions and helped in Talibanisation of the FATA region while threatening the stability of the adjoining N.W.F.P. My research would therefore explore the administrative drivers which became the cause and effect of breakdown of the governance institutes in the FATA region.

The Pakistani Taliban, on the other hand, is a new phenomenon which came to prominence somewhere in 2004. However, they invited major academic interest in 2007-2008 in the backdrop of formation of Tehrik-e-Taliban Pakistan (TTP) in December 2007, and their alleged involvement in the assassination of former prime minister, Benazir Bhutto. It has been seen that most of the studies on FATA discuss Taliban militant groups and their activities, especially anti-Pakistan activities. Various reports such as ICG's "Pakistan Tribal Areas: Appeasing the Militants"¹¹²; "The FATA Conflict After South Waziristan"¹¹³ and "Pakistan – A Most Dangerous Place"¹¹⁴ focuses on various Pakistani Taliban militant groups operating in the FATA region and their anti-state activities. Two studies undertaken by Prof. Rohan Gunaratna and Syed Adnan Ali Shah Bukhari entitled "Militant Organizations and Their Driving Forces"¹¹⁵ and "Making Peace With Pakistani Taliban to Isolate Al-Qaeda: Success and Failures"¹¹⁶ focus on various militant groups operating in the FATA region, their current status and drivers behind their rise. The latter also discuss Pakistan's policy of signing peace agreements

¹¹² "Pakistan Tribal Areas: Appeasing the Militants", op.cit.

¹¹³ Reza Jan, "The FATA Conflict After South Waziristan", American Enterprise Institute, February 22, 2010,

¹¹⁴ "Pakistan – A Most Dangerous Place", Op.cit.

¹¹⁵ Rohan Gunaratna and Syed Adnan Ali Shah Bukhari, "Militant Organizations and Their Driving Forces", in Kristina Zetterlund (Edited) "Pakistan – Consequences of Deteriorating Security in Afghanistan", Swedish Defence Research Agency (FOI), January-February 2009, Pp.32-62

¹¹⁶ Rohan Gunaratna and Syed Adnan Ali Shah Bukhari, "Making Peace With Pakistani Taliban to Isolate Al-Qaeda: Success and Failures", *Peace and Security Review*, Vol. 1, No. 2, Second Quarter 2008, pp. 1-25

with Pakistani Taliban in an attempt to drive a wedge between them and Al-Qaeda and isolate later. However, the agreements failed to achieve the desired objective.

Similarly, a US think-tank, The New American Foundation, in a series of articles under the title, “The Battle for Pakistan” studied Pakistani Taliban groups and their activities in the seven Agencies of FATA separately.¹¹⁷ NEFA Foundation, a US-based research institute, also published a series of papers on Bajaur Agency, in which it discussed the activities of Tehrik-e-Taliban Pakistan (TTP), their recruitment and fighting tactics as well as their efforts to Talibanise the Agency.¹¹⁸

However, these studies on Pakistani Taliban as well as those on Afghan Taliban discuss the Taliban as a movement and mainly confine themselves to their militant drive against Pakistani security forces. These studies also deal with Pakistan’s counter-insurgency operations against them. However, there is little in terms of explaining the ideology of the Taliban and overall concept of Talibanisation. For example, Amir Mir’s book “Talibanization of Pakistan: From 9/11 to 26/11”, discusses everything but FATA and N.W.F.P. and fails to even define the word Taliban or the associated phenomenon of Talibanisation. The book’s major emphasis is on the Kashmir-based militant groups and the author goes in detail to discuss various individual militant leadership. The author even has a chapter on “The Islamisation of Pakistani Cricket”, which is way off the top of Talibanisation he wanted to discuss in his book.¹¹⁹ Two reports by ICG on “Pakistan’s Tribal Areas: Appeasing the Militants”¹²⁰ and “Pakistan: The Militant Jihadi

¹¹⁷ Anand Gopal, Mansur Khan Mahsud, and Brian Fishman, “The Battle for Pakistan: Militancy and Conflict in North Waziristan”, The New American Foundation, April 2010; Mansur Khan Mahsud, “The Battle for Pakistan: Militancy and Conflict in South Waziristan”, The New American Foundation, April 2010

¹¹⁸ Claudio Franco, “The Tehrik-e-Taliban Pakistan: The Bajaur Case”, NEFA Foundation, July 2009, http://www.nefafoundation.org/miscellaneous/FeaturedDocs/nefa_ttp0709part1.pdf; Claudio Franco, “The Tehrik-e-Taliban Pakistan: The Bajaur Case, Part II”, NEFA Foundation, July 2009, http://www.nefafoundation.org/miscellaneous/FeaturedDocs/nefa_ttp0709part1.pdf

¹¹⁹ Amir Mir, “Talibanization of Pakistan: From 9/11 to 26/11”, Pentagon Security International, New Delhi, 2009

¹²⁰ “Pakistan’s Tribal Areas: Appeasing the Militants”, op.cit.

Challenge”¹²¹ discusses Talibanisation in terms of appeasement of Pakistan through signing of peace agreements that allowed the Taliban groups to increase their influence in the region at the detriment of receding writ of the Pakistani State.

While data in terms of surveys have been conducted very recently, the study would tend to study the concept of Talibanisation and also measure the support that the general population offers to the Taliban in pursuit of bringing about a radical reformation of the existing setup in the FATA and N.W.F.P. area. In a way, it will attempt to study whether the Talibanisation drive is a top-to-bottom approach or a grassroots support movement.

In order to measure this, it is necessary to undertake research on the impact of the post-1979 developments in Afghanistan on the socio-cultural and religious dynamics of the Pashtun society in FATA. The arrival of millions of Afghan refugees in Pakistan and establishment of refugee as well as training camps for the mujahideen to fight against the Soviet occupation had a radical impact on the overall Pashtun society in FATA and N.W.F.P. The eulogizing of Jihad through Mullah (religious cleric) raised his stature within the society at the expense of liberal and nationalist tribal leadership. The establishment of madrassah and penetration of religio-political parties, like Jamiat Ulema-e-Islam and Jamaat-e-Islami into the FATA region ignited religious sentiments of the people. Shuja Nawaz’s report on “FATA – A Most Dangerous Place” sheds light on this aspect, but the study is too brief to explain the entire cause and effect of the phenomenon of Talibanisation in FATA.¹²² It has been seen that this aspect of Pashtun society in FATA remains neglected.

Sources of Radicalisation within Societies and States

The concept of radicalization is as confusing as the concept of terrorism due to the lack of agreed upon definitions. The term radicalization is being used usually

¹²¹ “Pakistan: The Militant Jihadi Challenge”, ICG Asia Report No 164, March 13, 2009, <http://www.crisisgroup.org/en/regions/asia/south-asia/pakistan/164-pakistan-the-militant-jihadi-challenge.aspx>

¹²² Shuja Nawaz, ‘FATA – A Most Dangerous Place’, Op.cit.

synonymously with terrorism and extremism – a trend which saw a peak after 9/11. The literary meanings of the term radicalization are introducing fundamental or far reaching changes for political and social reforms.¹²³ The term “radicalisation was in use since the 18th century when it was associated with the Enlightenment and the French and American revolutions of that time period.¹²⁴ The term’s use became widespread since the 19th century when it was used to explain “political agenda advocating thorough social and political reform and also “for representing or supporting an extreme section of a party.”¹²⁵ The purely political nature of the term changed within a century due to the religious extremism.¹²⁶ Post 9/11, the term was used widely to explain the phenomenon of violence, extremism and terrorism among individuals and groups alike.

There are two extreme point of views regarding the concept of radicalism. According to one school of thought radicalism is a process which can lead towards political violence and increase in intensity.¹²⁷ But on the other extreme another school of thought believes that radicalization cannot be necessarily violent and religious only. It can be non-violent and based on social, economic and political grievances.¹²⁸ Radicalization is simply the process by which “individuals are introduced to an overtly ideological message and belief system that encourages movement from moderate, mainstream beliefs towards extreme views.¹²⁹ A study conducted by Tinka Veldhuis and Jorgen Staun tries to bring in the definitions from both the extremes in their study whiles

¹²³ Please see the the definition of “radical” and radicalization in Oxford Dictionary at <http://www.oxforddictionaries.com/definition/english/radical> (accessed December 7, 2014).

¹²⁴ Dr Alex P. Schmid, “Radicalisation, De-Radicalisation, Counter-Radicalisation: A Conceptual Discussion and Literature Review”, ICCT Research Paper, March 2013, http://www.icct.nl/download/file/ICCT-Schmid-Radicalisation-De-Radicalisation-Counter-Radicalisation-March-2013_2.pdf (accessed December 3, 2014).

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ Donatella Della Porta, “Process of Radicalisation and De-radicalisation”, *International Journal of Conflict and Violence*, Vol6: 1, 2011, 4-10; Randy Borum, “Radicalization into Violent Extremism I: A Review of Social Science Theories”, *Journal of Strategic Security*, Vol. 4: no, 4, 2011, 7-36.

¹²⁸ Jamie Bartlett & Carl Miller (2012) *The Edge of Violence: Towards Telling the Difference Between Violent and Non-Violent Radicalization, Terrorism and Political Violence*, 24:1 1-3.

¹²⁹ Royal Canadian Mounted Police, *Radicalization: A Guide for the Perplexed* (Ottawa: Royal Canadian Mounted Police, 2009), 1.

discussing the sources of radicalisation.¹³⁰ The Danish intelligence services PET has defined the violent extremist radicalisation as “a process, by which a person to an increasing extent accepts the use of undemocratic or violent means, including terrorism, in an attempt to reach a specific political/ideological objective”.¹³¹ While the Dutch Intelligence Services (AIVD) defines non-violent radicalisation as “the (active) pursuit of and/or support to far reaching changes in society which may constitute a danger to (the continued existence of) the democratic legal order (aim), which may involve the use of undemocratic methods (means) that may harm the functioning of the democratic legal order (effect).”¹³²

C. MacCauley and S. Moskalenko in their study on sources and causes of radicalization have identified various causes of radicalisation among individuals, group of individuals and general masses.¹³³ Individuals may have personal and political grievances or have got influenced by other radicalised groups to join them. Similarly groups and masses may also have political reasons or might have been marginalised within state so as to join radical groups.

Discussing the European experience with the phenomenon like radicalisation and de-radicalisation, a study conducted by the OT Institute for Safety, Security and Crisis Management, Netherlands point out various causal factors behind the process of radicalisation. The incident of 9/11 terrorist attacks on the United States of America (USA) forced many international relations scholars and policy makers alike to think over the important question as to why societies within a state radicalise.¹³⁴ The radicalisation of the Muslim minority groups within the European societies whether in its extreme form

¹³⁰ Tinka Veldhuis and Jorgan Staun, “Islamist Radicalisation: A Root Cause Model”, Netherland Institute of International Relations Clingendael, October 2009, http://subweb.diiis.dk/graphics/_IO_indsatsomraader/Religion_og_social_konflikt_og_Mellemmost/en/Islamist%20Radicalisation.Veldhuis%20and%20Staun.pdf (accessed December 7, 2014).

¹³¹ Ibid.

¹³² Ibid.

¹³³ Clark McCauley & Sophia Moskalenko (2008) Mechanisms of Political Radicalization: Pathways Toward Terrorism, Terrorism and Political Violence, 20:3. 418.

¹³⁴ <http://www.transnationalterrorism.eu/tekst/publications/WP4%20Del%207.pdf> (accessed December 7, 2014).

or not has posed immense security challenges for several European states. There could be several causes of radicalisation such as sense of deprivation among individuals, suppression by regimes, poor political and economic integration of all the segments of societies and the very sense of humiliation among a particular segment of society.¹³⁵

The study by Tinka Veldhuis and Jorgen Staun categorizes various sources of radicalisation – both violent and non-violent.¹³⁶ At macro level the political, economic and cultural grievances and marginalisation triggers the events of radicalisation and at micro level social and individual behaviours, actions and reactions become a root cause of radicalisation.¹³⁷

Rem Korteweg and his colleagues in their chapter on terrorism and radicalisation discuss internal and external factors behind the radicalisation of Muslims mainly.¹³⁸ Among the internal factors include lack of explanation and understanding of the holy text, identity crisis among Muslim minorities in Western and European world, lack of economic opportunities and incentives for the Muslim immigrants, the presence of Muslim Imams and their insistence on the glory of jihad and the role played by the internet and social media in radicalisation of the Muslims.¹³⁹ As far as the external sources of Muslims' radicalisation are concerned they include the "perceived injustice" with Muslims across the globe in the form of conflicts like Palestine and Chechnya, the invasion by Western forces in such conflict further instigate radicalism and lastly media and internet has also played a role in radicalising Muslims in the West.¹⁴⁰

One of the less discussed themes in this regard is political marginalization where the state leaves out a fragment of population from the mainstream politics and they feel

¹³⁵ Ibid.

¹³⁶ Tinka Veldhuis and Jorgen Staun, "Islamist Radicalisation".

¹³⁷ Ibid.

¹³⁸ Rem Korteweg, Sajjan Gohel, Francois Heisbourg, Magnus Ranstorp and Rob De Wijk, "Background Contributing Factors to Terrorism: Radicalisation and Recruitment" in Magnus Ranstorp, *Understanding Violent Radicalisation: Terrorist and Jihadist Movement in Europe*, (Routledge, Abingdon, 2010), 21-49.

¹³⁹ Ibid., 31-32.

¹⁴⁰ Ibid., 32-33.

alienated within state. In the Western and European countries, the radicalisation of the Muslims due to the political marginalisation is understandable but why such thing can happen in a Muslim state especially after 9/11 is something worth understanding. This very “disconnect” from the state also has turned a segment of the population against the state. For example, one of the main critique on the international state-building efforts in Afghanistan is the marginalization of the Pashtun population in the post-9/11 political setup. The resurgence of Taliban – a predominantly Pashtun force – is considered a reaction to the inclusion of non-Pashtun Tajiks and Uzbeks in the mainstream politics. State extends its writ or imposes its legitimacy in the form of institutions like judiciary, police, army, political parties and other administrative institutions. These institutions not only serve the purpose of public welfare but also inculcate the very feelings of being part of a state among its inhabitants.

The Role of State Institutions in Stability

In a state there is always a structure of governance, which major objective is to run the state machinery. That particular structure works in form of various political, economic, administrative and security institutions to serve and protect the lives and rights of its citizens. In general terms institutions are defined as “systems of established and prevalent social rules that structure social interactions.”¹⁴¹ In classical Political Science discourse institutions are defined as “organized organs of state, often extended by the inclusion of intermediary organizations and of fundamental, formal norms and principles of political processes (constitution).”¹⁴² The neo-institutionalists have defined the institutions “as norm patterns which shape behaviour, and which in turn structure societal action and enhance the security with which citizens can expect reciprocal behaviour from fellow citizens.”¹⁴³

¹⁴¹ Geoffrey H. Hodgson, “What are Institutions?”, *Journal of Economic Issues*, Vol XL, 1 (2006), 2.

¹⁴² Hans-Joachim Lauth, “Informal Institutions and Democracy”, *Democratization*, 7, no. 4 (2000), 23.

¹⁴³ Ibid.

According to Douglas North, a neo-institutionalist, institutions are “rules of the game, or humanly-devised constraints that shape human interaction. They are made up of formal constraints (such as rules, laws, constitutions), informal constraints (such as norms of behavior, conventions, self-imposed codes of conduct), and their enforcement characteristics”¹⁴⁴ Richard Scott has defined institutions as “regulative, normative, and cognitive structures and activities that provide stability and meaning to social behavior.”¹⁴⁵ In a study conducted by the World Bank institutions are defined “as sets of formal and informal rules governing the actions of individuals and organizations, as well as the interaction of participants in the development process.”¹⁴⁶

The neo-institutionalism, which is one of the most common themes in the current Political Science discourse can be further divided into three broad categories; historical institutionalism, of rational choice institutionalism and sociological institutionalism.¹⁴⁷ Historical institutionalism was developed in 1960s and 1970s in response to a certain group of political theories and that of structural-functionalism. The historical institutionalists define institutions as “formal and informal procedures, routines, norms and conventions embedded in the organizational structure of polity or political economy. They can range from the rules of constitutional order or the standard operating procedure of a bureaucracy to the conventions governing trade union behaviour or bank-firm

¹⁴⁴ Indra de Soysa and Johannes Jutting, “Informal Institutions and Development: Think Local Act Global”, OECD Seminar Paper, <http://www.oecd.org/dac/governance-development/37790393.pdf> (accessed December 10, 2014).

¹⁴⁵ Hannah Bayer and Dr. Fred Fening, “The Impact of Formal Institutions on Global Strategy in Developed Vs. Emerging Economies”, *International Journal of Business and Social Science*, Vol 3. 15 (2012), 31. Please also see “Institutions and Economic Development”, <http://www.adbi.org/discussion-paper/2007/10/25/2381.integrated.financial.supervision/institutions.and.economic.development/> (accessed December 11, 2014).

¹⁴⁶ Ibid.

¹⁴⁷ Please see some important theoretical work on the neo-institutionalism; Louis J. Junker, “Theoretical Foundations of Neo-Institutionalism”, *American Journal of Economics and Sociology*, 27, no. 2 (1968), 197-213; James G. March and Johan P. Olsen, “The New Institutionalism: Organizational Factors in Political Life”, *The American Political Science Review*, 78, no. 3 (1984), 734-749; Klaus Nielsen, “Institutionalist Approaches in the Social Sciences: Typology, Dialogue, and Future Challenges”, *Journal of Economic Issues*, 35, no. 2 (2001), 505-516; Anil Hira and Ron Hira, “The New Institutionalism: Contradictory Notions of Change”, *American Journal of Economics and Sociology*, 59, no. 2 (2000), 267-282.

relations”.¹⁴⁸ The rational choice institutionalism mainly focus on the economic institutions and “emphasizes the way in which individual rational action is channeled by the rules of the game, including laws, inherited organizational forms, and norms.”¹⁴⁹ The sociological institutionalism argues that institutional practices are always culturally motivated “akin to the myths and ceremonies devised by many societies and assimilated into organizations, not necessarily to enhance their formal means – ends efficiency, but as a result of a kind of processes associated with the transmission of cultural practices more generally.”¹⁵⁰

Whether it is classical or neo-institutionalism school of thought or whether its formal or informal types of institutions, all agree on the significance of the institutions in any state operates. In this regard three types of institutions are significant; “social institutions, such as kinship, marriage, family and inheritance; constitutions, which are the written or unwritten law governing the exercise of public power and the procedures for making laws themselves, and regimes, which refers to the process of giving something the character of an institution.”¹⁵¹

Much of the debate in the literature on institutions focus on the interaction between formal and informal institutions. The formal state institutions are defined as “those written or formally accepted rules and regulations which have been implemented to make up the economic and legal set-up of a given country.”¹⁵²

The Informal institutions are equally hold importance in the political and economic structures of a state. The informal institutions are “socially shared rules, usually unwritten and created, communicated, and enforced outside of officially

¹⁴⁸ Peter A. Haul and and Rosemary C. R. Taylor, “Political Science and the Three New Institutionalisms”, *Political Studies*, 44, no. 5 (1996), 938.

¹⁴⁹ Klaus Nielsen, “Institutionalist Approaches”, 505.

¹⁵⁰ Peter A. Haul, “Political Science”, 946-947.

¹⁵¹ “Institution/Institutionalism” <https://www.social-science.huberlin.de/lehrebereiche/comppol/publ/pdfs/Immergut2011.pdf>, (accessed December 10, 2014).

¹⁵² Ibid.

sanctioned channels.”¹⁵³ For some scholars, informal institutions are a reflection of a society’s cultural traditions and for some they “employ a state-societal distinction, treating state agencies and state-enforced rules as formal, and the rules and organizations within civil society as informal.”¹⁵⁴ Svetozar Pejovich defines the informal state institutions as “traditions, customs, moral values, religious beliefs and all other norms of behaviour that have passed the test of time. Thus informal institutions are the part of a community’s heritage that we call culture.”¹⁵⁵

The above mentioned definitions explain the fact that informal institutions are largely agreed upon norms and rules and unlike the formal institutions they do not have any legal cover. The literature on the role and impacts of the institutions for state stability agrees to an extent on the point that both formal and informal institutions are required for the stability purposes. Both formal and informal institutions need to co-exist for the sake of a state’s social, economic and political growth and stability.

Hans-Joachim Lauth points out that in a democratic set up both the formal and informal institutions may have three types of interaction or relationship: the complementary type in which they co-exist and mutually support each other; the substitutive type in which either formal or informal institutions have the pre-dominant position in various fields of life; and finally the conflicting type in which they cannot co-exist together or side by side.¹⁵⁶

Much has been written on the impact of type of institutions for a state’s economic stability. Different types of institutional structures in a state have implications for the economic policies and their outcomes. Institutions and their environment and way of

¹⁵³ Gretchen Helmke and Steven Levitsky, “Informal Institutions and Comparative Politics: A Research Agenda”, <http://www.oecd.org/dac/governance-development/37791245.pdf> (accessed December 10, 2014).

¹⁵⁴ Ibid.

¹⁵⁵ Gretchen Helmke, Steven Levitsky, “Introduction” in Gretchen Helmke, Steven Levitsky, *Informal Institutions and Democracy: Lessons from Latin America*, (The John Hopkins University Press, Maryland, 2006), 5.

¹⁵⁶ Hans-Joachim Lauth, “Informal Institutions”, 25.

working have implications for the economic outcomes within a state.¹⁵⁷ Douglass C. North in his study “Institutions” has emphasised the fact that institutions play a predominant role in shaping the outcomes of the economic policies. He states, “Throughout history, institutions have been devised by human beings to create order and reduce uncertainty in exchange. Together with the standard constraints of economics they define the choice set and therefore determine transaction and production costs and hence the profitability and feasibility of engaging in economic activity.”¹⁵⁸ He further illustrates, “Institutions provide the incentive structure of an economy; as that structure evolves, it shapes the direction of economic change towards growth, stagnation, or decline.”¹⁵⁹

One common point in the studies on the role of institutions on economic performance of the state is the interdependence between both the political and economic institutions. For example, according to a study by Asian Development Bank (ADB) efficient economic institutions are a must for the economic growth and performance. They must be supported by the political institutions as economic growth requires conducive political environment and circumstances.¹⁶⁰ Similarly Douglass C. North has also advocated that political and economic institutions cannot be treated or analysed separately rather their performance depend upon each other.¹⁶¹

Political institutions have also remained a field of study for many political scientists, sociologists, anthropologists and economists alike. Their role, being formal or informal cannot be denied in determining state’s stability and course of its policies. Much has been written on the role of both formal and informal institutions in political course of

¹⁵⁷ Peter Evans and James E. Rauch, “Bureaucracy and Growth: A Cross-National Analysis of the Effects of “Weberian” State Structures on Economic Growth”, *American Sociological Review*, Vol. 64, No. 5 (1999), 748-765

¹⁵⁸ Douglass C. North, “Institutions”, *Journal of Economic Perspectives*, 5, no. 1 (1991), 97. Please also see John Groenewegen, Frans Kerstholt and Ad Nagelkerke, “On Integrating New and Old Institutionalism: Douglass North Building Bridges” *Journal of Economic Issues*, 29, no. 2 (1995), 467-475.

¹⁵⁹ Ibid.

¹⁶⁰ “Institutions and Economic Development”.

¹⁶¹ Douglass North, “Institutions”, 97-112.

action within a state.¹⁶² The state's democratic stability does not only depend on its socio-economic and political conditions but its equally relied on the nature and structure of political institutions. Political institutions such as bureaucracies, courts and legislatures are "undoubtedly arenas for contending social forces, but they are also collections of standard operating procedures and structures that define and defend values, norms, interests, identities and beliefs."¹⁶³

For example, Julia R. Azari and Jennifer K. Smith have studied the case study of American political system and concluded that informal state institutions play three important roles.¹⁶⁴ These three tasks include; complementing the work of formal institutions, bringing coordination and clarity in the work of overlapping institutions and finally regulation of political behaviour by working parallel with the formal state institutions.¹⁶⁵

One school of thought is of the opinion that informal governance structure or institutions such as local village councils, local religious councils or leaders, customs and norms are equally important and play major role in state governance such as the role played by the formal institutions under the new and modern democratic state system. For example, D Brinkerhoff and A Goldsmith in their study have discussed the significance and role of the informal governance in a state vis-a-vis formal democratic institutions.¹⁶⁶ It is a fact that the informal state institutions "such as patrimonialism and clientelism" are

¹⁶² Terry M. Moe, "Power and Political Institutions", *Perspectives on Politics*, 3, no. 2 (2005),. 215-233.

¹⁶³ Sudha Pai and Pradeep K. Sharma, "New Institutionalism and Legislative governance in the Indian States: A comparative Study of West Bangal and Uttar Pradesh", Working Paper Series, Centre for the Study of Law and Governance, 2005, <http://www.jnu.ac.in/cs/g/workingPaper/07New%20Institutionalism%20%28Sudha%20Pai%29.pdf> (accessed December 11, 2014); On the role of institutions in politics also see James March, "The Neo-Institutionalism", 734-749.

¹⁶⁴ Julia R. Azari and Jennifer K. Smith, "Unwritten Rules: Informal Institutions in Established Democracies", *Perspective on Politics*, 10, no. 1, (2012), 37-55.

¹⁶⁵ Ibid.

¹⁶⁶ Brinkerhoff, D. and Goldsmith, A., "Clientelism, Patrimonialism and Democratic Governance: An Overview and Framework for Assessment and Planning", (2002), Report to United States Agency of International Development (USAID), Washington <http://www.gsdr.org/go/display/document/legacyid/1719> (accessed (December 12, 2014).

not based on the rule of equal political participation unlike the democratic political institutions. But still these two systems are interdependent on each other and the informal political setups “retain positive potential, depending on the degree of reciprocity between citizens and patrons. Some degree of informal politics is necessary to any political system and is not good or bad in itself.”¹⁶⁷

There are several studies conducted on the role and nature of institutions in post-conflict states and societies. The literature mostly discusses the confusion over choosing formal or informal institutions in post conflict settings to support the governance. For example, Daniel G. Ogbaharya in his study has discussed the role of informal institutions in post-conflict Africa.¹⁶⁸ He is of the opinion that the success of reforms or restructuring of the formal state institutions largely depend on the merging of informal institutional set up in the post-conflict governance, which can satisfy a large portion of population by addressing their grievances and concerns.¹⁶⁹

Stefan Wolf in his study “Post-Conflict State Building: The Debate on Institutional Choice”, has tried to advocate the significance of consociational institutions which are meant for “the use of mechanisms of power sharing and self-governance”, as an important strategy for the stable political future in a post-conflict states.¹⁷⁰ The same theme of power sharing institutions in post-conflict settings is further advocated by the Caroline Hartzell and Matthew Hoddie. They are of the opinion that if the former combatants are given a chance of participation in the post-conflict power sharing institutional setup it would reduce the chances of the revival of conflict.¹⁷¹

¹⁶⁷ Ibid.

¹⁶⁸ Daniel G. Ogbaharya, “(Re-)building governance in post conflict Africa: the role of the state and informal institutions”, *Development in Practice*, 18, no. 3 (2008), 395-402.

¹⁶⁹ Ibid.

¹⁷⁰ Stefan Wolf, “Post-Conflict State Building: The Debate on Institutional Choice”, <http://www.stefanwolff.com/files/Post-conflict%20State%20Building.pdf> (accessed December 11, 2014).

¹⁷¹ Caroline Hartzell and Matthew Hoddie, “Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management”, *American Journal of Political Science*, 47, no. 2 (2003), 318-332.

Gaps in Literature

The thesis deals with the existing institutional structures that exist in FATA and N.W.F.P. It aims to look into the role of these institutions in facilitating or impeding the spread of Talibanisation in FATA and N.W.F.P. respectively.

A good deal has been written about the war on terrorism and its impacts on FATA, Al-Qaeda's sanctuaries in FATA and the Talibanisation phenomenon in FATA. But the academic debate on the internal developments within FATA that led to its falling into the hands of the Taliban is insufficient. While there are passing references to issues such as the presence of archaic governance institutions, rise of religious clergy and the diminishing role of tribal elders in the region, an in-depth research on these issues is lagging.

The thesis is an effort to bring in the less discussed theme of internal problems and issues in the form of lack and absence of state institutions that has facilitated the rise of Taliban in the region. This is a very important aspect for both the concerned policy makers owing to the fact that FATA has played a central role in spreading the post-9/11 conflict not only within Pakistan but also in the entire world.

Theoretically, radicalisation and role of institutions in neutralising societies are two far off themes. The current study for the first time will bring in the link between these two themes. Lack of formal institutions and how it is being violated by radicals will be something new offered by the current study. The study will also be a good theoretical contribution to the literature on state institutions which is mostly focused on the role and importance of economic institutions. Political and especially the security perspective are lacking in the literature on the state institutions. This study will discuss that how the political and security institutions can prove to be a shield against the waves of violence, radicalism and conflict.

CHAPTER 3: History of Evolution of FATA and N.W.F.P.

Introduction

This chapter discusses the evolution of the North West Frontier Province (N.W.F.P.) through the course of time. It traces the origin of the people and its historical evolution into a separate constituent province of British India. It discusses the policy and administrative challenges faced by British India viz external threats and internal strife caused by British penetration into the tribal area of the Province in pursuit of international strategic objectives.

As the name denotes, the North West Frontier Province (N.W.F.P.) is located on the North West frontier of the Indian subcontinent. Initially part of the Punjab Province during the Sikh Rule (1818-1849), the N.W.F.P. was severed out of it by the British India and formed into a separate province in November 1901. The originally crafted province was much larger in size than the existing N.W.F.P. (later renamed as Khyber Pakhtunkhwa Province or KP in April 2010¹⁷²), and incorporated the present-day Federally Administered Tribal Areas (FATA) and Provincially Administered Tribal Areas (PATA).

At the time of its establishment in 1901, the N.W.F.P. comprised an area measuring 38,665 square miles (62,211 km) and was situated between 31 and 36° North latitude and between 69° and 74° East longitude. Its extreme length between these parallels was 408 miles (656 km) and its extreme breadth between these meridians was 279 miles (448 km). The N.W.F.P. was bounded in the north by the Hindu Kush mountain range, while Balochistan and the Dera Ghazi Khan District of Punjab Province

¹⁷² Iqbal Khattak, “Renaming Said to Give Identity to Pakhtun Nation”, *Central Asia Online*, April 24, 2010, http://centralasiaonline.com/en_GB/articles/caii/features/pakistan/2010/04/24/feature-01?mobile=true (accessed July 12, 2014).

formed its southern boundary. On its east lay the territories of the Maharaja of Kashmir and the Punjab, while Afghanistan bordered it on its west.¹⁷³

The Greater N.W.F.P. territory fell into three main geographical divisions: the Cis-Indus district of Hazara (presently part of N.W.F.P.); the trans-Indus districts which formed a comparatively narrow strip between the Indus and the hills (of present-day FATA and PATA) constituting the districts of Peshawar, Kohat, Bannu and Dera Ismail Khan (which currently forms the N.W.F.P.); and the trans-border tract (which currently forms FATA and PATA) comprising of rugged mountainous region on the north and west between the trans-Indus districts and the border of Afghanistan.¹⁷⁴ In 1901, the N.W.F.P. had a population of 2,042,000, out of which only 12.7 percent lived in the urban areas, i.e., trans-Indus districts.¹⁷⁵

Physical Features and Climate

The Cis-Indus district of Hazara comprised of the hilly tracts of Mansehra and Abbottabad and the well-watered plains of Haripur, Mansehra and Abbottabad. The trans-Indus districts comprises of a series of plains and valleys, separated from each other by low hills of Kohat and the offshoots of the Salt range. These plain areas and valleys are irrigated by perennial rivers like the Kabul River, Swat River, Chitral River, Panjgora River, Bara River, Kurram River and Gomal.¹⁷⁶ Out of a total of 5,643,140 hectares of land available in the trans-Indus districts, 1,652,568 hectares is cultivated while

¹⁷³ Imperial Gazetteer of India Provincial Series, North West Frontier Province, (Lahore: Sang-e-Meel Publications, 2002): 1.

¹⁷⁴ Rai Bahadur Diwan Chand Obhrai, *The Evolution of North-West Frontier Province*, (Delhi: London Book Co, 1938): 66.

¹⁷⁵ Tariq Rahim, Aurangzeb and Shaheen Shaukat, "Urbanisation in North West Frontier Province", *Sarhad Journal of Agriculture*, 23, no. 1, (2007), http://www.aup.edu.pk/sj_pdf/Urbanization%20in%20north%20west%20frontier%20province.pdf (accessed December 6, 2014).

¹⁷⁶ Official website of the Government of Khyber Pakhtunkhwa Province, http://www.khyberpakhtunkhwa.gov.pk/aboutus/Geography.ph_12_2014p (accessed July 12, 2014).

1,043,698 hectares is culturable waste.¹⁷⁷ The trans-border tracts are mainly mountainous in character with numerous small basins and valleys and dotted with scattered settlements, mainly in the shape of small hamlets. These small basins and valleys offer opportunities for agriculture since they are being fed by rivers that flow through them before entering into the adjoining trans-Indus districts. The mountains, in most cases are treeless but some heavily forested areas like the Shawal Valley, Tirah Valley and Upper Kurram exist. According to official statistics, only eight percent (220,000 hectares) of the entire area (2,722,000 hectares) is cultivable, out of which only 39 percent of farmland is irrigated by perennial water sources while the remaining relies on rainfall.¹⁷⁸

The N.W.F.P. forms the gateway to India. Since ancient times, many invaders like Aryans, Greeks, Sythians, White Huns, Mongols, Persians, Sassanians, Seljuks, Afghans and Mughals have used strategic mountainous passes located in the trans-border tracts to enter India and establish their rule on it. Some famous passes include the Baroghil Pass (Chitral), Nawa Pass (Bajaur), Khyber Pass (Khyber), Terimangal Pass (Kurram), Tochi Pass (North Waziristan) and Gomal Pass (South Waziristan). Hence, N.W.F.P. has always held a strategic significance viz defence purpose to anyone who ruled India.

Given the topographical conditions of the N.W.F.P., the climatic conditions also vary from place to place. The mountainous north has a typical continental steppe climate, with an average annual precipitation of 16.5 inches compared to 4.5 inches in the southern part of the Province where the climate resembles the typical Indian subcontinent.¹⁷⁹ The trans-border tracts enjoy arid and semi-arid climate with pleasant summers and extreme cold winters. Lying on the cusp of two major climatic systems, the

¹⁷⁷ "Land Utilisation Statistics in Khyber Pakhtunkhwa Province", Bureau of Statistics, Government of Khyber Pakhtunkhwa Province, http://kpbos.gov.pk/prd_images/1399370800.pdf (accessed July 12, 2014).

¹⁷⁸ Official website of the government of the Federally Administered Tribal Areas (FATA), <http://fata.gov.pk/Global.php?iId=31&fid=2&pId=27&mId=13>, (accessed July 12, 2014).

¹⁷⁹ "Climate", *The Khyber Pakhtunkhwa Tribune*, <http://kpktribune.com/index.php/en/climate>, (accessed July 12, 2014).

monsoon to the east and the Mediterranean towards the west, annual precipitation ranges from 3 inches to 24 inches in the trans-border tracts.¹⁸⁰

Economy and Livelihood

The dwellers of the largely mountainous trans-border tracts mainly rely on agriculture and livestock. The agriculture in most part is mainly comprised of subsistence farming.¹⁸¹ Due to limited economic resources which resulted in wide-spread poverty, these highlanders were regularly engaged in looting and plundering of the human settlements in the lowlands that formed the trans-Indus districts. Marauding raiding parties by the highlanders were regularly organised. Kidnapping for ransom also formed a common mode of livelihood of these dwellers. In the trans-Indus districts, agriculture engages 48 percent of the labour force and contributes 40 percent to the GDP.¹⁸² Comprising of vast fertile valleys irrigated by perennial rivers, the trans-Indus districts attracts people of the trans-border district to migrate to the lowlands and settle down for a better living standard and livelihood opportunities.

The People

The people living in the N.W.F.P. are called Pakhtuns, Pashtuns or Pathans. Historical information regarding the Pashtuns is scarce. The earliest record about them is given by Herodotus (b. 484 BC) which likened them to that of the Bactrians (people of Balkh) and considered them the “most warlike of all the Indians.”¹⁸³ “The first authentic reference about Pashtuns is available in *Tarikh –al-Hind* (Arabic for The History of India) which was written by Alberuni (973-1048), an eminent scholar who resided in Ghazni and north-western region (now Pakistan) in South Asia during 1016-1048.” He

¹⁸⁰ “FATA: Physical Features and Climate”, *The Khyber Pakhtunkhwa Tribune*, <http://kpktribune.com/index.php/en/physical-features-and-climate>, (accessed July 12, 2014).

¹⁸¹¹⁸¹ “The Crippled FATA Economy”, *Dawn*, November 16, 2009, <http://www.dawn.com/news/839007/the-crippled-fata-economy> (accessed July 12, 2014).

¹⁸² Muhammad Aslam Khan, “Agricultural Development in Khyber Pakhtunkhwa Province: Prospects, Challenges and Policy Options”, *Pakistaniaat: A Journal of Pakistan Studies*, 4, no. 1, (2012): 49-68.

¹⁸³ Olaf Caroe, *The Pathans 550 B.C. – 1957 AD*, (London: Macmillan & Co Ltd, 1958): 29.

spoke of these tribes as “rebellious, savage races occupying the frontiers of India towards the West.”¹⁸⁴ Alberuni further wrote that “in these frontier mountains of India, there live various tribes of the Afghans who extend up to the neighbourhood of the Sindh Valley.”¹⁸⁵

The origin of the Pashtun remains a matter of surmises and conjectures. Numerous theories have been put forward to trace their ancestry. According to Major Ridgway, the Pashtuns are descendants of Afghana, the son of Jeremiah, the son of Saul, who was commander-in-chief of Prophet Solomon (Sulaiman in Arabic) and builder of his temple [in Jerusalem].¹⁸⁶ Other historians trace their origin to the Israelites. According to them, the Pashtuns belong to one of the ten lost tribes of the Jews who hold many physical and cultural affinities with them.¹⁸⁷ Still others believe that the Pashtuns descended from Aryans, with their original birthplace somewhere between the Pamirs and Oxus, which is known as Bakhtar or Baktria.¹⁸⁸

Considered to be the largest tribal society in the contemporary world,¹⁸⁹ the Pashtuns are divided along the political border – the Durand Line – between Pakistan and Afghanistan. Their numerical strength in Pakistan is estimated to be 25 million or 15.42 percent of Pakistan’s total population,¹⁹⁰ while in Afghanistan their population is

¹⁸⁴ Dr. Noorul Haq, Dr. Rashid Ahmed Khan and Dr. Maqsoodul Hassa Nuri, “History of the Federally Administered Tribal Areas of Pakistan”, *IPRI Report*, (2005), <http://fatareforms.org/2005/03/24/history-federally-administered-tribal-areas-pakistan/> (accessed December 6, 2014).

¹⁸⁵ Ibid.

¹⁸⁶ Major R.T.I. Ridgway, *Pathans*, (Calcutta: Superintendent Government Printing, India, 1910):.1

¹⁸⁷ “The Heritage and History of the Afghans”, <http://muslimbaniisrael.wordpress.com/hebrew-and-israelite-traditions-and-customs-of-the-afghans-pashtunspukhtuns/bani-israelite-traditions-customs-of-the-afghans-pashtunspukhtuns/> (accessed 28 July 2014); Sayed Wiqar Ali Shah, *North-West Frontier Province: History and Politics*, (Islamabad: National Institute of Historical and Cultural Research, 2007):.2; Olaf Caroe, *The Pathans*: 5.

¹⁸⁸ “North-West Frontier Province: History and Politics”, 4-5

¹⁸⁹ Bernt Glatzer, “The Pashtun Tribal System”, in *Concept of Tribal Society (Contemporary Society: Tribal Studies, Vol 5)*, eds. G. Pfeffer & D. K. Behera, (New Delhi: Concept Publishers, 2002): 265-282.

¹⁹⁰ “Pashtuns”, <http://www.globalsecurity.org/military/world/pakistan/pashtun.htm> (accessed 28 July 2014).

accessed at 12.5 million or 42 percent of the country's population.¹⁹¹ Originating from a common ancestor, Qais Abdul Rashid, the Pashtuns could be classified into four major groups; two reside in Afghanistan and are known as the Durrani and Ghilzais, while the other two reside in Pakistan.¹⁹² One of the group that reside on the Pakistan side are the "independent or free"¹⁹³ tribe which inhabit the hilly areas abutting the Durand Line. Some of them are wholly inside Pakistan while others are divided on both sides of the Pakistan-Afghanistan border.¹⁹⁴ Due to the remoteness of this region and their savage nature, their interaction with the outside world has led them to hold and preserve their culture and tribal structures more strongly than their kin living in the lowlands in either Afghanistan or Pakistan. The names of these tribes are Yousafzai, Uthmankhel, Mohmand, Safi, Afridi, Malagori, Shinwari, Orakzai, Turi, Bangash, Wazir, Mahsud, Daur, Sulaiman Khel, Dottani, Urmar-Burki, Bhattani and Mangal. A section of Yousafzai, Mohmand and Bangash also live in the lowlands or trans-Indus districts and share land with other prominent and larger Pashtun tribes like Khattak, Muhammadzai, Mandanr-Yusufzai, Daudzai, Khalil, Bannuchis, Gandapur, Kundi, Tareen, Jadoon, Mashwani and Niazi.

Apart from the Pashtun tribes, there are small concentrations of non-Pashtuns living in both FATA and the N.W.F.P. These non-Pashtuns minor concentrations are more obvious in the N.W.F.P., although FATA has not escaped from this either. Some of the non-Pashtun communities living in the N.W.F.P. comprise of Syeds, Awans, Qureshis, Abbasi, Sheikhs, Gujjars, Balochs etc. These non-Pashtuns speaking different languages, like Hindko, Seraiki, Kohistani and Balochi, which are distinct from the Pashtu language. Some Pashtun tribes, like Jadoon, Tareen, Kundi, Gandapur, Mashwani and Niazi, who live among these non-Pashtu speaking communities have abandoned their ancestral Pashto language and adopted the language of their host communities. Likewise the non-Pashtun communities in FATA include the Urmar/Burki of South Waziristan,

¹⁹¹ Walter Hakala, "Chapter Three: Locating Pashto in Afghanistan: A Survey of Secondary Sources" in *Language Policy and Language Conflict in Afghanistan and Its Neighbours*, ed. Harold Schiffman, (2012): 59.

¹⁹² James W. Spain, *The Way of the Pathans*, (Karachi: Oxford University Press, 1962): 24.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

Syedgai of North Waziristan and Sikh and Hindu population inhabiting the Khyber and Orakzai Agencies of FATA. However, these non-Pashtun communities have been assimilated into the larger Pashtun community and adopted the civilizational, cultural and political norms and values of the latter. Inter-marriages between the two have further bridged the cultural divide between the two. Unlike the Pashtuns of FATA and N.W.F.P., who could only speak their own Pashtu language, the non-Pashtun minorities are bilingual and can speak their mother tongue as well as Pashtu fluently. To suffice, both Pashtun and non-Pashtun look alike in their appearance, eating and drinking habits, traditions, norms, values and culture.

Each Pashtun tribe as well as the non-Pashtun minorities retains a specific geographical area in the Pashtun belt. Furthermore, each Pashtun tribe is divided into sub-tribes, clans or *khel* and sub-clans, something which is uncommon among the non-Pashtun minorities. In some cases, a clan may grow larger than the rest of the tribe or could compete with other tribes. The numerical strength of a clan determines its role and importance in the overall tribe's affair. A big clan tends to dominate the smaller clans and leadership of the entire tribe, in most cases, is derived from the most populous clan. For example, the Shabi Khel clan of the Mahsud tribe dominates the affairs of the entire tribe. Mullah Powinda, who led an arms struggle against the British Indian government in the Waziristan region in 1894 was from the Shabi Khel clan. Similarly, the founder and first Emir of the Tehrik-e-Taliban Pakistan (TTP), Baitullah Mahsud, as well as his successor, Khan Said aka Sajna Mahsud aka Commander Khalid Mahsud, also belonged to the Shabi Khel.

The Pashtun way of life is regulated by the age-old, time-tested code of behaviour known as Pukhtunwali. The important ingredients of the code include *nang* (honour), *badal* (revenge) and *melmastya* (hospitality), while the jirga (council of elders of a tribe) plays a potent part in the resolution of issues according to *riwaj* (tradition) or *Sharia* (Islamic law).¹⁹⁵ The practices of "Nikkat", "Lungi" and "Moajjab" are still strong,

¹⁹⁵ Abu Bakar Siddique, *The Pashtuns: The Unresolved Key to the Future of Pakistan and Afghanistan*, (London: C. Hurst and Co. Publishers Ltd, 2014): 14.

binding and regulatory. “Nikkat” means pedigree lineage and determination of privileges and liabilities in accordance with the recognized tribal or sectional shares. The society is based on *naffa wa nuqsaan* (Urdu for profit and loss), under which rights and obligations are equally shared by the tribes and sub-tribes. Tribal society is, thus, inter-linked through kinship, cohesion and common causes.¹⁹⁶

History of N.W.F.P.

The Pashtun tribes living in trans-border tract (present-day FATA) of the historical N.W.F.P. also known as the hill tribes. They never fell under the effective sway of any recorded imperial authority.¹⁹⁷ Efforts by various empires to bring them under their domination largely failed. The great Mughal conqueror, Babar and his grandson, Akbar the Great, made some serious efforts, but they largely failed. It was only during the British Indian era that an effective imperial control was effected, but it was regularly challenged by the local refractory tribes who rose in revolt now and then.¹⁹⁸ This also explains why a tribal form of society still persists in the FATA region. A lack of government penetration has kept the region not only backward but devoid of any civilizational monuments and recorded history.¹⁹⁹ Moreover, these hill tribes resisted all the invaders who had attempted to cross the passes lying in their lands (Khyber Pass, Nawa Pass etc) on their way to the Indian plains. In many instances, especially during the era of the Muslim invaders which started with the invasion of the Indian plains by the Mahmud of Ghazni, these hill tribes played the role of mercenaries by joining the invading armies and claiming a share in the bounty of war.²⁰⁰

On the other hand, the trans-Indus districts (present-day N.W.F.P.) comprised of plains and valleys and were a continuation of the expansive plains of the Indian sub-continent which always attracted invaders and colonists to occupy and establish their rule

¹⁹⁶ “KP People and Tribes”, *Khyber Pakhtunkhwa Tribune*, <http://kpktribune.com/index.php/en/people-and-tribes> (accessed 28 July 2014)

¹⁹⁷ Olaf Caroe, *The Pathans*, xvii.

¹⁹⁸ Ibid., xxiii.

¹⁹⁹ Ibid., xxiii.

²⁰⁰ Ibid., 118-120, 164

over it. The Peshawar Valley in trans-Indus district is often described in the historical annals as Gandhara [civilisation] which included certain tracts to its East and West²⁰¹ (present-day Rawalpindi district in Punjab Province). Endowed with agricultural richness, these trans-Indus districts have seen more invasions than any other part of the world and was continuously ravaged and plundered by all the invaders who made their way to the Indian plains via Khyber Pass after passing through Afghanistan. The history of the N.W.F.P. could therefore be divided into five phases which corresponds to its history of invasions.

Ancient Era

Archaeological evidence suggests that the present trans-Indus districts of N.W.F.P. contain many pre-historic sites which dates back to the Palaeolithic times [meaning Old Stone Age]. In the Sanghao cave in Mardan district, early Stone Age implements, flakes, core tools, blade flakes, awls, hammer tools and scrapers of various shapes with a sharpened edge for scraping materials such as hide or wood have been discovered.²⁰² Similarly in Lewan in Bannu district, core tools, blade flakes, end scrapers, pebble tools, hand-axes, knife blades of hard stone give evidence of a culture that thrived between 3,500 B.C.-3,000 B.C.²⁰³ Remains from the later Stone Age or Neolithic period, when animals were first domesticated and agriculture introduced, have been found at Jhandi Balar in the Dera Ismail Khan district. These consist of terracotta toys, human and animal figures, painted pottery shards and beads.²⁰⁴

It is in the Indus Valley [including the trans-Indus districts of N.W.F.P.] that the earliest traces of a high order of civilisation – comparable to Mesopotamia and Egypt - between 3250-2750 BC in Harappa and Mohenjo-Daro in the Indian subcontinent have been found.²⁰⁵ The spread of Indus civilisation into the N.W.F.P. could be traced in the

²⁰¹ Ibid.,59

²⁰² “History: The March of Time”, Official Website of the Government of Khyber Pakhtunkhwa Province, <http://www.khyberpakhtunkhwa.gov.pk/aboutus/History.php> (accessed 28 July 2014).

²⁰³ Ibid.

²⁰⁴ Ibid.

²⁰⁵ Rai Bahadur, *The Evolution of North-West Frontier Province*, 1.

shape of remains of cultural artifacts that were discovered from Maru and Rehman Dheri archaeological sites in Dera Ismail Khan district.²⁰⁶

The great Aryan immigration comprising of the “fair-coloured” people from Central Asia into the Indus Valley across the snow-clad Hindukush mountains took place between 800-200 B.C.²⁰⁷ The N.W.F.P. tract appears then to have been the home of some “dark-skinned” aboriginal folk, the Dravidians, whose traces are still to be found amongst the Dards of Pamir and the Kafirs of Kafiristan.²⁰⁸ The legends of the invading Aryans are incorporated in *Mahabharata*, an ancient Sanskrit epic, reflective of centuries of collective beliefs. In that scripture, the N.W.F.P. and its people are mentioned: Panjkora watershed appears as Gauri in the sixth book and the tribe of Asvaka – probably referring to the people of Swat, Kunar and Bajaur - as inhabiting the far north. The *Reg Veda*, another book of the Aryans, mentions the Pukhtuns as Pakhtu and Paktium.²⁰⁹ This era saw the rise of Hinduism and establishment of independent Hindu states in the region.

It was the Achaemenian Empire founded by Cyrus the Great which replaced the Hindu rule over the Indus Valley civilisation, including the trans-Indus districts of N.W.F.P., around 518 B.C. The Achaemenian ruled the area for around two centuries, until it was overthrown by the Greek invasion in 331 B.C.²¹⁰ The Macedonian Prince, Alexander the Great, led his army to the Indus Valley through the Nawagai Pass, which links Afghanistan to the present day Bajaur Agency. After conquering Gandhara (the area stretching between Peshawar to Rawlapindi district of Punjab), he appointed Philip, a Macedonian officer, as the governor of Gandhara.²¹¹ However, the untimely death of Alexander in 323 B.C. weakened the hold of the Greeks over the territories they had conquered in India, including the trans-Indus districts of N.W.F.P., thereby paving way

²⁰⁶ “History: The March of Time”

²⁰⁷ Ibid.

²⁰⁸ Rai Bahadur, *The Evolution of North-West Frontier Province*, 1.

²⁰⁹ “History: The March of Time”

²¹⁰ Olaf Caroe, *The Pathans*, 26.

²¹¹ Rai Bahadur, *The Evolution of North-West Frontier Province*, 5.

for the rise of the Hindu Mauryan Empire around 322 B.C.²¹² It was during the Mauryan rule that Buddhism flourished in India as a state religion.

The weakening of the Mauryan Empire witnessed various dynasties of the Graeco-Bactrians, the Sakas and the Indo-Parthians ruled Gandhara. The Graeco-Bactrian kingdom of Taxila and Sakala fell to the nomadic Saka invasion which started around 97 B.C.²¹³ The Sakas ruled over Gandhara until 5 A.D and were succeeded by the Parthians who were also nomads from Central Asia.²¹⁴ In 75 A.D. the Kushan who were also from Central Asia established another great empire in Gandhara.²¹⁵

The Kushan's rule was followed by the Sassanians, who also belonged to Central Asia. The Kushan rule extended over Gandhara, Dera Ismail Khan and Dera Ghazi Khan districts, Sindh and large parts of Afghanistan fell to them.²¹⁶ However, the arrival of White Huns from the north in 365 A.D. witnessed the collapse of the Kushan rule over the areas under their control, including the N.W.F.P. The arrival of White Huns caused severe destruction of the entire area. By the end of the sixth century A.D. a group of tribes with Persian background and language settled down in Gandhara, ushering in the return of Persian influence.²¹⁷ The Persian rule gave way to the re-emergence of Hindu dynasties after the former became preoccupied with fighting the rising Islamic empire on its western border and its eventual defeat in 642 A.D. in the plains of Nihawand near Hamadan in present-day Iran.²¹⁸

The Muslim Period

The emergence of Muhammadan rule on the map of India took place in 712 A.D. when the Arabs invaded the country under the command of Muhammad bin Qasim. The Muslims were the first ever conquerors to enter the Indian subcontinent from the sea in

²¹² Ibid., 6.

²¹³ "History: The March of Time"

²¹⁴ Olaf Caroe, *The Pathans*, 70

²¹⁵ Ibid., 72.

²¹⁶ "History: The March of Time"

²¹⁷ Ibid.

²¹⁸ Ibid.

the South, compared to previous invasions of the region that took place from the North West. While Muhammadan rule was introduced in India, it remained limited to only the present-day Sindh Province of Pakistan and some cities in present-day Punjab like Multan. The N.W.F.P. remained out of the Muhammadan rule or their sphere of influence. It was during the last decade of the first millennium that Tartar and Afghan invaders entered India through the North West of the country and established their firm control which was to last until the British finally grabbed power from them in 1857.

The first of the Mohammadans to enter and rule over parts of India, including the N.W.F.P. was Sabuktagin who ruled an independent Turkish principality with its capital in Ghazni (currently a province in Afghanistan). In 986 A.D., Sabuktagin established his rule over the N.W.F.P., Punjab, Multan and Kashmir by defeating a Hindu ruler, Raja Jaipal. Sabuktagin was supported in his conquest by the Pashtun tribes like the Waziris, Afridis and others which live in the trans-border tract or present-day FATA.²¹⁹ By the time his son, Mahmud (popularly known as Sultan Mahmud Ghaznavi) ascended the throne in 998 A.D., a sizeable area of modern Iran, Punjab and present N.W.F.P. were under his fief.²²⁰ Mahmud undertook 17 successful “marauding expeditions” of Northern India which witnessed widespread massacring and plundering and weakened the political power of disorganized Hindu rulers.²²¹ Ghaznavi admitted Afghans and the frontier Pashtun tribes into the armed forces.²²² The Ghaznavid dynasty was replaced by Sultan Muhammad Ghori who ruled till 1206 A.D from his headquarter in Lahore until he was assassinated on his return journey to Ghazni.²²³ The Ghori rule was followed by several dynasties such as the Khiljis (1290-1321), Tughlaqs (1321-1451), Lodhis (1451-1526) and Suris (1539-1555). Except Tughlaqs, the the Lodhis and Suris were Pashtun or Afghan, which saw them establish their rule, albeit brief, over parts of India, including the N.W.F.P.

²¹⁹ Rai Bahadur, *The Evolution of North-West Frontier Province*, 10-11

²²⁰ Ibid., 11

²²¹ Ibid., 11.

²²² Olaf Caroe, *The Pathans*, 119.

²²³ Rai Bahadur, *The Evolution of North-West Frontier Province*, 12

Between the intervening period, the Mongols under Chengiz Khan penetrated as far as the Indus River in pursuit of Khwarazm Shah²²⁴, and laid waste to the entire area, including Peshawar Valley, in 1221 A.D.²²⁵ Between 1221-1398 A.D., there were numerous Mongol invasions which were on the whole small and ill-coordinated. These incursions laid waste to large swathes of territory in the Northwest Frontier regions.²²⁶ The Mongols were followed by Timur (also known as Tamerlane), who in 1399 penetrated as far as the Ganges River and ravaged the land and left Delhi in ruins. However, after destabilising the Tughlaq dynasty which had succeeded the Khiljis in Delhi, Timur returned back to Central Asia.²²⁷

Babur, a great grandson of Timur, proved to be more ambitious when he invaded India in 1525 and established the Mughal Empire. The Mughal rule lasted for around 300 years before it was overthrown by the British in 1857. Babur defeated Ibrahim Lodhi, the ruler of India in the battle of Panipat in 1526. After assuming the throne, Babur appointed his eldest son, Kamran, as the governor of Kabul who exercised administrative control over both the N.W.F.P. and Punjab. The power struggle between Kamran and Humayun, the descendants of Babur to succeed to the throne in Delhi after his death weakened the Mughal rule and afforded an opportunity to Sher Shah Suri, a Pathan, to seize power in 1530 A.D. Sher Shah introduced far reaching administrative reforms in the trans-Indus tract which ranged from introducing land revenue system to establishing communication infrastructure in the Indian subcontinent. After Sher Shah's death, internal power struggle between his sons allowed Humayun to regain control of the Indian subcontinent in 1555. However, Humayun could not live long to enjoy the recovered kingdom and was succeeded by his son, Jalaluddin Muhammad Akbar – also known as Akbar the Great

²²⁴ Khwarazm Shah, the ruler of Khurasan (Persia) was an arch foe of Chengiz Khan who incensed the later by killing his diplomat who arrived at the Persian court to deliver a message from the former. Chengiz Khan invaded Khwarazm, Central Asia and Persia to avenge the death of his ambassador. Khwarazm Shah lost his rule and remained on the run until he was murdered in 1231. See, Salman Rashid, "Jalaluddin Khwarazm", The Express Tribune, January 27, 2012, <http://tribune.com.pk/story/328103/jalaluddin-khwarazm/> (Accessed on April 13, 2015)

²²⁵ Andre Wink, "Al-Hind: The making of the Indo-Islamic World", Brill Academy Publishers New York, 1996, P. 202

²²⁶ Anatoly M. Khazanov, Andre Wink, Edited book "Nomads in the Sedentary World", Taylor and Francis; 1st edition, 2001, P. 226

²²⁷ "History: The March of Time"

(1556-1605). Akbar imitated the administrative measures introduced by Sher Shah Suri in the field of land revenue administration and further elaborated the agrarian system which brought prosperity and peace throughout the Mughal Empire.²²⁸ However, the Mughal forays into the trans-border tract (FATA) to control the area could not meet with much success. While the Mughals maintained their control over some of the strategic passes, such as the Khyber Pass, it was constantly contested by the Pashtun tribes living in the area. Similarly, the Mughals retained their writ over the Grand Trunk Road which was earlier built by Sher Shah Suri, and connected Kabul with Delhi. This control was also achieved in part by playing the historical rivalries between the Yusufzai and the Khattak tribes living in the area – the latter served as a vassal of the Mughals in the region and were entrusted with the responsibility to guard the strategic highway. The Mughal campaigns against the northern Pashtun tribes (Yusufzai and Uthmankhel) between 1587-1592 proved disastrous and the Mughals were not able to maintain a permanent footing in the trans-border tract despite massive slaughtering of the people and devastation caused to their lands.²²⁹ Akbar was unable to subjugate the Pashtun tribes in southern districts of the trans-Indus tract and no Mughal ruler after Akbar's death made serious efforts to control the mountainous northern region after his death in 1605.²³⁰ However, the frontier problem remained a thorn on the side of successive Mughal rulers like Jehangir (1608-1627), Shah Jahan (1628-1658) and Aurangzeb (1658-1707).

The death of Aurangzeb in 1707 witnessed power struggle between his sons. Within twelve years of his death, there were five reigns and fratricidal wars within the brothers greatly weakened the imperial fabric of the empire.²³¹ King Nadir Shah of Persia took benefit of the crumbling state of the Mughal Empire and invaded the Indian subcontinent in 1739. An Afghan Pashtun contingent numbering between 4,000-16,000 personnel was part of his army.²³² One of his general, Ahmad Shah Abdali, seized the opportunity offered by the chaos that ensued with the assassination of King Nadir Shah,

²²⁸ Rai Bahadur, *The Evolution of North-West Frontier Province*, 17

²²⁹ "History: The March of Time"

²³⁰ "History: The March of Time"

²³¹ Rai Bahadur, *The Evolution of North-West Frontier Province*, 23

²³² Olaf Caroe, *The Pathan*, 233.

and established the Durrani Dynasty which included not only Kabul, Ghazni, Herat and Kandahar but stretched as far as Kashmir, Multan in Punjab, Sindh and also included the N.W.F.P. Durrani successfully defeated the Marathas confederacy in successive decisive battles and eliminated their prospects of dominating the northern India. Durrani died in 1773 and was succeeded by his son Timur Shah (1773-1793). Timur's death witnessed power struggle between his three sons – Shahzaman, Muhammad Shah and Shujaul Mulk. Maharaja Ranjit Singh (1799-1839), who was the Viceroy of the Punjab Province under Timur Shah, took benefit of the intra-fighting between the Durrani brothers and occupied the N.W.F.P. in 1818 A.D. by waging wars with the local Pashtun chieftains, and made it part of the Punjab Province.²³³ Ranjit Singh attempted to extend his rule further West by attempting to occupy Jalalabad and Kabul. His forces under the command of renowned Sikh General Hari Singh Nalwa faced a military defeat in Jamrud in the Khyber Pass (Khyber Agency) in 1837. Nalwa was also killed in the fighting.²³⁴ Subsequently, the Sikhs focused on consolidating their hold over the trans-Indus districts of Peshawar, Kohat Bannu and the Derajaat, and stayed away from further attempts to occupy the hill territories of Swat, Buner, Bajaur, the Kurram Valley or Waziristan.²³⁵

The Sikh administration of the N.W.F.P. had been of the loosest type. The Sikhs “possessed but little influence in the trans-Indus tracts, and what influence they had was confined to the plains. Even they were obeyed only in the vicinity of their forts which studded the country.”²³⁶ During the Sikh rule, the N.W.F.P. in general and Peshawar in particular was converted into a desolate wasteland.²³⁷ Architectural monuments of any value, including the Balahisar Fort, Masjid Mahabat Khan and sprawling royal gardens were destroyed and extensive orchards in Peshawar district were axed.²³⁸ Lt. Col. Sir Alexander Burnes, who visited the city during 1836-37, remarked:

²³³ *Imperial Gazetteer of India Provincial Series, North West Frontier Province*, (Lahore: Sang-e-Meel Publications, 2002): 18.

²³⁴ Dr. Noorul Haq, “History of the Federally Administered Tribal Areas of Pakistan”, op.cit.

²³⁵ “History: The March of Time”.

²³⁶ Lal Baha, *N.W.F.P. Administration Under British Rule 1901-199*, (Islamabad: National Commission on Historical and Cultural Research, 1978): 4.

²³⁷ James W. Spain, *The Way of the Pathans*, 31.

²³⁸ “History: The March of Time”

*“I found that the Sikhs had changed everything: many of the fine gardens round the town had been converted into cantonments; trees had been cut down; and the whole neighbourhood was one vast camp, there being between 30,000 and 40,000 men stationed on the plain.”*²³⁹

Major James, a British Indian officer, reported on the state of the administration of the trans-Indus districts of N.W.F.P. in the following words:

*“The maintenance of internal order was scarcely attempted; blood-feuds between districts, villages and families were unchecked or followed only by the levy of fines when the government officers deemed it prudent to interfere ... Dacoities and raids were constant occurrences and but lightly thought of until their frequent repetition would cause the tribes in the plains to retaliate under the guidance of their Maliks or Arbabs.”*²⁴⁰

Similarly, the Sikh system of taxation in the trans-Indus districts of the N.W.F.P. was “absolutely irregular and extremely harsh, backed up by military force”²⁴¹ which always provoked the sensitive independent nature of the Pashtun tribes. A British Indian officer offered the following account of the Sikh rule:

*“The periodical visits of the Sikhs were calamitous to the people; their approach was the signal for the removal of property and valuables, and even of the windows and door-frames of the houses; crowds of women and children fled frightened from their houses and the country presented the appearance of an emigrating colony; as the hated host advanced, they overran the neighbourhood, pillaging and destroying whatever came within their reach and laying waste the fields.”*²⁴²

²³⁹ “History: The March of Time”

²⁴⁰ Rai Bahadur, *The Evolution of North-West Frontier Province*, 32

²⁴¹ Ibid., 35.

²⁴² Ibid., 36.

Ranjit Singh's death in 1839 at the height of the Sikh power witnessed infighting between his successors for the throne of the Sikh Kingdom. The power struggle gave way to confusion, disorder and anarchy in the entire Punjab and N.W.F.P. The British East India Company which had by then emerged as the paramount power in India, were in possession of the cis-Sutlej territories (located on the East of River Sutlej in Punjab) and were adhering to the treaty of "Perpetual Amity" which they had earlier signed with Maharaja Ranjit Singh in 1809.²⁴³ The ensuing chaos post-Ranjit Singh's demise in the Sikh Kingdom was a matter of grave concern to the British interests in the region on account of two reasons: Firstly, the gradual expansion of Czarist Russia into the adjoining Central Asia offered the possibility of the Russian forces crossing the Frontier of India and sweeping the territory being held by the Sikh Kingdom and beyond. Secondly, the British policy of retaining a strong Sikh Kingdom as a barrier between the British India and Afghanistan was failing due to anarchy ensued by succession struggle among Ranjit's successors.²⁴⁴

Getting alarmed by the weakening Sikh Kingdom, the British East India Company started to strengthen its defences in the cis-Sutlej area. This raised suspicion in the Sikh Kingdom which led to the First Anglo-Sikh War in February 1846, which the former subsequently lost. While the British allowed the Sikh Maharaja Duleep Singh to retain his rule under a treaty signed in March 1846, he was effectively reduced to a titular head, while the British East India Company ran the affairs through a Council of Regency which was overseen by a British Resident agent.²⁴⁵ However, the treaty could not last for long and paved the way for a Second Anglo-Sikh War in October 1848, which ended in the annexation of Punjab [and N.W.F.P. being part of it] by the British East India Company on 29 March 1849.²⁴⁶

²⁴³ Sultan-i-Rome, *The North-West Frontier (Khyber Pakhtunkhwa): Essays on History*, (Karachi: Oxford University Press, 2013): 120.

²⁴⁴ Rai Bahadur, *The Evolution of North-West Frontier Province*, 33

²⁴⁵ "History: The March of Time"

²⁴⁶ Sultan-i-Rome, *The North-West Frontier (Khyber Pakhtunkhwa)*, 121.

British Era

Following the annexation of Punjab, the British India's border were extended upto the edge of the hitherto independent tribal area (present-day Federally Administered Tribal Areas or FATA). However, the annexation presented its own set of intricate and overlapping challenges, two of which demanded urgent attention: an ill-defined administrative boundary with the tribal areas; and a loose type of administrative system in the N.W.F.P. (present-day Khyber Pakhtunkhwa Province).²⁴⁷ These two intricate problems were entrusted to the Board of Administration in Lahore, which strived to manage the tribes in order to ensure peace and security in the settled districts from tribal raids conducted frequently by tribesmen inhabiting the tribal area (present-day FATA); and evolving a civil administrative system for the settled districts in the trans-Indus and cis-Indus tracts of the N.W.F.P. (present-day Khyber Pakhtunkhwa Province).²⁴⁸

a) Administering the Tribal Territory

The tribal areas had largely maintained its independence during the entire annals of history and had resisted subjugation at the hands of the rising empires to their east and west. While various invaders had passed through the tribal territory, mainly through the strategic passes it contains, and had also recruited Pashtun mercenaries for successive invasions of the Indian sub-continent, the tribes remained free to rule themselves according to their own customs. These tribesmen were also predatory in nature and engaged in constant raiding for livelihood in the adjoining territories to its east and west. Due to the unruly nature of its inhabitants, the tribal area was and is still referred to as "Yaghistan" in common parlance among the neighbouring Pashtun tribes in the settled districts of N.W.F.P., as well as in Afghanistan which means the "land of the rebellious" or "land of unruly".²⁴⁹

²⁴⁷ Ibid.,122.

²⁴⁸ Lal Baha, *N.W.F.P. Administration Under British Rule* 4-5.

²⁴⁹ Sana Haroon, *Frontier of Faith*, (Karachi: Oxford University Press, 2011): 29; Also see, Richard Boudreaus, "On Afghan Chessboard, Is Ex-King Making Right Move?", *Los Angeles Times*, December 9, 2001, <http://articles.latimes.com/2001/dec/09/news/mn-13054> (accessed 23 July 2014)

During the time of British's predecessor, the Sikh Kingdom, the tribal areas (present-day Federally Administered Tribal Areas or FATA) were not part of the Sikh kingdom and therefore remained out of the dominion of the British India. Since N.W.F.P., annexation in 1849, the British policy vis-à-vis the tribal areas passed through various stages. In the first stage, the British pursued the "policy of masterly inactivity or close-border policy". The main feature of the policy was to ensure the security of the settled districts of N.W.F.P. by guarding the border and minimising tribal forays and consequent reprisals by military expeditions which was also a costly business.²⁵⁰ For purposes of defence, a military force, called the Punjab Frontier Force was raised. The border was dotted with existing military forts while new forts were also built and were connected with each other by a road for rapid response to any tribal foray.²⁵¹

The British followed the policy of "non-aggression" and "non-interference" in the affairs of the tribal areas, and British officers were instructed not to cross into the tribal territory.²⁵² Various conciliatory measures aimed at "pacification and contentment"²⁵³ of the Frontier tribes were also undertaken to "win them over to peacefulness by the introduction of civilised orders."²⁵⁴ These measures were meant to ensure that the tribes settle down and refrain from molesting the caravan routes or the settled districts in the N.W.F.P. The British government took steps which ranged from "extending civilising influence, of schools and hospitals and fruit plantations and of finding occupation for young man in military regiments; granting contracts to the tribesmen for the construction and maintenance of military roads and barracks; and paying handsome allowance to the Maliks and tribesmen to keep them in good faith."²⁵⁵ The British government entered into agreements with the tribes under which the latter were allowed entry into the settled districts of the N.W.F.P. and to trade freely on assurances of peaceful conduct vis-à-vis the former.²⁵⁶ However, tribal lawlessness and depredations saw the tribes frequently

²⁵⁰ Lal Baha, *N.W.F.P. Administration Under British Rule*, 5.

²⁵¹ Lal Baha, *N.W.F.P. Administration Under British Rule*, 5.

²⁵² Ibid.

²⁵³ Sultan-i-Rome, *The North-West Frontier (Khyber Pakhtunkhwa)*, 348.

²⁵⁴ Rai Bahadur, *The Evolution of North-West Frontier Province*, 48.

²⁵⁵ Ibid.

²⁵⁶ Lal Baha, *N.W.F.P. Administration Under British Rule*, 5.

breaking the agreements and the government had to stop allowances and conduct punitive military expeditions to discipline the tribes. Between 1849 and 1899, the British government conducted sixty-two expeditions against various tribes in the tribal areas.²⁵⁷ British India continued to exercise the “non-interference” policy towards the tribal areas until the fast-changing external environment on its West border with Afghanistan necessitated a revisit of the “close-border policy”.

Between the years 1864-1873, Czarist Russia started to expand its border by moving its frontier southwards, thereby annexing the Central Asian principalities of Tashkent (1865), Bukhara (1867) and Khiva (1873) and advancing towards Afghanistan. This alarmed the British Indian government which became paranoid with the thought of not only sharing a border with Russia but losing India to the latter in a manner reminiscent of previous invasion of India through the Khyber Pass. In order to pre-empt such an outcome, the British Indian government wanted to form a “close union between Britain and Afghanistan to ward off Russian influence there. However, the Afghan monarch preferred to first meet the Russian envoy at his court over a similar request made by the British resident. This necessitated the initiation of “forward policy”, whose essential ingredients comprised of carving out a “strategic line of defence against Russian advancement in Central Asia,”²⁵⁸ and the ultimate control of the tribal areas along with its strategic passes.²⁵⁹ The Second Anglo-Afghan War (1878-1880) was won by the British India which saw the tribal area and the strategic passes “gradually brought under the British influence and protectorate during the years 1879-1895. The tribal area was formed into five political agencies²⁶⁰ – Khyber (1879), Gilgit (1889)²⁶¹, Kurram (1892), Waziristan (1895)²⁶² and Malakand (1895). The conclusion of the Durand Line

²⁵⁷ Ibid.

²⁵⁸ Dr. Noorul Haq, “History of the Federally Administered Tribal Areas of Pakistan”, op.cit.

²⁵⁹ Lal Baha, *N.W.F.P. Administration Under British Rule*, 6

²⁶⁰ A Political Agency is equivalent of a district in the settled areas of British India and is controlled by a Political Agent who is equivalent to the deputy commissioner of a settled district in British India.

²⁶¹ Gilgit which is located in the Northern Areas of Pakistan is part of Gilgit-Baltistan, which is itself a separate administrative arrangement.

²⁶² Initially the Waziristan Agency constituted as a single unit in 1910, which was later on divided into two – North Waziristan and South Waziristan – for administrative convenience. See, “North

Agreement in 1893 with the Afghan government by British India constituted a policy of creating a “scientific frontier”, which finally determined the sphere of influence of both the British India and the Afghan governments.²⁶³ Over the course of time, British India penetrated into the tribal areas by “establishing communication links and studded them with posts, picquets and forts at strategic points.”²⁶⁴

Commenting on the developments vis-à-vis the acquisition and penetration of British India into the tribal areas, a senior British military officer, Sir Harry Lumsden, stated the following:

*“Providence has blessed us with a strong line of Frontier, covered by rugged and barren hills, through which there are but a limited number of passes by which an army could approach India; and the military art teaches us that the best position for the defence of such ground is on our own side of the passes, just where an army must debouch on the plain with Peshawar, Kohat and Sindh, in our possession, and the communications with our Indian Provinces open by rail and steamers on the Indus and strong force of Europeans located in healthy Cantonments all over the country supported by a well-organised native army. I consider that we should really have the keys of India in our own pockets, be in a position to lock the doors in the face of all enemies, black or white.”*²⁶⁵

While British India was content by securing the North West Frontier of India through which invaders had poured into India through the well-known gateways [strategic passes], it pursued a policy of “indirectly governing the tribal area” based upon the policy of “non-interference” in the tribal affairs. The tribal society was allowed “self-rule or governance” in accordance with their customary laws and *Riwaj* (Urdu for traditions). The government signed treaties with the tribal chieftains and Maliks under

Waziristan Agency”, <http://www.globalsecurity.org/military/world/pakistan/fata-north-waziristan.htm> (accessed on May 2, 2015)

²⁶³ Lal Baha, *N.W.F.P. Administration Under British Rule*, 7.

²⁶⁴ Sultan-i-Rome, *The North-West Frontier (Khyber Pakhtunkhwa)*, 349.

²⁶⁵ Rai Bahadur, *The Evolution of North-West Frontier Province*, 46.

which the latter was obligated to protect government installations, roads and their own interests.²⁶⁶ Although the British system had its shortcomings, it was “largely economical and effective.”²⁶⁷ The tribal raids into the adjoining settled districts of N.W.F.P. continued unabated which resulted in punitive military expeditions by the British Indian army. The British were also not interested in the development of the tribal areas for their own reasons.²⁶⁸

In 1897, the British India faced massive uprisings among the tribes inhabiting the tribal area which in most cases were instigated by religious clergy, like the Hadda Mullah and Mullah Saidullah alias Mad Mullah in Malakand, Mullah Said Akbar in Khyber Agency and Mullah Powinda in Waziristan.²⁶⁹ This was due to the fact that the tribes found the British advances in the tribal areas as an attempt to seize their cherished independence. The British government undertook seven military operations which involved 70,000 troops. After a “long, arduous and costly” engagement, the tribal area was pacified.²⁷⁰ The tribal uprising also forced the British India to reconsider its “Forward Policy” in the tribal areas. The advent of a new Viceroy, Lord Curzon, in 1898 brought tremendous changes in the British India’s Frontier policy which had far reaching consequences on both the tribal area and the settled districts in its foothills. The popular tribal uprising and the reverses suffered by the British Indian army led the latter to adopt a policy of “withdrawal and concentration”, under which regular troops were withdrawn to the foothills of the mountains of the tribal areas and were kept as a “second line of defence” in the British territory of the N.W.F.P. The regular forces were replaced by tribal levies and militias drawn from within the tribal area and were deployed in the British forts and picquets dotting the entire tribal area. Emphasis was put on improving

²⁶⁶ Sultan-i-Rome, *The North-West Frontier (Khyber Pakhtunkhwa)*, 348-350

²⁶⁷ Ibid., 350.

²⁶⁸ Ibid.

²⁶⁹ David B Edwards, “Heroes of the Age: Moral Fault Lines on the Afghan Frontier”, Berkeley: University of California Press, 1996, <http://publishing.cdlib.org/ucpressebooks/view?docId=ft458006bg&chunk.id=ch5&toc.depth=1&toc.id=ch5&brand=ucpress> (accessed 25 July 2014); Also see, Asad Munir, “Mullah, the Taliban and Pashtun Society”, *The Friday Times*, February 03-09, 2012, Vol. XXIII, No. 50, <http://www.thefridaytimes.com/beta2/tft/article.php?issue=20120203&page=6.1> (accessed 24 July 2014)

²⁷⁰ Lal Baha, *N.W.F.P. Administration Under British Rule*, 8.

the means of transport and communication in the tribal areas for deployment of regular forces whenever the need arise.²⁷¹

b) Administration of Settled Districts

Unlike the tribal area which had remained free of any external influences or control, the four districts of the trans-Indus tract, namely Peshawar, Kohat, Bannu, Dera Ismail Khan and cis-Indus district of Hazara had remained a subject of various empires, including the Mughal and Sikh Kingdom. The British inherited from their predecessor, the Sikh Kingdom, a loose type of administration of these trans-Indus and cis-Indus districts. Soon after annexing the territory, the British put under these districts under the direct control of the Punjab government which governed this territory through a Board of Administration based in Lahore. A deputy commissioner was appointed on each of these districts. Between 1850 and 1861, the five districts were reorganised into two divisions: the Peshawar Division comprised of the districts of Peshawar, Kohat and Hazara, while the Derajat Division comprised of Dera Ismail Khan and Bannu districts.²⁷² This arrangement continued until the trans-Indus tract was separated from Punjab and formed into a separate province, the North West Frontier Province or N.W.F.P. (present-day Khyber Pakhtunkhwa Province) in 1901.²⁷³

The five districts were dealt with under a non-regulation system, which was implemented in the Punjab Province and was based on a simple but efficient and forceful administration model.²⁷⁴ “The special features of the Non-regulation areas were that ordinary laws enforced in the Regulation Provinces, viz., the regulations and rules passed by the [East India] Company’s Presidency Governments up to 1833, and the legislation passed by the Government of India after that date, did not apply unless specially extended by the authority of the Governor General in his executive capacity.”²⁷⁵ Under this system, “the mode of Government first introduced was personal and paternal, all authority,

²⁷¹ Dr. Noorul Haq, “History of the Federally Administered Tribal Areas of Pakistan”,

²⁷² *Imperial Gazetteer of India*, 19.

²⁷³ Sultan-i-Rome, *The North-West Frontier (Khyber Pakhtunkhwa)*, 122.

²⁷⁴ Lal Baha, *N.W.F.P. Administration Under British Rule*, 8-9.

²⁷⁵ Rai Bahadur, *The Evolution of North-West Frontier Province*, 55.

executive, revenue and judicial being usually concentrated in the same official; and the general purpose was to disturb tribal and local customs as little as possible, and to make changes only with the greatest caution and on some evident necessity.”²⁷⁶ In addition, the deputy commissioners of the five districts were responsible for relations with the tribesmen of the adjoining tribal areas.²⁷⁷

Similarly, serious efforts were made by the British India to introduce modern conditions in the five trans-Indus districts in the field of communication, public works, revenue, education and public security. Railways and telegraph systems were laid out and post offices were established in 1854.²⁷⁸ Communication infrastructure was laid down by the Public Works Department and canals and irrigation system was developed by the Canal and Irrigation Works department.²⁷⁹ Steps were taken to promote elementary and higher education by establishing schools and colleges. In order to secure these administrative districts from marauding tribal raids conducted from the tribal areas, the Punjab Frontier Force was raised to guard and patrol the frontier border.²⁸⁰ In 1886, this Force was amalgamated into the British India Army.²⁸¹ The duties of the police were invested in civil levies which were under the control of the deputy commissioner in each district.²⁸² Village watchmen were also appointed which helped the police in the prevention and detection of crime.²⁸³

In the field of administering justice, the Frontier Crimes Regulation (FCR) was enacted in 1872, which authorised the deputy commissioner to refer criminal cases to a *Jirga* (tribal consultative body) to hand over sentences in accordance with the Pashtun culture and tradition.²⁸⁴ However, given the strategic important of this region, the administrative developments were subordinated to strategic necessities and therefore the

²⁷⁶ Ibid.

²⁷⁷ Lal Baha, *N.W.F.P. Administration Under British Rule*, 9.

²⁷⁸ Rai Bahadur, *The Evolution of North-West Frontier Province*, 55

²⁷⁹ Ibid.

²⁸⁰ *Imperial Gazetteer of India*, 19.

²⁸¹ Ibid..

²⁸² Lal Baha, *N.W.F.P. Administration Under British Rule*, 9.

²⁸³ Ibid.

²⁸⁴ Lal Baha, *N.W.F.P. Administration Under British Rule*, 10

pace of development was slower compared to the trans-Indus districts of Punjab.²⁸⁵ The most noticeable feature of the British administration of the region was the peace and tranquillity that these trans-Indus districts enjoyed post-1849, and which were not experienced earlier.²⁸⁶ These manifest advantages worked in favour of the British government on the eve of the breakout of the “Indian uprising of 1857” against the British, when the last Mughal Emperor tried to assert his claim and re-establish the old Mughal Empire. The uprising spread through India, but the entire Punjab, including the five trans-Indus districts of N.W.F.P. remained largely free of any anti-British uprising.

Formation of North West Frontier Province (N.W.F.P.)

The Second Anglo-Afghan war in 1878, following Russia’s advancement in Turkestan (present-day Central Asia) during the latter half of the 19th century, aroused fear within British India of a possible Russian or foreign attack from the North West and Western frontier of the British Indian Empire. Lord Lyton (1876-1880), Viceroy of British India, advocated for a “vigilant precautionary Frontier Policy” aimed at bringing the Western and North Western frontiers of India under the direct supervision of the Government of India for a unitary action by the government of India, instead of dealing with the Frontier through an agent government of the Punjab Province.²⁸⁷ The tribal uprising of 1897-1898 further highlighted not only the strategic and military problems of the Frontier but also allowed to examine the basic structure of the administrative system in practice in the North West Frontier.²⁸⁸ Viceroy Lord Curzon (1899-1905) decided that “the management of difficult frontier areas where both foreign and defence were involved should not be divided between the Punjab and the central government.”²⁸⁹

Subsequently, in November 1901, the North West Frontier Province (N.W.F.P.) was formed which constituted the five Punjab-administered districts of Dera Ismail Khan,

²⁸⁵ Ibid., 9

²⁸⁶ Ahmad Hassan Dani, “Modern Peshawar” in *Peshawar: Historic City of the Frontier*, (Lahore: Sang-e-Meel Publications, 2002): 157.

²⁸⁷ Sultan-i-Rome, *The North-West Frontier (Khyber Pakhtunkhwa)*, 194.

²⁸⁸ Ibid., 195.

²⁸⁹ Ibid.

Bannu, Kohat, Peshawar and Hazara, and the Tribal Areas comprising of the Malakand, Khyber, Kurram, South Waziristan and North Waziristan agencies. The formation of the N.W.F.P. was opposed by the Punjab Province as well as the minority population of the N.W.F.P. on administrative and communal lines.²⁹⁰ However, Lord Curzon's policy was based on the argument of the "inseparability of the districts and tracts" because political and security questions of far ranging consequences on this North Western border requires a direct involvement and control of the situation in this strategically important area.²⁹¹

The newly formed N.W.F.P. was headed by a Chief Commissioner who had a dual duty to perform: As an Agent to the Government of India he controlled political relations with the tribes of the Tribal Area, and oversaw the work of the political agents of the five tribal agencies (trans-border tracts).²⁹² As Chief Commissioner, he oversaw the administration of the five trans-Indus administered districts, and the deputy commissioners heading these districts were subordinated to him. Peshawar was declared as the headquarters of the newly established province.²⁹³ Apart from member of the Indian Civil Service and military officers of the Political Department of the Government of India, which formed the staff of the Chief Commissioner, he was assisted by two senior officers who served as Judicial and Revenue Commissioners.²⁹⁴

Post-establishment, the province witnessed some major developments in the administration. Firstly, the province came under the direct control of the Foreign and Political Department of the Government of India. Secondly, senior administrative positions were mainly manned by officers who had extensive political and training experience regarding the affairs of the newly-created province. Thirdly, a financial regime was evolved from the province and the local administration was assigned to collect revenues under various heads, such as land revenue, stamps, excise, forests,

²⁹⁰ Rai Bahadur, *The Evolution of North-West Frontier Province*, 102.

²⁹¹ Ibid., 9

²⁹² *Imperial Gazetteer of India*, 26.

²⁹³ Sana Haroon, *Frontier of Faith*, (Karachi: Oxford University Press, Pakistan, 2011): 24.

²⁹⁴ Lal Baha, *N.W.F.P. Administration Under British Rule*, 26.

registration, police, health, jails education etc.²⁹⁵ The FCR, which was enacted in 1872, was twice modified in 1887 and 1901, which empowered the deputy commissioner to refer both civil and criminal matters to a Jirga (council of Elders) for an on-the-spot investigation and submitting its findings to the deputy commissioner.²⁹⁶

However, the province did not enjoy the political and legal status which other province, including the Punjab Province, enjoyed. While the newly created N.W.F.P. was headed by a Chief Commissioner, other province, including the Punjab Province were administered by a Governor or Lt. Governor. Unlike other provinces, the N.W.F.P was deprived of a Legislative Council. Similarly, the appellate tribunal in civil and criminal matters in the N.W.F.P was the office of the Judicial and Revenue Commissioner, while other provinces had Chief Courts or High Courts. The N.W.F.P. was ruled through executive regulations while other provinces were ruled through legislative acts passed by their legislative assemblies.²⁹⁷

The five administered districts of the N.W.F.P. were further deprived of the benefits of the general progress of administration in the Punjab as marked in the development of Central Cooperative Societies, the formation of primary Agricultural Societies and of Cattle Insurance Societies.²⁹⁸ Infact, the level of institutional development in the five administered districts witnessed a reversal from “the stage they had already reached by the time of their separation [from Punjab].”²⁹⁹

When the British India government undertook wide-ranging administrative and political reforms in the shape of Morley-Minto Scheme of 1908 and the Montagu-Chelmsford Scheme of 1919, the N.W.F.P. was kept aloof from their benefits.³⁰⁰ In the

²⁹⁵ Lal Baha, *N.W.F.P. Administration Under British Rule*, 27-29.

²⁹⁶ Ibid., 30.

²⁹⁷ Sultan-i-Rome, *The North-West Frontier (Khyber Pakhtunkhwa)*, 210.

²⁹⁸ Rai Rai Bahadur, *The Evolution of North-West Frontier Province*, 92.

²⁹⁹ Ibid.

³⁰⁰ The Morley-Minto Reforms – also called as the Indian Councils Act of 1909 – mainly dealt with administrative and political reforms. Under the Reforms Scheme, the number of members of legislative council of Governor General and the Governors of various provinces was increased. The powers of Members of Legislative Assemblies were increased and Indians were given the

opinion of the British India's policy makers, "political questions [in relation to N.W.F.P.] are of preponderant importance" and also because the [North West Frontier] province in question "lacks the financial resources and powers which more settled provinces enjoy."³⁰¹ Sir William Barton, a senior British Indian official, commented: "You have five million Pathans in the political boundary of India with their traditions, inclinations, and national feelings drawing them away from India. Can you afford to make dangerous experiments in that explosive country? Administrative inefficiency would have its reactions across the border involving expensive military operations and possibly the increase of the permanent garrison of the Frontier."³⁰²

Another challenge that the British India government faced in the post-1901 N.W.F.P. was a growth of crime in the Province. It was observed that the "uncertain attitude" of the frontier tribes (border tract) witnessed a spike in criminal activities in the administered districts. A total of 41 tribal raids were carried out in the administered districts in 1906 which increased to 345 in 1916. These raids mainly targeted the minority, although the Muslims also suffered from them.³⁰³

In April 1922, the British government approved an Enquiry Commission in April 1922 under the headship of Sir Dennys Bray, the then Foreign Secretary of Government of India, to hold an enquiry into the minority's demand for re-amalgamation of the N.W.F.P into Punjab, and a persistent demand by the Muslims of N.W.F.P. for constitutional and administrative rights.³⁰⁴ The Commission recommended a legislative

right to election to the legislative councils. The demand for separate electoral for minorities was accepted. Indians were also accepted as members of the Viceroy's Executive Council to advise on Indian affairs. The Montagu-Chelmsford Scheme of 1919 approved further reforms which included giving more representation to the Indians and division of powers between the provincial and central legislature. Please See, Rai Bahadur Diwan Chand Obhrai, "The Evolution of North-West Frontier Province", page 92; "Indian Councils Act of 1909", Encyclopaedia Britannica, <http://www.britannica.com/EBchecked/topic/392464/Indian-Councils-Act-of-1909> (accessed August 2, 2014); "Montagu-Chelmsford Scheme of 1919", <http://historypak.com/montagu-chelmsford-reforms/> (accessed August 2, 2014)

³⁰¹ Sayed Wiqar Ali Shah, *North-West Frontier Province: History and Politics*, (Islamabad: National Institute of Historical and Cultural Research, Islamabad, 2007):.2.

³⁰² Sayed Wiqar Ali Shah, *North-West Frontier Province*,.24.

³⁰³ Rai Bahadur, *The Evolution of North-West Frontier Province*, 97-98.

³⁰⁴ Sayed Wiqar Ali Shah, *North-West Frontier Province*,.14.

council for the Province and opposed the re-amalgamation of the N.W.F.P with Punjab.³⁰⁵ The Bray Commission argued that:

*“If liberal institutions are now granted to the Frontier districts [five trans-Indus administered districts] and the foundation of a Frontier Province are well and truly laid, it is not wholly visionary to hope that with the gradual march of civilisation into the tribal tracts [trans-border tracts] these two will eventually join the kindred of the districts in forming a strong and contended community at the danger-point of India’s frontiers, a barrier against all possible enemies from the west.”*³⁰⁶

Given the sensitive nature of the problems in the N.W.F.P., the British India government postponed its decision regarding re-amalgamation and constitutional rights for the Province. In November 1927, the government of India announced the formation of a Statutory Commission for India under the leadership of Sir John Simon. The Commission paid a visit to Peshawar from 17-20 November 1927 and met with leaders from both the Muslim and Hindu communities. The Commission recommended a review of reforms for the N.W.F.P on the lines of Montague-Chelmsfor Reforms after a passage of ten years.³⁰⁷

In May 1930, the recommendations of the Simon Commission were made public. The Commission acknowledged the inseparability of the administered and border tracts of the N.W.F.P. and pleaded for the constitutional advancement of the Province. The Commission “recommended a council, with elected and nominated members in about equal proportion ... criticised by a circle of Muslim intelligentsia as “inadequate”.”³⁰⁸

The demand for constitutional and administrative reforms for the N.W.F.P. continued to be raised on various forums, including in annual sessions and meetings of

³⁰⁵ Ibid.

³⁰⁶ Rai Bahadur, *The Evolution of North-West Frontier Province*, 104.

³⁰⁷ Sayed Wiqar Ali Shah, *North-West Frontier Province*, 24.

³⁰⁸ Ibid., 25.

various political parties of India. One such forum was the Round Table Conferences held by the British government in London which were attended by various political parties of India in 1930-1931. Almost all the political parties held similar opinion regarding advancement of the N.W.F.P. through grant of liberal institutions. Finally, the British government conceded to the popular demand when Ramsay MacDonald, then Prime Minister of Great Britain, announced at the conclusion ceremony of the Second Round Table Conference in December 1931 of granting constitutional rights to the N.W.F.P. A new Governor was appointed over the Province and N.W.F.P. Legislative Assembly was inaugurated in April 1932.³⁰⁹ The First Legislative Assembly comprised of 40 members, out of which 28 were elected while the rest were nominated by the Government of India. Both Sikhs and Hindus were granted a place in the legislative assembly. The Frontier Crimes Regulation (FCR) which was enforced in the N.W.F.P. territories since 1872 was also suspended.³¹⁰ During the Legislative Council's sittings from 1932-1936, twenty two bills were introduced and approved pertaining to various matters, ranging from Public Tranquility, drug abuse, courts regulation, mortgages, land revenue, forests, land alienation, motor vehicle taxation Sharia laws, village council bill etc.³¹¹

The constitutional and administrative reforms were only implemented in the five trans-Indus districts. The border-tract or Tribal Area remained untouched. It was emphasised that "the Council or its ministers had no say in the administration of the tribal areas. Those continued to be administered by the Governor himself, subject to the final control of the Central Government."³¹² Under the Government of India Act 1935, new constitutional and administrative reforms were introduced in India. In the Provinces, the executive authority was transferred from the Governor to the Chief Minister. However, in the case of the Tribal Area, it remained under the jurisdiction of the Governor, who acted as an Agent of the Viceroy of India. This arrangement continues even today and the Governor of the N.W.F.P. (now renamed as the Khyber Pakhtunkhwa Province), acting

³⁰⁹ Ibid., 32.

³¹⁰ Rai Bahadur, *The Evolution of North-West Frontier Province*, 258.

³¹¹ Ibid., 260.

³¹² Sayed Wiqar Ali Shah, *North-West Frontier Province*, 32.

as an agent to the President of Pakistan, exercises jurisdiction over the Tribal Area (Renamed as the Federally Administered Tribal Areas or FATA).³¹³

N.W.F.P. Merges with Pakistan

After the departure of British and the establishment of Pakistan in August 1947, N.W.F.P. (comprising of both the administered districts and the border tracts) became part of Pakistan. A referendum held in the settled districts of N.W.F.P. decided in favour of Pakistan, while the Tribal Area joined Pakistan through various agreements which the tribes signed with the Government of Pakistan.³¹⁴ In a proclamation made to the tribes by Quaid-e-Azam Muhammad Ali Jinnah, the founder and first Governor General of Pakistan, he announced the withdrawal of regular troops from the Tribal Area in an attempt to convince the former that Pakistan does not harbour any designs to snatch the independence of their country.³¹⁵ In the said proclamation, Jinnah also agreed to continue the annual allowances of the tribes and their respective tribal elders on the patterns of their agreement with the previous government of British India, and also offered to undertake economic development, subject to their consent, in the entire tribal belt.³¹⁶ In April 1948, Jinnah met in Peshawar with a Jirga of 200 tribal elders from the Tribal Area who requested the former to place the Tribal Area under the control of the Central government. This request was readily obliged and the Ministry of States and Frontier Regions was established and Jinnah took personally the charge of the Tribal Area.³¹⁷ In 1951, the Government of Pakistan entered into revised agreements with the respective tribes of the Tribal Area, which allowed the government to acquire greater control and

³¹³ Sayed Wiqar Ali Shah, "Political Reforms in the Federally Administered Tribal Areas of Pakistan (FATA): Will it End the Current Militancy?", *Working Paper No. 64*, Heidelberg Papers in South Asian and Comparative Politics, (2012), <file:///C:/Users/asus/Desktop/Political%20History%20and%20Reforms%20of%20FAFA%20Wiqar%20Ali%20Shah.pdf> (accessed 5 August 2014)

³¹⁴ "Chapter Three: Administration of the Tribal Areas After Independence", <http://pr.hec.gov.pk/Chapters/1987-4.pdf> (accessed 5 August 2014)

³¹⁵ S. Fida Yunas and Dr. Sher Zaman Taizi, eds., *Treaties, Engagements and Sanads Relating to the North West Frontier Province*, (Peshawar: Area Study Centre): 301.

³¹⁶ Ibid.

³¹⁷ Sarfraz Khan, "Special Status of Tribal Areas (FATA): An Artificial Imperial Construct Bleeding Asia", *Eurasia Border Review*, 1, (2010), http://src-h.slav.hokudai.ac.jp/publicn/eurasia_border_review/no1/06_Khan.pdf (accessed 7 August 2014).

authority. Under the agreement, the tribes proclaimed themselves as “citizens” and an “integral part of the dominion of Pakistan.” They pledged loyalty to Pakistan and agreed to safeguard the rights and interests of Pakistan and remain peaceful and law abiding.³¹⁸

Like its predecessor, the Government of Pakistan did not alter the existing administrative system of the Tribal Area. This was despite demands from some political quarters to merge the tribal area with the settled districts of the N.W.F.P. In 1950, Qazi Isa, a prominent politician from Balochistan and a close associate of Jinnah, pleaded with the then Prime Minister Liaquat Ali Khan to alter the policy of the government towards the tribal areas and advised the government to establish direct contact with the people of the Tribal Area instead of dealing through the tribal elders only.³¹⁹ A similar demand was earlier put by Khan Abdul Ghaffar Khan (also known as Bacha Khan and Frontier Gandhi and head of the Khudai Khidmatgar Movement) to Jinnah to merge the Tribal Area with the settled districts of N.W.F.P. Jinnah instead advised Ghaffar Khan to first mould the public opinion in the Tribal Area before taking such drastic steps.³²⁰

It seems the government was reluctant to change the status fearing a backlash if the Tribes considered the government’s penetration as an infringement on their independence. However, Jinnah was desirous of reforms and knew that the current arrangement with the Tribal Area was a temporary one. He had already affirmed this in his visit to Peshawar in April 1948 that while Pakistan does not desire to unduly interfere with their internal freedom, it wants the area to be self-reliant and self-sufficient and the government would help them in their educational, social and economic uplift. He said, that they “are dependent on annual doles, as has been the practice hitherto which meant that at the end of the year you were no better off than beggars asking for allowances, if possible a little more. We want to put you on your legs as self-respecting citizens who have the opportunities of fully developing and producing what is best in you and your

³¹⁸ Dr. Noorul Haq, “History of the Federally Administered Tribal Areas of Pakistan”.

³¹⁹ Ibid.

³²⁰ Ibid.

land'.³²¹ After the death of Jinnah in September 1948, the successive Pakistani government maintained a status quo vis-à-vis the Tribal Areas and no fundamental change was introduced, either in the administrative, constitutional and political spheres.³²²

While the settled districts of N.W.F.P. became one of the four constituent units of Pakistan and all the laws were applicable to it, the Tribal Area continued to enjoy a “special status” in all the three constitutions that the country enacted between 1956-1973. In the first constitution of Pakistan which was enforced in March 1956, the Tribal Area was dealt as a “Special Areas” under Article 204 and did not bring any change in the political and administrative system of the Tribal Area.³²³ In the 1962 Constitution, Article 223 kept the tribal area outside the jurisdiction of central and provincial laws due to the peculiar conditions and problems of the tribal areas. Special powers of the legislation were given to the governor of the province in which the tribal area is situated. The governor with the approval of the president was empowered to make, repeal and amend any regulations or could amend any central and provincial law for the whole or any part of the area. However, Ayub Khan introduced the system of “basic democracy” in the tribal areas and tribal elders were granted representation in national and provincial assemblies of Pakistan. One member each from an electoral college of basic democrats was elected to the national and provincial assembly.³²⁴ However, the Political Parties Act of 1962 was denied to FATA simply because the Government of Pakistan feared losing its grip on the *Maliks* (tribal elders) and such a move may push them into the lap of the Pashtun nationalists in N.W.F.P. and Afghanistan who were advocating for a separate independent Pashtunistan.³²⁵

³²¹ Sayed Wiqar Ali Shah, “Political Reforms in the Federally Administered Tribal Areas of Pakistan (FATA): Will it End the Current Militancy?”

³²² Ibid.

³²³ “Chapter Three: Administration of the Tribal Areas After Independence.

³²⁴ Sarfraz Khan, “Special Status of Tribal Areas (FATA)”.

³²⁵ Sayed Wiqar Ali Shah, “Political Reforms in the Federally Administered Tribal Areas of Pakistan (FATA): Will it End the Current Militancy?”.

In the 1973 Constitution, the Tribal Areas (FATA) are dealt with under Chapter III. The Article 246 and 247 of the Constitution deal with FATA. According to Article 247, the executive authority of the Federation extends to the Federally Administered Tribal Areas (FATA), and the President of Pakistan, either directly or through the Governor N.W.F.P. (renamed Khyber Pakhtunkhwa Province), would exercise authority over the area. The Parliament does not exercise any jurisdiction over FATA nor can it legislate or deliberate on any matter pertaining to FATA. Similarly, the Supreme Court or any higher court cannot adjudicate on any matter, including those relating to human rights, pertaining to FATA.³²⁶ While the people of FATA can elect members to the Parliament of Pakistan, these members cannot take part or deliberate on administrative and constitutional matters pertaining to FATA. Adult franchise was extended to FATA in 1996³²⁷ which was earlier denied to the tribes under the President's Order No.1 of 1975 called the "Preparation of Electoral Rolls (FATA) Order."³²⁸ In August 2011, Political Parties Act³²⁹ was extended to FATA which was earlier denied to them on administrative and political grounds.³³⁰ While there has been a gradual, albeit slow development towards introducing reforms in FATA, majority of these reforms fell in the political sphere. There has been little work done on the administrative level. The British-era Institutions and laws continue to hold sway.

The communist revolution in Afghanistan followed by the Soviet invasion of the country in December 1979 exposed FATA to outside influences. Millions of Afghan refugees poured into Pakistan post-1979, and refugee camps were established in various agencies of FATA which border Afghanistan. The arrival of refugees put enormous strain

³²⁶ "The Constitution of the Islamic Republic of Pakistan", National Assembly of Pakistan, Page 144-147.

, http://www.na.gov.pk/uploads/documents/1333523681_951.pdf (accessed August 10, 2014)

³²⁷ Dr. Rashid Ahmad Khan, "Reforms in FATA", *The Nation*, August 25, 2009, <http://nation.com.pk/columns/25-Aug-2009/Reforms-in-FATA> (accessed August 7, 2014)

³²⁸ Sarfraz Khan, "Special Status of Tribal Areas (FATA)".

³²⁹ "FATA Tribesmen Welcome Expansion of Political Rights", *Central Asia Online*, August 18, 2011, http://centralasiaonline.com/en_GB/articles/caii/features/pakistan/main/2011/08/18/feature-01 (accessed August 30, 2014).

³³⁰ Sarfraz Khan and Abdul Hamid Khan, "The Frontier Crimes Regulation (FCR): A Socio-Political Assessment", *Journal of Central Asia*, http://www.asc-centralasia.edu.pk/Issue_70/01_FCR.html (accessed August 7, 2014).

on the already flagging economy of FATA, thereby aggravating economic conditions in the region. Similarly, Mujahideen training camps were established in various agencies of FATA and cross-border raids by the Afghan Mujahideen and FATA tribesmen became a common feature. The influx of drug money, illicit arms and religious radicalism infused with Jihadist ideology gradually transformed the entire FATA into a breeding ground for Islamist militants.³³¹ The mushroom growth of religious madrassas (Islamic seminaries) and the rise of religious clerics as the new political elite of the tribal area worsened the security situation in the entire area. The fall of the communist government in Afghanistan in 1992, followed by a factional infighting between various Mujahideen groups and emergence of the Taliban influenced the behaviour and mindset of the tribesmen.

The 11 September 2001 (9/11) terrorist attacks in the United States (U.S.) witnessed the overthrow of the Taliban regime by a U.S.-led coalition against terrorism in November 2001. The arrival of Afghan, Arab and Central Asian militants in FATA and N.W.F.P. in search of sanctuaries and the subsequent military operations by the Pakistani government to arrest or kill these foreign militants witnessed the indigenous rise of Pakistani Taliban and proved to be a major upheaval in terms of administrative breakdown of the government's writ in the entire FATA region.

³³¹ Islamism is an ideology in which the social, political, economic and personal life of an individual Muslim should be strictly guided by the tenets of religion. Islamists are the adherence of Islamism who either believe in a top-down or bottom-up approach. When an Islamist(s) resorts to force to enforce Islamic system or his/their version of Islam on the society through a top-down approach, then it is called as Islamist militant.

CHAPTER 4: Institutional Drawbacks and the Talibanisation of FATA

Introduction

In this chapter, the author discusses in detail the evolution and nature of governance institutions which exist in FATA. The institutions are classified as administrative, judicial, security and political. In the second part, the author discusses the Talibanisation of FATA and how the institutions failed to inhibit the spread of Taliban and their ideology in the entire region. It concludes that presence of nominal institutions failed to deter the Taliban due to their inherent weaknesses, which were built to maintain minimum state penetration in the region and allowed self-rule to the tribes of FATA.

Institutions in FATA: Salient Features

FATA generally lacks formal administrative structure and relies on British-era archaic institutions that resulted in limited government penetration in the region, and allowed self-rule to the tribes of FATA. Until 2006, the N.W.F.P. government through its various provincial departments administered all the routine matters pertaining to FATA, such as education, health, socio-economic development and law and order. In this respect, issues like recruitments, appointments, transfers, preparation of annual development plans and budgets and law and order in FATA was carried out by the provincial departments of the N.W.F.P. government. All the administrative, executive and judicial activity in the FATA Agencies are conducted through the office of the Political Agent, who is the highest civil official in an Agency of FATA. The Political Agent is a mid-career officer, equivalent to the Deputy Commissioner in a district of the N.W.F.P or rest of Pakistan.

Administrative System

a) Political Agent

Each Agency in the FATA is governed by a Political Agent (PA), whose job it is to manipulate through coercion or enticing the *Maliks* (Urdu for tribal elders) and the tribes

of their agency into compliance with the policies of the Governor of N.W.F.P. The Malik system was institutionalized by the British “to create a reliable local elite whose loyalty they rewarded with a special status, financial benefits, and official recognition of influence over the tribes.”³³² If a Malik misbehaved or no longer fulfilled his role, the PA could remove his title; otherwise this title was transferred by male inheritance. It is the PA’s job to manipulate the tribes in an effort to retain peace and stability in FATA. As stated by the former PA in Khyber and South Waziristan Agency, Mr Kahlid Aziz:

*“Manipulating and aligning tribal leaders and tribes is a time consuming job, which often demands the use of both enticements and coercion. Aligning the tribes is in many ways like a game of chess, where the Political Agent is trying to manoeuvre in such a way that the transgressing tribe is rendered checkmate and forced to comply”*³³³

He does this through the FCR, which authorizes the use of collective punishment against any tribe or an individual of a tribe who refuse to co-operate. The PA is recruited from a branch of the Pakistan’s civil-bureaucracy, which enjoys a high-level of prestige and he has a great deal of autonomy in how he executes his mission. The PA has his own police force, the Khassadars, which he can use to enforce his rule-of-law on tribes that have transgressed.³³⁴ However the Khassadars are only given a minimum of training and recruited from among the local tribes. The Khassadars therefore have dual loyalties, to respectively their tribe and the PA. To buttress his Khassadars, the PA can also “encourage” the Maliks to temporarily raise *Laskhars* (tribal armies), which can assist in defeating unwanted forces in a particular Agency. Aside from the Khassadars, each Agency also has its own Frontier Constabulary and Frontier Corps. Both are considered as Civil Armed Forces or CAF (paramilitary forces) and both forces are administered by

³³² “Pakistan’s Tribal Areas: Appeasing the Militants”, *International Crisis Group Report*, December 11, 2006, http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/125_pakistans_tribal_areas_appeasing_the_militants.pdf (accessed December 7, 2014).

³³³ interview with Khalid Aziz, Head of Regional Institute of Policy Research and Training (RIPORE) in Peshawar May 23, 2007

³³⁴ “Pakistan’s Tribal Areas: Appeasing the Militants”, op.cit.

Pakistan's Interior Ministry.³³⁵ However when these units serve as part of the Army operations, they fall under the operational control of the Army Corps under which they serve. However under their normal duties, the Frontier Constabulary protects the Inter-Agency as well as the FATA-N.W.F.P. border whereas the Frontier Corps protects the Durrand Line or Pakistan-Afghan border.³³⁶

Aside from direct action against an offending tribe, the PA can embargo the area that this tribe inhabits or fire members of the particular tribe serving in the PA's administration.³³⁷ The PA's role as a large employer of locals in FATA has historically been one of the mainstays in providing this institution leverage among the local Maliks. Among the other levers, which the PA can use to attain the compliance of the tribes, is his: "*access to secret funds to pay informers and bribe tribesmen for information that can be used to exploit local rivalries*"³³⁸. These funds are not auditable and the PA therefore has wide latitude in how he chooses to expend these funds.

Another function, which the PA undertakes is to supervise the work of Assistant Political Agent (APA), who administers the various sub-districts (Tehsils) of each Agency. Less important Tehsils are governed by Tehsildars, who are mainly junior officials from the N.W.F.P. revenue department, whereas the APA has a similar background to that of the PA. The Tehsildar is assisted, in his administration, by a Naib-Tehsildar, who also belongs to the revenue department of the N.W.F.P.³³⁹

b) Maliks (Tribal Elders)

The *Malik* (Tribal Elder) is a hereditary institution in the Pashtun society. The Maliks are the elders of the tribe. Since the tribe is a hierarchical tree, therefore Maliks are found at every strata or layer of the tribe, ranging from sub-tribes to clans, sub-clans, sub-sub

³³⁵ Briefing by a Major from the Khyber Rifles in Khyber Rifles Mess at Michni Post, Torkhum, Khyber Agency, Pakistan, May 23, 2007.

³³⁶ Ibid

³³⁷ Interview with the Political Agent of Bajaur, Shakil Qadir, on May 24, 2007 in Khar, Bajaur Agency, Pakistan.

³³⁸ "Pakistan's Tribal Areas: Appeasing the Militants".

³³⁹ Ibid

clans and families. In a Pashtun society, the Maliks are regarded as the first among equals. In some tribes the Maliks wield enormous influence, while in others they wield less influence. However, they command respect among their tribesmen.

The role of Malik greatly increased during the British India era when the Political Administration system co-opted the Maliks to control the local population in the Tribal Area. Robert Bruce, the Deputy Commissioner of Derajat Division introduced the policy in Waziristan in 1889-1890. He selected Maliks and graded them according to the importance or strength of their tribe. The Maliks were given allowances by the government to maintain peace in the region and promote British interests.³⁴⁰ The maliks who enjoy state patronage are called as *Lungi* (turban) holders and this is still of the most sought-after designation in the FATA.³⁴¹ Although no exact number of the Lungi holders is available a careful estimate put their number as much as 40,000. The number of Lungi holders varies from agency to agency and in according to the ratio of the population. According to an authentic source, South Waziristan has 2,300 Maliks, further divided in 1,700 belonging to Mahsud tribe and 600 from the Ahmadzai Wazirs; North Waziristan 1,600; Orakzai 8,836; Bajaur 7,300; Kurram around 7,000; Mohmand 9,833 and Khyber Agency 3,568.³⁴²

The Maliks forms the link between the Political Agent and the Tribe. The Political Agent does not entertain any request from a tribesman without formal endorsement from the concerned Malik. A tribesman cannot even secure a national identity document or a passport without the counter-signature of the Malik on the application form. Similarly, development projects are undertaken in the area through the Maliks, who wield influence with the Political Agent regarding the decision making process. The Maliks are also providers of employment to his tribesmen, since it is through him that the Political Agent recruits tribesmen into various security apparatuses operating in FATA, such as

³⁴⁰ Sayed Wiqar Ali Shah, "Political Reforms in the Federally Administered Tribal Areas of Pakistan (FATA): Will It End the Current Militancy?", Heidelberg Papers in South Asian and Comparative Politics, *Working Paper No. 64*, January 2012, <http://archiv.ub.uni-heidelberg.de/volltextserver/13063/> (accessed August 15, 2014)

³⁴¹ Ibid.

³⁴² Ibid.

Khasadars and Levies. Similarly, he can furnish surety bonds to the Political Agent for an individual's safe conduct. The closeness of the Malik with the Political Administration has increased its influence and status within the tribal population. The Malik occupies a seat on a Jirga convened by the Political Agent to investigate a matter under the FCR, further enhances the political and administrative stature of the Malik.

Judicial System

The linchpin of the judicial system of FATA revolves around three important pillars: the Frontier Crimes Regulation (FCR); Office of the Political Agent (PA); and *Jirga* (tribal council of *Maliks* or tribal elders). The FATA territory is divided into two administrative zones: "Protected Areas" which falls under direct government control and encompasses government installations, lanes of communication and government officials; "Non-Protected Areas" are those where the FATA tribes dwell and which are indirectly administered through the local tribes.³⁴³ For example, if a crime takes place on a government-built road, then it falls within the jurisdiction of the Political Administration (PA)³⁴⁴. However, if the same crime takes place even a metre or yard away from the same road or anywhere else in the tribal territory, then it falls within the ambit of the authority of the tribes.

a) Frontier Crimes Regulation (FCR)

The FCR is a codified law comprises of 62 sections, which mixes tribal traditional and customs with executive discretions.³⁴⁵ It entrusts wide executive, judicial and revenue powers in the office of the Political Agent (PA). It is often referred to as a draconian law since it proscribes severe punishments to the offenders in case of non-

³⁴³ "Administrative System", Official Website of the Federally Administered Tribal Areas (FATA), <http://fata.gov.pk/Global.php?iId=29&fid=2&pId=25&mId=13> (accessed August 9, 2014).

³⁴⁴ The Political Administration is the administrative unit of an Agency and encompasses the office of the Political Agent and his administrative subordinates like Assistant Political Agent, Tehsildar, Naib Tehsildar, Gardawar and Political Moharir.

³⁴⁵ Muhammad Maqbool Khan Wazir, "FATA Under FCR: An Imperial Black Law", *Central Asia Journal*, http://www.asc-centralasia.edu.pk/Issue_61/09-FATA_UNDER_FCR.html (accessed August 9, 2014).

compliance with Political Agents' orders, with no further recourse to an appellate authority. For example, Section 38 empowers the PA to arrest anyone on suspicion of having committed an offence and could be kept in prison without a trial for years or the suspect could be awarded a maximum of five years of punishment on grounds of suspicion alone.³⁴⁶ This is in stark contrast to Article 9 of the Constitution of Pakistan which is applicable to the rest of the country, including the N.W.F.P., which protects the life and liberty of its citizens.³⁴⁷ Similarly, Section 29 bars any judicial oversight outside the system of the political administration. Section 21 empowers the Political Agent to exercise five options in case of non-compliance, ranging from arresting a suspect or any member of his tribe to seizing the individual or collective property of the tribe. Apart from imprisonment, the said individual or members of his tribe could be ostracised by other tribes or its members. The Pakistani Constitution under Article 10 and 11 respectively provides for safeguards against arbitrary arrest and detention; and also forbid the violation of human dignity, privacy of home and torture for extracting evidence.³⁴⁸

Under Section 32, the government can demolish any village or habitation, if found dangerous.³⁴⁹ Similarly, Section 40 provides enormous power to the PA to imprison an individual suspected of inciting or threat to inciting violence or sedition for a period of three years, which can be extended to a total of six years.³⁵⁰ The FCR provides for the Collective Responsibility Clause which binds a tribe to maintain peace on its territory. The violation of this Clause could lead to the collective punishment of the entire tribe or its individual members, which range from imprisonment to heavy fines, demolition of houses, confiscation of properties, dismissal of the tribe's members from government

³⁴⁶ "The Frontier Crimes Regulation 1901", Pakistan Society of Criminology, Page 13, <http://www.pakistansocietyofcriminology.com/laws/THEFRONTIERCRIMESREGULATION1901.doc> (accessed August 10, 2014).

³⁴⁷ "The Constitution of the Islamic Republic of Pakistan", National Assembly of Pakistan, Page 7, http://www.na.gov.pk/uploads/documents/1333523681_951.pdf (accessed August 10, 2014)

³⁴⁸ Ibid., 7-10.

³⁴⁹ "The Frontier Crimes Regulation 1901".

³⁵⁰ Ibid.

services or permanent dislocation from the area.³⁵¹ The Pakistani Constitution, on the other hand, provides protection of property rights under Article 23 and 24 respectively. Furthermore, Article 15, 16 and 17 guarantees the freedom of movement, assembly and association.³⁵²

b) Legal Processes and Judicial Institutions

If a crime that takes place in the “Protected Areas”, the Political Agent holds preliminary inquiry and investigation into the matter. After ascertaining himself about the facts, he formally hands the matter to a Jirga (council of tribal elders) to examine the matter. The Jirga after arriving at a conclusion refers the matter back to the Political Agent with an edict, which is examined by the latter. The Political Agent subsequently awards punishment to the culprit without allowing the latter to seek legal aid. Any aggrieved party can file an appeal against the verdict with the Office of the Commissioner who cannot overrule the findings of the Jirga, but can only ascertain whether legal irregularities have taken place or not. The final appellate court is the FATA Appellate Tribunal, which comprises of the Home Secretary and Law Secretary of the Government of the N.W.F.P. The decision of the Appellate Tribunal is final and the aggrieved party cannot approach the High Court or the Supreme Court of Pakistan.³⁵³ The Section 60 of Chapter VII the FCR says: “Except as therein otherwise provided, no decision, decree, sentence or order given, passed or made, or act done, under Chapter III, Chapter IV, Chapter V or Chapter VI shall be called in question in, or set aside by, any civil or criminal court.”³⁵⁴

In “Non-Protected Areas”, both the civil or criminal matters are resolved through a local jirga at the agency level. In case of serious intra-tribe or inter-tribe fighting, a *Loye*

³⁵¹ Sarfaraz Khan, “Special Status of FATA: Illegal Becoming Licit”, *Central Asia Journal*, http://www.asc-centralasia.edu.pk/Issue_63/02-SPECIAL_STATUS_OF_FATA.html (accessed August 10, 2014).

³⁵² Muhammad Maqbool Khan Wazir, “FATA Under FCR: An Imperial Black Law”, *Central Asia Journal*, http://www.asc-centralasia.edu.pk/Issue_61/09-FATA_UNDER_FCR.html (accessed August 9, 2014).

³⁵³ Interview with Aftab Khan Marwat, former Deputy Secretary (Civil Armed Forces) at the Federal Ministry of States and Frontier Region (SAFRON), 5 July 2014 at Islamabad.

³⁵⁴ “The Frontier Crimes Regulation 1901”.

Jirga (Grand Jirga) could also be convened on the FATA level which is attended by tribal elders from other tribes and Agencies of FATA. The Jirga members first intervene to restore peace by effecting a *Tiga* (truce) between the disputants in a criminal case, or to obtain *Muchalga* (guarantees or assurances) in cash or kind for civil disputes. Thereafter, both the disputants' are allowed to nominate their representation and also choose a mode of settlement based on *Riwaj* (customary law) or *Shariah* (Islamic law). Once the mode of settlement is agreed upon, the jirga, with the consent of the parties renders a judgment which has legal, moral and societal force. A refusal by a party could lead towards its ostracisation and in extreme circumstances purging from the area by burning their homes and property.³⁵⁵ While most disputes are settled internally, serious matters involving a breach of peace may require tremendous pressure by the Political Agent over the Jirga to settle the matter amicably and swiftly. In such matters, the Political Agent also attends the Jirga to observe its proceedings.³⁵⁶

c) *Jirga (Council of Tribal Elders)*

The *Jirga* (Council of Tribal Elders) is an ancient institution which is still active and functioning in the tribal society. Despite being an informal institution, the *Jirga* has very formal effects on the Pashtun society in general and on tribal people in particular. It is one of the most respected and time-tested institutions in the tribal world and part of the culture of the tribesmen.³⁵⁷ It comprises of the elders of a tribe and may also include people of eminence like religious clerics and scholars. Most people resort to *Jirga* to resolve their disputes since it dispenses quick and inexpensive justice. The British India, following the policy of non-interference in tribal affairs, provided a special role to *Jirga* in the implementation of the FCR. It binds the political agent to refer civil and criminal matters to *Jirga* for their assessment. The *Jirga* ascertains guilt or innocence after hearing the parties to a dispute and passes verdicts on the basis of *Riwaj* or *Sharia*.

³⁵⁵ Interview with Mansur Khan Mahsud, prominent member of Mahsud Tribe and resident of South Waziristan, July 5, 2014, at Islamabad.

³⁵⁶ Ibid.

³⁵⁷ Dr. Mumtaz Bangash, "Jirga: Speedy Justice of Elders", December 26, 2004, <http://www.khyber.org/culture/a/Jirga - Speedy Justice of Elde.shtml> (accessed August 9, 2014)

While the arrangement looks perfect on the face, however, accumulation of power with the tribal elders has corrupted the institution. In cohorts with the Political Agent, the Jirga at times could be bribed or personal vendettas could be pursued by its members against those who are their opponents. “Jirga verdicts often favour those with political or economic clout at the expense of the vulnerable segments of the population, particularly women, who are excluded from direct participation in the system and suffer when male members of their families are detained.”³⁵⁸

Law Enforcement and Security System

Issues like “law and order” and security were initially administered - across N.W.F.P. and FATA - through the N.W.F.P. Home and Tribal Affairs Department.³⁵⁹ However in 2006 some of the tasks related to FATA, which rested with the N.W.F.P. Home and Tribal Affairs Department, were handed to the Governor’s FATA Secretariat.³⁶⁰ Since 2006 the FATA secretariat’s “Law and Order Department” has handled vital security issues like: “liaison between the armed forces/law enforcement agencies and Civil Secretariat”³⁶¹, “treaties and agreements with tribes”³⁶², “policy regarding arms, firearms, ammunition and explosives in FATA” as well as: “matters relating to Frontier Corps, Khassadars, and Levies”³⁶³. The Frontier Corps, Khassadars and Levies refer to the paramilitary and police forces, which play a significant role in enforcing “law and order” in FATA. Despite the significant powers resting with the FATA Secretariat, it is still Home and Tribal Affairs Department of the provincial N.W.F.P. government, which supervises: “Law and order both in settled districts and Tribal Areas through Police and Political Administration”.³⁶⁴ In other words, the

³⁵⁸ Muhammad Maqbool Khan Wazir, “FATA Under FCR: An Imperial Black Law”.

³⁵⁹ “Plan Ready to Curb Militancy in FATA, Settled Areas”, *Dawn*, 26 June 2007, <http://www.dawn.com/news/253526/plan-ready-to-curb-militancy-in-fata-settled-areas> (accessed December 6, 2014).

³⁶⁰ <http://www.fata.gov.pk/index.php?link=14>, (accessed December 6, 2014).

³⁶¹ Ibid.

³⁶² Ibid.

³⁶³ Ibid.

³⁶⁴ <http://www.nwfp.gov.pk/HTA/Department/index.php> (accessed December 6, 2014).

responsibility for “law and order” in FATA is split between two institutions, one under the provincial government of N.W.F.P. and the other under the Governor of N.W.F.P.

Unlike the N.W.F.P. and other three provinces of Pakistan where military cantonments exist, there is no permanent deployment or physical infrastructure of Pakistan’s regular Army in FATA. While British-era military forts dots the entire FATA, these forts are primarily housed and manned by the Frontier Corps. A few land strips for aeroplane landings constructed during the British-India in the North and South Waziristan fell out of usage a long time ago. It was in the aftermath of 11 September 2001 (9/11) terrorist attacks in the U.S. that Pakistan sent its regular Army to the Pakistan-Afghanistan border to fend off fleeing militants from Afghanistan. Some of these regular troops were deployed in these old military forts in various parts of FATA to hunt down local and foreign militants in the War on Terror. Similarly, existing law enforcement and security agencies in FATA are not comparable to their counterparts in the rest of Pakistan. A brief description of the existing law enforcement and security agencies are given below.

a) Khassadari System

The Khassadari System is unique to FATA, and is recruited from the Pashtun tribes inhabiting the region. The System was established in 1921 to control law and order in FATA by the British India after their numerous punitive expeditions and Forward Policy to establish permanent military presence in FATA failed to yield the desired results. It was felt that “the most inexpensive way of dealing with the tribes was to place the responsibility of good behaviour and maintenance of law and order on the tribesmen themselves.”³⁶⁵ A Khassadar, according to a concerned government official is derived from the word “Hissadari” (meaning shareholder) which could mean that they are shareholders in the betterment of a tribe and protect the interest of the tribe as well as those of the Political Agent.

³⁶⁵ Sher Muhammad Mohmand, *FATA: A Socio-Cultural and Geo-Political History*, (Lahore: Sang-e-Meel Publication): X. 2004

Generally regarded as a sort of tribal police, the Khassadar Force is loosely-organised, ill-disciplined and mainly un-trained, with no service structure and old age benefits, compared to the department of police, their counterpart in the adjoining N.W.F.P. Khassadars do not sit or operate out of any office nor do they own any government physical infrastructure like offices, check-points etc. The Khassadars are mostly illiterate or semi-literate. They are not provided with any weapons by the government and carry their personal weapons and ammunition while performing an official task. The Khassadar Force is regarded as “a corollary to the institution of *Maliks* [or *Maliki*] and is a means of placing the responsibility for maintenance of law and order and enforcement of government writ on the tribes.”³⁶⁶ A Khassadar is recruited in the system on the recommendation of a Malik (tribal elder) and Khassadars in an Agency are raised on *Nikat*³⁶⁷ or quota basis from various tribes according to the proportion of their numerical strength.

The main duties of the Khassadari System are: protection of the tribe’s respective area from criminal gangs and individuals; protection of roads and keeping them open, maintain law and order and safeguard government buildings, installations and properties; investigation of reports and providing timely information to the Political Agent regarding criminal elements and hostiles; tracing and recovering kidnapped persons kept in tribal areas who are abducted from other parts of Pakistan; reporting incidents occurring in the area; and to summon or provide safe conduct to persons required by the Political Administration.³⁶⁸ The strength of the Khassadars varies from Agency to Agency. For example, Khyber has 2,450 Khassadars; Bajaur has 1,624; Kurram 570; North Waziristan

³⁶⁶ Ibid.

³⁶⁷ Nikat is derived from the word, Neeka, which means grandfather. The financial disbursement to a tribe is based on the Nikat system under which funds are disbursed on the basis of the number of each tribe, sub-tribe, clan etc. Larger tribes and clans receive more funds than the smaller one.

³⁶⁸ Sher Muhammad Mohmand, *FATA: A Socio-Cultural and Geo-Political History*, XII, op.cit.

2,867; and South Waziristan has 3,244 Khassadar personnel.³⁶⁹ The total strength of Khassadar Force is estimated at 16,828.³⁷⁰

b) Levies Force

The Levies resemble the Khassadars very much, except that it is recruited from a tribe on merit. They are given minimum training and small firearms and ammunition and guard checkpoints on various passages in the FATA region. The Levies are paid monthly salaries, although the amount is far less than their counterparts receive in the police force in the adjoining N.W.F.P. or in paramilitary forces like Frontier Constabulary and Frontier Corps. Levies fall under the jurisdiction of the Federal government and the Political Agent of the Agency is their Commanding Officer (CO). While most of the functions of Levies resemble with the Khassadar Force, Levies also recover government duties from a defaulter, undertake anti-smuggling duties and act as a deterrent in tribal disputes.³⁷¹

Currently, the Levies Force exists in only three agencies i.e., Kurram, Bajaur and Orakzai. Their total strength stands at 9,289. In 2005, the government announced to extend the Force to other Agencies of FATA and increase its strength to around 12,500 personnel.³⁷²

c) Civil Armed Forces (CAF) / Paramilitary Forces

The Civil Armed Forces (CAF) are commonly known as paramilitary forces or militias. In the context of FATA and the N.W.F.P there are two types of CAF operational in the area: Frontier Corps (FC); and Frontier Constabulary (FC). Although both are

³⁶⁹ Ibid.

³⁷⁰ “5,000 More Levies Personnel Being Recruited to Man Cleared Areas”, *The News*, July 31, 2009, <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=190764&Cat=7&dt=7/26/2009> (accessed August 13, 2014)

³⁷¹ Interview with Aftab Khan Marwat, former Deputy Secretary (Civil Armed Forces) at the Federal Ministry of States and Frontier Region (SAFRON), July 5, 2014 at Islamabad

³⁷² Official Report of FATA Secretariat “Strengthening of FATA Levies”, <http://www.pc.gov.pk/wp-content/uploads/2014/04/FINAL-NAS-PC-1.pdf> (accessed August 19, 2014).

commonly referred to as FC by ordinary people, there is a stark difference between the two with regard to their outlook, responsibilities and organisational structure.

(i) *Frontier Corps (FC)*

The Frontier Corps is also known as Scouts or Militia. It is an old force dating back to the British era. Soon after annexing N.W.F.P. from the Sikh Rule, the British strived to control the Tribal Areas (now FATA). To achieve this end, they raised various militias comprising of local tribesmen inhabiting the respective agencies of FATA. Hence, Khyber Rifles (1878), Zhob Militia (1883) the Kurram Militia (1892), Tochi Scouts (1894), Chagai Militia (1896). South Waziristan Scouts (1900), Chitral Scouts (1903) and Mahsud Scouts (1937) were raised from within these areas to exert British control over the Tribal Area. After the establishment of Pakistan in August 1947, new militia units, such as Thall Scouts and Mohmand Rifles (1948), Bajaur Scouts (1961) and Dir Scouts (1970) were raised. All these militias and scouts were subsequently merged into a single force called the Frontier Corps, which maintains its headquarters at Bala Hisar Fort in Peshawar.³⁷³

The Frontier Corps is under the administrative control of the Federal Ministry for Interior, but it is officered by officials from the Pakistan Army. Some of the core duties of the Frontier Corps include defending the Pakistan-Afghanistan border, maintaining law and order in FATA, assisting the government in the eradication of criminals, narcotics and smuggling and conduct internal security duties anywhere in Pakistan, when needed.³⁷⁴ Its estimated strength is reported to be around 35,070 personnel. Post-9/11, the Frontier Corps has been the frontline force in FATA to fight against militants.

(ii) *Frontier Constabulary*

The Frontier Constabulary (FC) is a sort of law enforcement agency and is officered by police officers from the federal government. The FC is mainly deployed on the FATA-N.W.F.P. border as well as inter-Agency border to maintain order on the FATA-

³⁷³ Interview with Aftab Khan Marwat, former Deputy Secretary (Civil Armed Forces) at the Federal Ministry of States and Frontier Region (SAFRON), 5 July 2014 at Islamabad

³⁷⁴ Ibid.

N.W.F.P border, fight criminals, smuggling and aid in anti-narcotics efforts. While the FC falls under the jurisdiction of the Federal Ministry of Interior, its operational control rests with the Home and Tribal Affairs Department of the N.W.F.P. In recent decades, the FC has been involved in internal security duties all over Pakistan. Many of its units are currently deployed to protect the diplomatic enclave in Islamabad. The Frontier Constabulary has strength of around 18,000 personnel.³⁷⁵

d) Lashkars (tribal militia)

The *Lashkars* are volunteer tribal militias which comprise of the members of a tribe or its clans. The *Lashkars* are not a security or law enforcement institution but is raised according to a specific need and is dissolved as soon as the need is fulfilled. *Lashkar's* could be raised in two circumstances: The Political Agent may instruct the *Maliks* of a tribe or clan to raise a *Lashkar* to proceed against anyone who is defying the writ of the State. It can also be raised on the call of a tribal Jirga in pursuit of enforcement of a Jirga's decision if one of the disputants either fail or refuse to implement the Jirga's decision. When the Lashkar is formed, the participation is voluntary and its members carry their own weapons and ammunition.

Political Institutions

Unlike the rest of Pakistan, the evolution and development of democratic institutions in FATA has been at a slow pace. The Government of Pakistan has struggled to maintain a status quo in FATA since its establishment and has dragged its feet on popular demands for reforms in FATA. The *Maliki* system remained the pivot around which the entire FATA system operated. During the 1960s, President Ayub Khan created an electoral college of 37,000 Maliks who could vote to select representatives in the Pakistani Parliament. Under this system, politically or financially strong businessmen or politicians from FATA were able to get selected into the parliament by bribing and enticing the Maliks.

³⁷⁵ Ibid.

It was only in 1996 that adult-franchise was extended to FATA by that time Pakistani Prime Benazir Bhutto. Before this political parties or rich local businessmen could buy votes through the Malik.³⁷⁶ With the introduction of adult-franchise, the local tribesmen were allowed to vote independently of the Malik and this caused a political shift away from secular parties like Awami National Party (ANP), Pakistan Peoples Party (PPP) and Pakistan Muslim League – Nawaz Sharif (PML-N), towards religious parties like Jamiat Ulema-e-Islam (Fazl) and Jamaat-e-Islami (JI). This trend became very clear during Pakistani general elections in 1997 and 2002.

However, the FATA parliamentarians cannot take part in enacting legislation on FATA or deliberate on FATA affairs in the Parliament, which remains the sole domain of the President of Pakistan. Article 246 and 246 of the 1973 Constitution of Pakistan bars the parliament as well as judiciary to discuss or legislate on FATA affairs in the Pakistani parliament.

Until 2008, which forms the ambit of this study's timeframe, the Political Parties Act (PPA) was not introduced in FATA. Therefore, the general elections, in principle, were supposed to be on non-party basis. However, religio-political parties which have developed a support base in FATA during the Afghan Jihad of the 1980s used both the mosque and the madrassa to galvanise their supporters to win seats in the general elections held in 1997, 2002 and 2008. Therefore, grass-root democratic culture in FATA does not exist.

In the next section, the author would explain how these archaic FATA institutions failed to stop the process of Talibanisation in the area.

³⁷⁶ Under the 1973 Constitution, the maliks (numbering about 37,000) constituted the electoral college for the elections to 8 seats of the National Assembly. However, the number of seats were increased to 12 under the Musharraf's constitutional reform package, known as Legal Framework Order (LFO). See, Federally Administered Tribal Areas (FATA), <http://waziristanhills.com/FATA/PoliticalReforms/tabid/135/language/en-GB/Default.aspx> (accessed December 6, 2014).

Talibanisation of FATA

The Pakistani Taliban initially emerged in North and South Waziristan Agencies in FATA as an indigenous group post-September 2001 terrorist attacks in the US. By 2006, numerous Taliban groups of varying sizes and tribes were operating in all the seven Agencies of FATA.³⁷⁷ In December 2007, most of these Taliban groups decided to regroup under the umbrella of the Tehrik-e-Taliban Pakistan (TTP), and elected Baitullah Mahsud as its first Emir.³⁷⁸ The announcement coincided with the Talibanisation of the entire FATA region and the complete erosion of government writ from the mountainous area.

The roots of Talibanisation post-9/11 has its roots in the foreign policy pursued by Pakistan in the aftermath of Soviet invasion of Afghanistan in December 1979. The arrival of millions of Afghan refugees in FATA and N.W.F.P. and the subsequent establishment of Mujahideen training camps in various parts of FATA and N.W.F.P. led to the militarisation of the region.³⁷⁹ A significant number of FATA and N.W.F.P. tribesmen enrolled themselves with various Afghan Mujahideen groups³⁸⁰ and fought in Afghanistan against the Soviet forces and their puppet Communist regime in Kabul. During this time, rampant proliferation of sophisticated weapons, industrial contrabands, narcotics smuggling and militarisation of the region had a severe impact on the Political Administration in all the Agencies of FATA. The Pakistan-Afghanistan border (Durand Line) practically ceased to exist given the uninterrupted movement of Mujahideen along the border. The Soviet presence on the Pakistani border had unnerved the Pakistani government which prioritized the Afghan Jihad to push the Soviet forces out of Afghanistan. During this war, the FATA administration and its resources were held

³⁷⁷ “Mapping Militant Organisations: Tehreek-e-Taliban Pakistan”, <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/105> (accessed August 18, 2014).

³⁷⁸ Hassan Abbas, “A Profile of Tehrik-e-Taliban Pakistan”, *CTC Sentinel*, 1, Issue 2, (2008), <http://belfercenter.ksg.harvard.edu/files/CTC%20Sentinel%20-%20Profile%20of%20Tehrik-i-Taliban%20Pakistan.pdf> (accessed August 18, 2014).

³⁷⁹ Steve Coll, *Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden, from the Soviet Invasion to September 10, 2001* (New York: Penguin Press, 2004): 62.

³⁸⁰ Some of the prominent Mujahideen groups were Hizb-e-Islami (Gulbadin Hekmatyar), Hizb-e-Islami (Younis Khalis), Shura-e-Nazar, Jamaat-e-Islami (Rabbani), Mahaz-e-Milli-e-Islami-e-Afghanistan (Gillani) and Ittehad-e-Islami (Sayyaf).

subservient to Pakistan's strategic interests in Afghanistan. Subsequently, the Political Administration, which already exercised nominal control over the tribal areas, was rendered ineffective.³⁸¹ Endemic corruption afforded by the illicit war economy generated as a result of the Afghan war post-1979 and incompetence of successive government officials also contributed to the severe weakness of the Political Administration.

The withdrawal of Soviet forces from Afghanistan under the Geneva Accord reached between the parties in 1988 did not bring an end to the fighting in Afghanistan. To the contrary, the country erupted in a factional fighting between various Mujahideen groups vying for power in the war-ravaged Afghanistan. FATA and the N.W.F.P. continued to be used as a base by Afghan Mujahideen groups to recruit, regroup, reorganise and plan their operations in Afghanistan. Some of the Afghan Mujahideen leaders like Maulana Jalaluddin Haqqani continues to live in North Waziristan Agency (NWA), and retains a home, madrassa and training camp in Miranshah, the headquarters of the North Waziristan Agency.³⁸² Similarly, many shades of foreign jihadists who were brought from all over the Muslim world, settled down in FATA and Afghanistan instead of returning back to their respective countries.

The rise of the Taliban movement under the leadership of Mullah Omar in Afghanistan in 1994 and their subsequent control over 90 percent³⁸³ of the Afghan territory by 1996 galvanised the population of FATA and N.W.F.P. The FATA tribesmen were impressed with the ability of the Afghan Taliban to bring peace to the war-torn

³⁸¹ Sayed Wiqar Ali Shah, "Political Reforms in the Federally Administered Tribal Areas of Pakistan (FATA): Will it End the Current Militancy?", Heidelberg Papers in South Asian and Comparative Politics, Working Paper No. 64, January 2012, P. 9-11, <http://archiv.ub.uni-heidelberg.de/volltextserver/13063/> (accessed August 18, 2014)

³⁸² Farhat Taj, "Target: Terror Secretariat", *The News*, April 4, 2009, <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=170708&Cat=9&dt=4/4/2009> (accessed August 17, 2014)

³⁸³ Zachary Laub, "The Taliban in Afghanistan", Council on Foreign Relations (CFR), July 7, 2008, <http://www.cfr.org/afghanistan/taliban-afghanistan/p10551> (accessed August 6, 2008)

country and enforce strict Islamic Sharia.³⁸⁴ Many current Pakistani Taliban commanders as well as Afghan Mujahideen warlords like Maulana Jalaluddin Haqqani joined Mullah Omar to enforce Taliban rule over Afghanistan.³⁸⁵

Encouraged by the success of the Afghan Taliban against their rivals in Afghanistan and enforcement of Sharia in the country, quite a few pro-Taliban local movements sprang up in parts of FATA from 1996 to 2001. In 1997 in Orakzai Agency, Mullah Abdul Raheem ran a movement, *Tehrik-e-Tuleba* (Urdu for Movement of the Students), to replicate Taliban-style governance by forcing males to sport beards and banned music, TV and other recreational activities.³⁸⁶ The *Tehrik* publicly executed a murderer in front of 2,000 spectators in open defiance of the legal process.³⁸⁷ In Khyber Agency, the *Tehrik-e-Ittehad-e-Ulema-e-Qabail* (Urdu for Movement for the Unity of the Scholars of Tribes) substituted government's administration with their own by establishing their own courts, jails and Sharia enforcement brigades.³⁸⁸ While such isolated instances continued to happen, the Political Administration sat idly and did not take any noteworthy action against these newly emerging Islamists.

It was the overthrow of the Taliban regime in Afghanistan in November 2001, following terrorist attacks in the US in September 2001 which brought an upheaval in the entire FATA. The US war on terror transformed FATA into a semi-sanctuary for foreign and non-local militants, especially Al-Qaeda, who fled Afghanistan. These outsiders were offered protection by local clerics and tribesmen from Waziristan many of whom had

³⁸⁴ Mansur Khan Mahsud, "The Taliban in South Waziristan" in Talibanistan, Ed Peter Bergen and Katherine Tiedemann, Page 166, (Oxford University Press, NY) 2013

³⁸⁵ Maulana Jalaluddin Haqqani served as minister for tribal and frontier affairs from 1998 to 2001 under the Taliban regime. Thomas Ruttig, "The Haqqani Network as an Autonomous Entity" in Edited Antonio Giustozzi, "Decoding the Taliban", page 65. Hurst Publishers, London. 2009

³⁸⁶ Muhammad Amir Rana, "The Two Taliban", *Dawn*, October 20, 2013, <http://www.dawn.com/news/1050578> (accessed August 16, 2014).

³⁸⁷ Ahmed Rashid, *Taliban: Islam, Oil and the New Great Game in Central Asia*, (New York: I.B. Tauris and Co Ltd, 2000): 194.

³⁸⁸ Asma Shakir Khwaja, "Talibanisation of Pakistan: Myth or Reality", *Working Paper No. 6*, Graduate School Asia and Africa in World Reference Systems, Martin-Luther-University Halle-Wittenberg, <http://www.gsaa.unihalle.de/eng/gzaa/onlinepapers.php?pid=006> (accessed August 15, 2014).

been serving with the Taliban in Afghanistan since 1990's.³⁸⁹ For example, one of them, Abdullah Mahsud, was a resident of South Waziristan Agency (SWA) who was arrested in November 2001 from Kabul while fighting alongside the Taliban. Mahsud spent two years in Guantanamo Bay prison before he was released due to lack of evidence against him.³⁹⁰ Upon his arrival in Waziristan, Abdullah Mahsud raised a Pakistani Taliban group which fought against both the International Security Assistance Force-North Atlantic Treaty Organisation (ISAF-NATO) forces in Afghanistan, as well as the Pakistan Army in SWA.

During 2002-2004, the pro-Taliban tribesmen created a conducive environment for jihadist activity in the FATA region. These local jihadist elements preyed on the religious emotions of the local tribesmen which were already running high due to the US occupation of Afghanistan and viewed General Pervez Musharraf-led Pakistani government as a culprit and a facilitator in the dismantling of the Taliban regime in Afghanistan and the subsequent occupation of the country by the US-NATO forces. These local jihadist elements drew parallels between the Soviet invasion of Afghanistan and the US-NATO occupation of Afghanistan and impressed upon the locals to wage the Jihad (holy war) in Afghanistan.

In October 2004, pamphlets were distributed in South Waziristan which called upon the local tribesmen to join the jihad against the "Jews and Crusaders" led by the US. The pamphlets justified revenge against the US forces in Afghanistan saying that non-Muslim forces were killing Muslims in Iraq, Palestine, Afghanistan and Kashmir.³⁹¹ Similarly, another leaflet in Urdu language impressed upon the tribesmen to wage Jihad

³⁸⁹ "Taliban and Allies Tighten Grip in North of Pakistan", *The New York Times*, December 11, 2006, http://www.nytimes.com/2006/12/11/world/asia/11pakistan.html?pagewanted=all&_r=0 (Accessed on 15 August 2014); Also see, Pervez Musharraf, *In the Line of Fire*, (London: Simon and Schuster, 2006): 267-269.

³⁹⁰ "Released Detainees Rejoining The Fight", *The Washington Post*, October 22, 2004, <http://www.washingtonpost.com/wp-dyn/articles/A52670-2004Oct21.html> (accessed August 15, 2014).

³⁹¹ "FATA Timeline – Year 2004", <http://www.satp.org/satporgtp/countries/pakistan/Waziristan/timeline/2004.htm> (accessed August 18, 2014).

and “do not miss the caravan.”³⁹² A Similar message read like this: “Musharraf is fighting Islam in Pakistan...threatens national security in Pakistan...has placed Pakistan's nuclear programme under American, therefore Jewish and Indian, control ... He (former US President George Bush) gives a strong impetus to the Indian nuclear programme, while doling out orders to Pakistan. Every soldier and officer in the Pakistani military should know that Musharraf is throwing them into the burner of civil war in return for the bribes he is getting from the United States.” The message further urged the Pakistanis “to remove this traitor [Musharraf] from power” and told soldiers to disobey the orders of their commanders “to kill Muslims in Pakistan or Afghanistan.”³⁹³

Apart from inflaming the religious sentiments of the local tribesmen, the jihadist elements also played upon the disenchantment of the locals towards the tribal administration and the FCR, which was responsible for their socio-economic backwardness. Sharia law (Islamic law) was offered as an alternative to the existing FCR and was projected as a panacea to their decades old problems. Through this glorification of Jihad and martyrdom and presenting Sharia as an alternate to the existing FCR-based administrative system in FATA, the local jihadist elements were able to penetrate into the society. Gradually, these local jihadists were able to recruit tribesmen for jihad who were trained in terrorist training infrastructure in the FATA region.

Establishment of a Taliban State

The first signs of strain over the local administration emerged when the Taliban started addressing “social evils” in the society. Threats were hurled on music and electronic shops, barber shops, girls’ schools, display of music on wedding ceremonies, presence of women in public places etc. Leaflets were distributed in the area ordering the hotels and music shops to stop selling music and showing television in the hotels. The violators were warned with dire consequences if they defied the warning by the “Al-

³⁹² “Abdullah Mahsud Issues Jihad Leaflet”, April 26, 2005, <http://www.militantislammonitor.org/article/id/574> (accessed August 18, 2014)

³⁹³ B. Raman, “Al-Qaeda’s Psywar”, *Outlook India*, November 26, 2007, <http://www.outlookindia.com/printarticle.aspx?236121> (accessed August 16, 2014)

Qaeda and Taliban group”.³⁹⁴ In yet another pamphlet, the Taliban warned people of “serious repercussions” if they do not abandon “un-Islamic activities” like watching movies and listening to music. The Taliban warned tribesmen to avoid hashish (marijuana), heroin and wine, end all smuggling, ban all “un-Islamic” videos and audio cassettes, satellite dish antennas in houses and bazaars, and close all gambling dens. The announcement put a ban on interest on loans, and staged fights between birds and animals. The pamphlet warned that the violators would be punished even if the government does not take action against them.³⁹⁵

Such warnings were always followed by swift retribution. Dozens of shops were bombed, and in one instance alone, an entire market selling electronic equipment worth millions of Rupees was destroyed with an improvised explosive device (IED).³⁹⁶ Similarly, barber shops were bombed. In one incident alone, the Taliban militants killed three persons sitting in a barber shop in Wana, the headquarters of the South Waziristan Agency.³⁹⁷

In order to sustain their daily religious activities, the Taliban established a tax regime that encompasses collection of revenue not only from traders and businessmen, but money was also generated through imposing punishments on criminals and Sharia

³⁹⁴ “Shops, Hotels Asked to Stop Showing Films”, *Dawn*, May 4, 2005, <http://www.dawn.com/news/137720/shops-hotels-asked-to-stop-showing-films> (accessed August 16, 2014).

³⁹⁵ “Taliban Ban Un-Islamic Activities”, *Daily Times*, June 12, 2006, <http://archives.dailytimes.com.pk/main/12-Jun-2006/taliban-ban-un-islamic-activities> (accessed April 12, 2008).

³⁹⁶ “Pakistan: Jihadists Destroy Music Shops”, Jihadwatch.org, May 8, 2005, <http://www.jihadwatch.org/2005/05/pakistan-jihadis-destroy-music-shops> (accessed October 16, 2007); “Bomb Blast Destroys Electronics Market”, *Dawn*, June 30, 2005, <http://www.dawn.com/news/145750/bomb-blast-destroys-electronics-market> (accessed October 16, 2007).

³⁹⁷ “Gunmen Kill Three in Wana”, *The News*, December 22, 2005, http://www.ipcs.org/pdf_file/news_archive/dec_05_pakistan.pdf (accessed on 18 August 2014)

violators. In this respect, the Taliban released a “tax schedule” which fixed taxes for various businesses, including households, to provide security to the general public.³⁹⁸

The formal establishment of Taliban-style institutions came with the announcement of Qazi courts and Sharia law as the foundation of the dispute resolution mechanism. This step bypassed the Pashtun laws under *Riwaj* (traditions) that was in practice since centuries and replaced the Jirga and the role of tribal elders in the Pashtun tribal society with pro-Taliban clerics.³⁹⁹ Initially severe punishments were meted out to violators and outlaws in order to imbibe Taliban’s fear in the area and mute any opposition that existed in the region. For example, in December 2005, the Taliban paraded and tied Hakeem Khan and his criminal gang behind their vehicles which were dragged in Miranshah in North Waziristan. The entire gang was brutally eliminated by hanging and some were even burned to death. Similar treatment was meted out to outlaws in other parts of North Waziristan and many were executed in public.⁴⁰⁰ In Darra Adam Khel in Khyber Agency, the Taliban brutally killed an infamous car thief, Ameer Said alias Charg (Pashto for rooster), after the former refused to accept Taliban’s orders in the region.⁴⁰¹ Likewise, the Taliban in the Mohmand Agency publicly beheaded six-alleged kidnap-for-ransom criminals after the later openly flouted the Taliban.⁴⁰²

Similarly, the Taliban awarded punishments to murderers and thieves in various Agencies of FATA. In June 2006, the Taliban in North Waziristan held a public execution of an alleged killer in Mirali, who was shot dead by the relatives of the

³⁹⁸ Arabinda Acharya, Syed Adnan Ali Shah Bukhari and Sadia Sulaiman, “Making Money in the Mayhem: Funding Taliban Insurrection in the Tribal Areas of Pakistan”, *Studies in Conflict and Terrorism*, 28, no. 5, (2009): 98.

³⁹⁹ Ibid.

⁴⁰⁰ Syed Saleem Shahzad, “The Taliban's bloody foothold in Pakistan”, *Asia Times Online*, February 8, 2006, http://www.atimes.com/atimes/South_Asia/HB08Df01.html (accessed July 9, 2010)

⁴⁰¹ “How we Lost Darra Adamkhel”, *Dawn*, November 12, 2008, <http://www.dawn.com/news/843807/how-we-lost-darra-adamkhel> (accessed on July 8, 2010)

⁴⁰² “Mohmand Taliban Behead Six ‘Criminals’”, *Daily Times*, October 13, 2007, <http://archives.dailytimes.com.pk/main/13-Oct-2007/mohmand-taliban-behead-6-criminals> (accessed August 18, 2014)

deceased in an episode, which was reminiscent of the Taliban rule in Afghanistan.⁴⁰³ Earlier in March 2006, a similar execution of a taxi driver took place in Laddah in South Waziristan Agency (SWA).⁴⁰⁴ In December 2008, public execution of two criminals was undertaken in front of 500 tribesmen in Bara area of Khyber Agency.⁴⁰⁵ Thieves and bandits were paraded in various bazaars (markets) in parts of FATA, with their faces blackened and were badly beaten in front of heavy crowds.⁴⁰⁶ The actions of the Taliban against anti-social elements in the region won them accolades from the local tribesmen, who had grown weary of the increasing lawlessness in the FATA region before the rise of the Pakistani Taliban.

Collapse of the local administration in FATA

While the Pakistani Taliban were emerging in the FATA region and furthering their agenda of Talibanisation, the political administration remained either aloof or unable to inhibit their growth or activities. There can be three explanations to answer the inability of the political administrations in FATA Agencies to ward off the Talibanisation drive. First, the local administrations were incompetent and corrupt and did not predict the consequences of such militant activities in the region. Second, the Taliban mainly operated in the tribal territory and did not target the local administration in the initial phase. Since tribes were autonomous in dealing with their daily affairs, hence the Political Agent did not find it appropriate to interfere in tribal affairs. Second, the Taliban's initial anti-vice drive had received popular support among the local population. Given the fact that the tribal people are orthodox Muslims, the political administration did not deem it appropriate to take action against these religious extremists who were

⁴⁰³ “[Taliban stage public execution in North Waziristan](http://www.dailytimes.com.pk/default.asp?page=2006/07/01/story_1-7-2006_pg1_4)”, *Daily Times*, July 1, 2006, http://www.dailytimes.com.pk/default.asp?page=2006/07/01/story_1-7-2006_pg1_4 (accessed 15 October 2008).

⁴⁰⁴ Ibid.

⁴⁰⁵ “Tribesmen Execute two for Murder in Khyber Agency: Officials”, *The Nation*, December, 23, 2008, <http://nation.com.pk/islamabad/23-Dec-2008/Tribesmen-execute-two-for-murder-in-Khyber-Agency-officials> (accessed on December 23, 2008).

⁴⁰⁶ “FATA Timeline – Year 2007”, <http://www.satp.org/satporgtp/countries/pakistan/Waziristan/timeline/2007.htm> (accessed February 20, 2009).

ensconced within the population. Thirdly, there was a lack of clarity in the policy circles in Islamabad and Peshawar regarding the evolving situation in Afghanistan. Pakistan is known to have engaged in proxy wars by supporting the Taliban and other militant factions in Afghanistan and the South Asian region, and the civil administrations may have thought of the Pakistani Taliban to be a natural corollary or extension of the Afghan Taliban.⁴⁰⁷

The Pakistani Taliban groups which had owed allegiance to Mullah Omar, head of the Afghan Taliban, also fought in Afghanistan against ISAF-NATO forces. They mainly conducted cross-border raids into Afghanistan and returned safely to their hideouts in FATA. When the intensity of such cross-border attacks increased, the ISAF-NATO started to exert pressure on the Pakistani government to stop such activity, and interdict the foreign militants, especially Al-Qaeda, Afghan Taliban and Central Asian militants and eliminate terrorist infrastructure and sanctuaries in FATA.⁴⁰⁸

Upon instructions from the federal government, the political administration in various Agencies of FATA tried to put an end to the phenomenon of the Taliban and evict foreign militants from the area. The political administration, whose writ had already waned greatly in the area received a huge setback when the Pakistani Taliban turned their guns against it.

Pakistan's writ in the tribal areas was largely dependent upon an informal system revolving around the tribal elders, who would summon the Khassadar and Levies on the instructions of the Political Agent. Hence, by neutralizing the tribal elders, the Taliban were able to neutralize the lynchpin between the Political Administration and the people. With the tribal elders either getting killed or fleeing the area due to the Taliban's threats, the entire political administration became helpless in the face of the Taliban onslaught.

⁴⁰⁷ Interview with Mansur Khan Mahsud, prominent member of the Mahsud Tribe and resident of South Waziristan, July 5, 2014 at Islamabad.

⁴⁰⁸ Muhammad Amir Rana "Post-9/11 Developments and Emergence of Local Taliban Groups" in *Dynamics of Taliban Insurgency in FATA*, (eds) Muhammad Rana, Safdar Sayal and Abdul Basit, (Islamabad: Pak Institute for Peace Studies, 2010): 60.

The reasons for the breakdown of the political administration in FATA are discussed below in detail:

a) Neutralisation of Tribal Elders

Efforts by the Political Administration to summon the tribal elders to fulfill their obligations under collective territorial responsibility by evicting Al-Qaeda militants and the Taliban did not bear fruit. The religious clergy in the area came out openly in support of both Al-Qaeda and the Taliban. In May 2005, thousands of tribesmen participated in a rally organized by the Jamiat Ulema-e-Islam-Fazal (JUI-F) in North Waziristan to protest against US and military operations by Pakistan in the area.⁴⁰⁹

The Pakistani Taliban, realizing very well that the Political Administration in FATA Agencies relies heavily on the tribal elders, Khassadar and Levies Forces to maintain its writ in the area. The Taliban feared that the Political Administration may use the tribal elders to raise Lashkars against them since the later acted as the “eyes and ears” of the Administration. Hence, the Taliban systematically silenced the tribal elders into submission through assassinations. A Taliban pamphlet distributed in Mirali in North Waziristan accused 28 tribal elders, prayer leaders and social workers of spying for the Political Administration and warned them of swift retribution.⁴¹⁰ More than 700⁴¹¹ tribal elders were systematically killed, while hundreds of others fled the area to see refuge in

⁴⁰⁹ “Thousands rally against Pakistan's Al Qaeda hunt”, *ABC News*, May 7, 2005, <http://www.abc.net.au/news/2005-05-07/thousands-rally-against-pakistans-al-qaeda-hunt/1565534> (accessed June 14, 2009).

⁴¹⁰ “Al Qaeda men issue 28 death threats” *Dawn*, June 28, 2005, <http://www.dawn.com/news/145510/al-qaeda-men-issue-28-death-threats> (accessed June 30, 2014)

⁴¹¹ Isambard Wilkinson, “Khyber chief threatens to 'thrash' militants”, *The National*, December 2, 2008, <http://www.thenational.ae/news/world/south-asia/khyber-chief-threatens-to-thrash-militants#full> (accessed on 8 May 2015)

safer places in Islamabad and other parts of Pakistan.⁴¹² The Taliban also barred the tribal elders and Administration's "spies" from visiting the office of the Political Agent.⁴¹³

b) Khassadars and Levies Caves In to Taliban Pressure

The Khassadars and Levies were pressurised to stop working for the Administration, and many security officials resigned for fear of the Taliban.⁴¹⁴ Pamphlets were distributed to force the Khassadars and security personnel to subvert their loyalties, rebel against the political administration and wage jihad alongside the Taliban.⁴¹⁵ In one such pamphlet, the Taliban threatened the Khassadars in the Khyber Agency of dire consequences if they do not stop manning the checkpoints along the Pakistan-Afghanistan highway connecting Kabul with Islamabad.⁴¹⁶ The Taliban, through a pamphlet, also claimed a suicide attack on the Khassadar force in the Khyber Agency in which 12 personnel were killed.⁴¹⁷ Similar threats to the Khassadars were also issued soon after the Lal Masjid operation in July 2007, when the Taliban warned the Khassadars and Levies not to perform official duties with army and paramilitary forces, otherwise they would be attacked.⁴¹⁸ Subsequently, the desertion rate within the Khassadar and Levies Force remained quite high. In one single incident alone, 715 personnel of the Khassadar Force deployed in the

⁴¹² "Pakistani victims: War on terror toll put at 49,000", *The Express Tribune*, March 27, 2013, <http://tribune.com.pk/story/527016/pakistani-victims-war-on-terror-toll-put-at-49000/> (accessed on August 18, 2014)

⁴¹³ "Taliban Stop Tribal Elders From Visiting Govt Official", *Daily Times*, March 4, 2006, <http://archives.dailytimes.com.pk/main/04-Mar-2006/taliban-stop-tribal-elders-from-visiting-govt-official> (accessed on October 10, 2009)

⁴¹⁴ Interview Mansur Khan Mahsud,

⁴¹⁵ A.R.Siddiqi, "The Waziristan Stand-Off", *Dawn*, April 29, 2006, <http://www.dawn.com/news/1068961> (accessed July 4, 2008).

⁴¹⁶ "Taliban asks Khassadars to Vacate Checkpoints", *The News*, March 4, 2009, <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=20727&Cat=13&dt=3/4/2009> (accessed on May 9, 2015)

⁴¹⁷ "Taliban Issue 'Threatening Pamphlets' in Jamrud", *Daily Times*, March 2, 2010, <http://archives.dailytimes.com.pk/national/02-Mar-2010/taliban-issue-threatening-pamphlets-in-jamrud> (accessed on May 9, 2010)

⁴¹⁸ "Make No Deal With Terrorists", *Peshawar Weekly*, July 16, 2007, <http://peshawar-weekly.blogspot.com/2007/07/recent-op-eds.html> (accessed on May 9, 2007)

Khyber Agency were dismissed from service by the government after they abandoned their checkpoints after receiving threats from the militants.⁴¹⁹

The tribal Lashkars raised by the tribes faced severe reaction from the Taliban. Many Lashkar meetings were bombed by the Taliban in which dozens of tribal elders and ordinary tribesmen were killed. For example, seventeen Mahsud tribesmen died in a rocket attack on a Jirga in October 2004, which was deliberating to raise a lashkar against the Taliban.⁴²⁰ Similarly, Muhammad Ibrahim, a pro-government tribal elder and head of Makeen Peace Committee in South Waziristan, was killed by the Taliban for his efforts to help the administration in arresting or killing foreign militants.⁴²¹

In some instances, the entire leadership of the tribes were eliminated by the Taliban in a single attack. For example, the Taliban attacked a Jirga of tribal elders being held in Darra Adamkhel in Khyber Agency in March 2008, thereby killing 42 elders and injuring 58.⁴²² The Jirga comprised of elders of the five main tribes of Darra Adam Khel, who had assembled to work out a joint plan against militants in the area.⁴²³ In October 2008, the Taliban attacked a grand Jirga of 18 tribes of Orakzai Agency, in which 40 tribal elders were killed and more than 100 were injured. More than 500 tribal elders were in attendance to devise a strategy to combat the activities of Taliban militants in the area when the terrorist attack took place.⁴²⁴ A month later, i.e., November 2008, the Taliban attacked a Jirga of the Salarzai tribe in Bajaur Agency which had assembled to devise an

⁴¹⁹ “Tribal Militia Redeployed in Khyber’s Shalobar area after three years”, *Dawn*, January 9, 2013, <http://www.dawn.com/news/777492/tribal-militia-redeployed-in-khybers-shalobar-area-after-three-years> (accessed on May 9, 2015)

⁴²⁰ “17 die in attack on Mehsud jirga”, *Daily Times*, October 27, 2004, <http://archives.dailytimes.com.pk/main/27-Oct-2004/17-die-in-attack-on-mehsud-jirga> (Accessed on 18 August 2014).

⁴²¹ “Tribal elder shot dead in Wana”, *Daily Times*, January 24, 2005, <http://archives.dailytimes.com.pk/national/24-Jan-2005/tribal-elder-shot-dead-in-wana> (accessed on May 9, 2015)

⁴²² “Bomb Kills 42 as Pakistani Tribal Leaders Discuss Forming Force Against Militants”, *The New York Times*, March 3, 2008, http://www.nytimes.com/2008/03/03/world/asia/03pstan.html?_r=0 (accessed on May 9, 2015)

⁴²³ Ibid.

⁴²⁴ “Anti-Taliban Jirga Bombed; 40 Killed”, *The Nation*, October 11, 2008, <http://nation.com.pk/politics/11-Oct-2008/AntiTaliban-jirga-bombed-40-killed> (accessed on May 9, 2015)

anti-Taliban strategy. The attack killed the head and deputy head of the anti-Taliban Salarzai lashkar, as well as 22 tribal elders and injured 45 others.⁴²⁵

The killing of the tribal elders imbibed fear among the entire tribe. The killing of *spin girey* (Pashtu for grey beard) also brought into fore their children who succeeded them as the tribal eldrs. However, many do not had the experience to run the tribal affairs or deal with the administration or the Taliban.

c) Taliban attacks on Government Functionaries

The Taliban did not even espare the government functionaries operating in the FATA region. The officials of the political administration became victims of targeted killing and the Political Agent North Waziristan himself survived an assassination attempt in March 2005 in which his guard was killed while his driver was injured.⁴²⁶ In December 2008, the Taliban kidnapped North Waziristan's Assistant Political Agent (APA), Asmatullah Wazir, along with seven security personnel.⁴²⁷ A month later, they kidnapped Amir Latif, APA South Waziristan, by dragging him out of his official car and taking him to an unknown location.⁴²⁸

Similarly, in separate incidents between 9-13 July 2008, the Taliban kidnapped 28 government officials belonging to various government departments in the Kurram Agency. The abductees include eight soldiers of Kurram militia and a soldier from

⁴²⁵ "Bomber strikes Salarzai jirga in Bajaur, kills 22, *Daily Times*, November 7, 2008, <http://archives.dailytimes.com.pk/main/07-Nov-2008/bomber-strikes-salarzai-jirga-in-bajaur-kills-22> (accessed on May 9, 2015)

⁴²⁶ "Political Agent North Waziristan Survives Assassination Attempt", *Dawn*, March 9, 2005, <http://www.dawn.com/news/159149/political-agent-survives-assassination-attempt> (accessed October 10, 2009).

⁴²⁷ "Govt Official Kidnapped" *Daily Times*, December 9, 2008, <http://archives.dailytimes.com.pk/main/09-Dec-2008/govt-official-kidnapped> (accessed on May 9, 2015)

⁴²⁸ "South Waziristan APA Kidnapped", *The News*, January 12, 2009, <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=156712&Cat=7&dt=1/11/2009> (accessed on May 9, 2015)

signals unit of Pakistan Army, low-ranking official of military intelligence, bank employees, power and telephone company officials.⁴²⁹

The collapse of the political administration saw the government officials confined to their offices and their movement became severely restricted. Some of the Political Agent's office shifted to the districts in the adjoining N.W.F.P. Thus, by neutralizing the Maliks and the local Khassadar and Levies forces, the Taliban were able to effectively erode the writ of the Political Agent in the Agencies.

d) Government Loses Sources of Revenue

The government also lost its sources of revenue from FATA. The Pakistani Taliban groups debarred the local administration from collecting taxes from the area. These taxes include the amount levied by the government on timber imports, trade and commerce and toll taxes being collected on the entry–exit points of the Agencies. Instead, the Pakistan Taliban started collecting all these taxes. Similarly, the Pakistan Taliban also collected six percent as commission from government contractors engaged in construction projects involving roads and communication infrastructure in the Waziristan areas.⁴³⁰

The State Strikes Back

The local administration having failed to control the volatile situation in the FATA region, paved the way for the military to step in to rein in the Taliban. The massive use of kinetic force did not succeed to bring the Taliban to their knees. The military casualties were enormous. Former Corps Commander Peshawar, Lt Gen Safdar Hussain, who commanded the military operations in South Waziristan Agency (SWA), stated before the media that the government conducted around 48 military operations against just one tribe – Ahmadzai Wazir – in Wana area of South Waziristan Agency.

⁴²⁹ “Kohat: Kidnapped Banker Released”, *Dawn*, July 24, 2008, <http://www.dawn.com/news/313109/kohat-kidnapped-banker-released> (accessed on May 9, 2015)

⁴³⁰ Arabinda Acharya, “Making Money in the Mayhem: Funding Taliban Insurrection in the Tribal Areas of Pakistan”, Pp. 98-99.

Around 230 security personnel were killed while more than 300 soldiers were injured.⁴³¹ The military operations were believed to be ill-planned. It did not take into consideration the terrain and the fighting capability of the Taliban and associated foreign militant groups who were adept in waging guerilla warfare in the hilly terrain. The military operation quickly snowballed, further eroding the capacity of the political administration and providing space to the Taliban to establish a parallel authority.⁴³² For example, in March 2006 the Taliban in North Waziristan in took over control of government buildings and snatched government vehicles in Miranshah, the headquarters of the North Waziristan Agency and started to patrol the area. The deteriorating law and order situation forced the government to pull out troops from Miranshah.⁴³³

The deteriorating security situation in FATA forced the Pakistani military to find out a peaceful solution to the problem by engaging the Taliban. In this respect, the military engaged religio-political parties and religious scholars having good relations with the Taliban for the parleys. Subsequently, peace agreements with signed with the myriad Taliban groups operating in various Agencies of FATA between 2004-2008. The Shakai Agreements was signed between Ahmadzai Wazir Taliban in South Waziristan Agency in April 2004. The Sararogha Peace Agreement was signed with the Mahsud Taliban in February 2005, while the North Waziristan Peace Agreement was signed with

⁴³¹ Ansar Abbasi, "Wana caused largest ever peacetime casualties", *The News*, February 1, 2005, <http://jang.com.pk/thenews/feb2005-daily/01-02-2005/metro/i2.htm> (accessed 18 January 2009); "48 operations in Waziristan", *Daily Times*, March 26, 2005, http://www.dailytimes.com.pk/default.asp?page=story_26-3-2005_pg1_5 (accessed January 18, 2009).

⁴³² Khalid Aziz, "Causes of Rebellion in Waziristan", *Policy Report*, Regional Institute of Policy Research and Training, March 1, 2007, <http://www.riport.org/update/downloads/reports/RIPORT-REBELLION%20IN%20WAZIRISTAN%20ver%20for%20Criterion.pdf> (accessed September 29, 2008).

⁴³³ Laila Bukhari, "WAZIRISTAN: Impact on the Taliban Insurgency and the Stability of Pakistan", *FFI/RAPPORT-2006/02894*, Norwegian Defence Research Establishment, <http://www.ffi.no/no/Rapporter/06-02894.pdf> (accessed July 10, 2014).

the North Waziristan Taliban in September 2006.⁴³⁴ Another peace agreement was signed with the Bajaur Taliban (March 2007) and Mohmand Taliban (May 2008).⁴³⁵

All the above mentioned peace agreements between various Taliban groups and the government spelled out similar terms. While the Taliban had agreed to purge the areas within their control from foreign militants and stop challenging the writ of the State, it also obligated the Pakistani government to withdraw the military from the area. It was later on seen that the Taliban did not honour their part of the bargain. While Pakistan Army withdrew to the cantonments existing in settled districts of the N.W.F.P., the Taliban not only allowed the foreigners to stay in the area but went ahead with further marginalization of the political administration and strengthening their grip over the area, which could aptly be called as Talibanisation.

For example, soon after the September 2006 peace agreement with the government, the North Waziristan Taliban established their main office in Miranshah, the headquarters of North Waziristan and a Taliban Shura appointed a committee to run the office. Pamphlets were issued and announcements were made from loudspeakers of masjids in the area warning criminals to restrain from criminal and anti-social activities. A helpline was established for the people to inform the committee about security problems in their respective areas. The residents were asked to cooperate with the Taliban to maintain peace in the area. In another development, the Taliban started to collect funds to finance a work force whose job was to protect people from criminals.⁴³⁶

In Bajaur Agency, the Taliban banned musical alerts on mobile phones as well as in vehicles and prescribed Sharia punishment for the violators.⁴³⁷ A chain of Qazi courts was established by the Taliban in Bajaur, who stated that the people are fed up with

⁴³⁴ Rohan Gunaratna and Syed Adnan Ali Shah Bukhari, "Making Peace With the Pakistani Taliban to Isolate Al-Qaeda: Success and Failure", *Peace and Security Review*, 2, (2008): 1-27.

⁴³⁵ Amir Mir, "Journalist-turned-militant Khurasani wants to seize nukes, topple govt", *The News*, February 18, 2014, <http://www.thenews.com.pk/Todays-News-2-233312-Journalist-turned-militant-Khurasani-wants-to-seize-nukes-topple-govt> (accessed July 14, 2014).

⁴³⁶ "Tribals open office in Pakistani tribal region", *Peoples Daily*, September 28, 2006, http://en.people.cn/200609/28/eng20060928_307227.html (accessed September 4, 2013).

⁴³⁷ Ibid.

previous legal system [FCR] and could not wait for the lengthy administrative system to come into play to get justice.⁴³⁸ Similarly, in Mohmand Agency, the Taliban set up Qazi courts in four places – Pandialai, Khwezai, Lakaro and Dawezai - in the Mohmand Agency to settle disputes in accordance with the Sharia. Mohammad Ziad was appointed the chief Qazi. According to the *Daily Times*, the Taliban campaigned in the Tribal Areas, asking locals to submit their complaints in the Qazi courts rather than the country's courts if they want "quick and easy" justice.⁴³⁹ Earlier, in May 2008, the Taliban setup a complaint cell to resolve people's problems, which according to them, was setup on the lines of tribal Jirga so that people could live in peace in the area.⁴⁴⁰

Similarly, the Taliban established an extensive revenue collection system in the area. Taliban commanders were appointed on various towns and cities and were asked to collect revenue on monthly basis from the locality. The Taliban taxed every household in the region as well as businesses. This tax was then sent to the central authority which subsequently disbursed funds to the Taliban under various heads.⁴⁴¹ Earlier, in June 2006, the local Taliban commanders barred the South Waziristan administration against collecting import tax by calling it "un-Islamic".⁴⁴²

After Talibanising FATA, the Taliban turned their attention towards the adjoining N.W.F.P. One of the principle agendas of the Taliban was the enforcement of Sharia in the entire country. They had made a good beginning by Talibanising the FATA region. Their next objective was to extend the Talibanisation beyond the FATA territory. In the

⁴³⁸ Claudio Franko, "The Tehrik-e-Taliban Pakistan: The Bajaur Case, Part II", NEFA Foundation, July 2009, <http://www.fondazionecdf.it/var/upload/file/992-02.pdf> (accessed March 18, 2014).

⁴³⁹ "Taliban set up illegal courts in FATA, NWFP", *Daily Times*, June 29, 2008, <http://archives.dailytimes.com.pk/national/29-Jun-2008/taliban-set-up-illegal-courts-in-fata-nwfp> (accessed April 26, 2009).

⁴⁴⁰ "Taliban set up complaint cell in Mohmand Agency", *Geo TV*, May 28, 2008, <http://www.geo.tv/5-28-2008/18675.htm> (accessed April 26, 2009).

⁴⁴¹ Khan Zada Burki, "Rise of Taliban in Waziristan", *The Dialogue*, V, no. 3, (2010): 198, http://www.qurtuba.edu.pk/thedialogue/The%20Dialogue/5_3/Dialogue_July_September2010_188-211.pdf (accessed May 14, 2014).

⁴⁴² http://southasianoutlook.com/issues/2007/may/pakistan_elections_farce_in_occupied_territories.html (Accessed on 10 October 2014)

next chapter, the author will discuss Taliban's efforts to extend the Talibanisation from FATA into N.W.F.P.

CHAPTER 5: Comparative Peace in N.W.F.P.

Introduction

In this chapter, the author discusses the modern state institutions existing in FATA. It will highlight the strategies and tactics used by the Taliban to further their agenda of Talibanisation in N.W.F.P., while operating out of the safety of their Talibanised territory in FATA. It will discuss how the Taliban took advantage of the flawed structural administrative and political reforms introduced by former military dictator, General Pervez Musharraf (1999-2008) in the administrative system of the Province, which served as key factors behind the Taliban violence in the N.W.F.P. In the end, it will discuss how the modern state institutions despite facing a sustained Taliban onslaught, thwarted the Talibanisation agenda of the Taliban by acting as a bulwark against it.

The N.W.F.P. retains many similarities with the Federally Administered Tribal Areas (FATA). Both the geographical areas share a similar racial stock (Pashtun), cultural values and ethos, and are bound together by a common faith, Islam. The N.W.F.P. forms the gateway into Pakistan for the inhabitants of FATA. Many FATA tribesmen are temporarily or permanently settled in the N.W.F.P. in pursuit of a better living standard and to benefit from a higher level of economic activity compared to FATA. The inhabitants of FATA consider Peshawar, the provincial capital of the N.W.F.P., as the cultural city of the Pashtun nation straddling the eastern side of the Pakistan-Afghanistan border (Durand Line) and are always attracted towards it.

Like FATA, the N.W.F.P. suffered enormously from the Soviet invasion of Afghanistan in December 1979. Out of 3.7 million Afghan refugees, the N.W.F.P. hosted 2.2 million on its soil.⁴⁴³ The refugee burden put severe strain on its economic resources and physical infrastructure. Peshawar served as the headquarters of the Afghan

⁴⁴³ Fazal-ur-Rahim Marwat, "From Muhajir to Mujahid: Politics of War Through Aid", Pakistan Study Centre, University of Peshawar, <http://www.bktrc.org/books/marwat/Chapter-%20I.pdf> (accessed December 14, 2014).

Mujahideen leaders and the nerve centre of cross-border activities in Afghanistan.⁴⁴⁴ Apart from the Afghan Mujahideen, the Arab Mujahideen also established their office, Maktab al-Khidmat in Peshawar in the 1980s.⁴⁴⁵ Al-Qaeda's birth as a formal militant organisation has its roots in Peshawar.⁴⁴⁶ The provincial metropolis remained a victim of sabotage and subversive activities by Khad and KGB, Afghan and Soviet secret services during the 1980s. A phenomenal increase in crime such as thefts, robberies, gun-running, prostitution and drugs disturbed the tranquility which the province had been enjoying prior to December 1979. Similarly, official patronage of jihad, clergy, mosque and madrassa by the Pakistani government led to the radicalisation of the society. The victory of the Afghan Mujahideen against the communist regime of President Najibullah was celebrated with religious zeal in Peshawar. Similarly, the rise and eventual takeover of Afghanistan by the Afghan Taliban received wide support in the N.W.F.P.

The fall of the Taliban regime in Afghanistan following the terrorist attacks in the United States (U.S.) generated deep resentment among the people of the N.W.F.P. Anti-US and anti-General Pervez Musharraf sentiments remained high.⁴⁴⁷ The clergy based in the N.W.F.P. preached jihad and exhorted the people to fight in Afghanistan. However, despite anti-government sentiments, the province remained largely peaceful, while FATA gradually turned into a "no-go" area or the "most dangerous place" on earth for everyone.

By 2003, Pakistani Taliban rose up in FATA and began to challenge the writ of the government in the area. Terrorist violence spiked in FATA. By late 2006, the Pakistani government had signed a series of peace agreements with various Taliban groups. The government's writ was drastically reduced and replaced by the Taliban who established a parallel administrative structure in FATA. Soon the Taliban turned their

⁴⁴⁴ Abdulkader H. Sinno, *Organizations at War in Afghanistan and Beyond*, (New York: Cornell University Press, 2008): 126.

⁴⁴⁵ "Maktab al-Khidmat", http://www.globalsecurity.org/security/profiles/maktab_al-khidamat.htm (accessed August 20, 2014).

⁴⁴⁶ "A History of Terror: Al-Qaeda 1988-2008", *The Guardian*, July 13, 2008, <http://www.theguardian.com/world/2008/jul/13/history.alqaida> (accessed August 20, 2014).

⁴⁴⁷ "Peshawar: Demos Against US Continue on 5th Day", *Dawn*, October 12, 2001, <http://www.dawn.com/news/1045/peshawar-demos-against-us-continue-on-5th-day> (accessed August 20, 2014).

attention to the adjoining N.W.F.P. to spread their agenda of Sharia and Talibanising the Province. The Taliban's penetration in the Province was associated with violence, directed against the society and the government. Despite increasing the intensity of their attacks, the Taliban were not able to establish a foothold in the Province/. This chapter will explain the institutional structures existing in the N.W.F.P. It will discuss the Talibanisation drive by the Taliban in the Province and how the Institutions acted as a barrier to their penetration.

Administrative System in the N.W.F.P.

Pakistan upon its independence in 1947, inherited an administrative system that was based upon the Government of India Act, 1935.⁴⁴⁸ Soon after independence, the North West Frontier Province (N.W.F.P.) was divided into "Settled" Area (Districts) and "Tribal Area" (Agencies). The former retained the old name – N.W.F.P. – while the latter was renamed as the Federally Administered Tribal Areas (FATA), and came to be ruled directly by the Federal Government through the President of Pakistan who delegated this authority to the Governor of N.W.F.P.

Constitutional Status

The 1973 constitution of Pakistan declared Pakistan as a Federation and comprised of four federating units, including the N.W.F.P. These federating units enjoyed provincial autonomy and the three organs of the State – Legislature, Judiciary and Executive – formed the basis of their political and administrative system. On the administrative level, the country retained the British-era civil administrative structure, under which the Federation was administered on the basis of provinces, divisions, districts and tehsils (sub-districts). A Chief Minister heads the Province as an elected representative, while the Chief Secretary serves as the administrative head of a province's bureaucracy. The Chief Secretary controls the day-to-day working of the government, ranging from district administration to general administration of various departments like

⁴⁴⁸ "Provisional Constitution (1947-1956)", <http://historypak.com/provisional-constitution-1947-1956/> (accessed August 20, 2014).

security, legal matters, agriculture, irrigation, public health engineering, population, revenue, planning and development. The officers in these departments are recruited through the Central Superior Service (CSS) and Public Service Commission (PSC) after a rigorous competitive examination.

District Management

The district administration is responsible to the Home Department (Home and Tribal Affairs Department in the case of N.W.F.P.) of a provincial government. A Division comprises of one or more districts, while a District contains one or more Tehsils (sub-district). A Commissioner heads a Division, while a Deputy Commissioner controls a District, and an Assistant Commissioner looks after a Tehsil. As such, the power is concentrated in the office of the Deputy Commissioner (DC), who is the administrative head of the district and virtually controls all facets of the district government. His portfolio includes administration, development, revenue and criminal justice. The DC is conferred with wide powers, and combines the executive, judicial and revenue authorities in his office. One of his sweeping authorities is the imposition of Section 144, under which a DC could impose curfew in the entire district. Similarly, the DC is also the head of the Criminal Administration of the district and the Police department is placed directly under his control since he is responsible for maintaining law and order. The administrative system concentrated enormous authority in the office of the Deputy Commissioner, which could potentially give rise to the abuse of authority and diffused operational focus; nevertheless, the arrangement is successful in handling routine issues through crisis management.⁴⁴⁹

Law Enforcement Agencies

The law and order in the province is controlled through the police department which is headed by an Inspector General of Police (IGP). Each division in the province is headed by a Deputy Inspector General of Police (DIG), while each district is headed by a Superintendent of Police (SP). Similarly, a Deputy Superintendent of Police (DSP) heads

⁴⁴⁹ Text of Local Government Plan 2000, <http://www.moe.gov.pk/Local%20Government.pdf> (accessed August 4, 2014).

a tehsil. Within each Tehsil, there are many police stations, each one of it is headed by a Station House Officer (SHO), who is of the rank of a police Inspector. The police department falls under the direct control of the Home and Tribal Affairs Department of the N.W.F.P. A broad array of intelligence organisations operate in the country. Apart from federal intelligence organisations, the police department in every district maintains the Crimes Investigation Agency (CID), which is an intelligence wing of the police and intelligence is gathered by the police stations on and Tehsil and district level.

Judicial System

The Judicial system in the N.W.F.P. comprises of a hierarchical structure in which the High Court remains the second highest appellate court, with the Supreme Court being the final appellate forum for redressal of grievances. There are District courts on every district level, followed by civil courts and judicial magistrates on Tehsil (sub-district) level. Bar councils and lawyers associations also exist on district and provincial level. The Constitution also provides for the office of both provincial and federal Ombudsman. In 1980, the government of Pakistan established the Federal Shariat Court.

The legal and judicial system applied in the N.W.F.P. is a continuation from the British Indian era. The courts function according to the English Law, although modified and adapted according to the changing needs of the day.⁴⁵⁰ Unlike FATA, where the FCR empowers the government authority to intern a FATA tribesman for months without any evidence, the English law provides for the protection of fundamental rights of the people as enshrined in the 1973 Constitution of Pakistan.

Political Institutions

Similarly, democratic institutions exist in the N.W.F.P from the days of its colonial past. Pakistan follows the parliamentary democracy model and the constitution provides for the bicameral legislature. There is a provincial assembly on the province-level. The democratic system is based on a three-tier level: federal, provincial and local

⁴⁵⁰ Faqir Hussain, "The Judicial System of Pakistan", Official document of Supreme Court of Pakistan, http://www.supremecourt.gov.pk/web/user_files/File/thejudicialsystemofPakistan.pdf (accessed on May 12, 2015)

bodies. The Political Parties Act is enforced in all the four provinces, and myriad political parties operate on national, regional and local level. These political parties are ideology driven; some are nationalist and secular in character while others are religious in their pronouncements.

However, the “Devolution of Power Plan” announced by Pakistan’s Chief Executive, General Pervez Musharraf, in August 2000, introduced major administrative and local government reforms in the country. The reforms invested extensive political and administrative authority in the office of elected officials of the local bodies, namely the *Nazim* (Urdu for Mayor) and the *Naib-Nazim* (Deputy Mayor). The “Devolution of Power Plan” also subordinated the civil bureaucracy to the local elected representatives.

The Plan abolished the posts of Commissioner, Deputy Commissioner and Assistant Commissioner, and established a new administrative structure led by a District Coordination Officer (DCO). Similarly, the post of Commissioner was also erased and replaced by the *Nazim-e-Aala* (Chief Mayor). It is pertinent to mention that the Commissioner, apart from overseeing Districts within a Division, was also a liaison officer for the adjacent Frontier Regions (F.R. Regions) and the tribal areas or Agencies of FATA. Furthermore, magisterial and legal powers, vested earlier in the DC’s office, were transferred to the District and Session Judge, and a new chain of District Officers, heading various government departments, was established. Interestingly, the most radical change was the subordination of the district administration and Police to the elected *Nazim-e-Aala*.

The abolition of more than a century-old bureaucratic system edified around the office of Deputy Commissioner had dire ramifications. These ramifications became further highlighted in the wake of 11 September 2001 (9/11) attacks in the U.S., when law and order situation in North Western Frontier Province (N.W.F.P.) started to deteriorate following major instability in Afghanistan in the post-9/11 period. Two important developments that impacted heavily on the law and order situation in N.W.F.P. were:

1. The implementation of Local Government Plan in 2001, based on the Devolution of Power Plan 2000;
2. The rise of the Muttahida-Majlis-e-Amal (MMA) – a conglomerate of seven religio-political parties – into power in N.W.F.P. through the general elections held in Pakistan in 2002. Jamiat Ulema-e-Islam Fazal (JUI-F) and Jamaat-e-Islami (JI) were the two strong components of the MMA, with JUI-F candidates winning heavily from the southern Districts of N.W.F.P.

Two reasons can be attributed to the rise of MMA in Pakistan. First, the two main political parties – Pakistan People’s Party (PPP) and Pakistan Muslim League (PML) could not deliver on promises made during their successive periods of rule between 1988-1999. The electorate therefore wanted to give a chance to the religio-political parties, in the hope that they might be able to deliver and bring change. Secondly, anti-Musharraf and anti-U.S. sentiments were running high, due to overthrow of Taliban regime in Afghanistan in 2001. All these factors helped the MMA garner public support against Musharraf, during the general elections of 2002, and winning in most of the districts of N.W.F.P. About the formation of MMA, it is reported:

*“The MMA is a coalition opposition, formed after Pakistan became a part of the “Global War on Terror”. The coalition is united against the current government of President Pervez Musharraf because of his support for the United States’ fight against what they consider to be global terrorism and allegedly putting the demands of the United States above the demands of his own people.”*⁴⁵¹

Maulana Noor Muhammad, central leader of MMA from the Balochistan Province and a former minister expressed the same thoughts during the election campaign of 2002, when he said that the MMA wanted to revive the Taliban rule in Afghanistan, oust

⁴⁵¹ ‘Muttahida Majlis-e-Amal (MMA)’, <http://www.elections.com.pk/partydetails.php?id=21> (accessed July 10, 2007).

Afghan President Hamid Karzai government, end US influence in the region and enforce Islamic laws (Shariah Law) in Pakistan.⁴⁵²

The religio-political parties, especially the Jamiat Ulema-e-Islam Fazal (JUI-F), have traditionally had maintained their stronghold in the southern districts of Bannu, Dera Ismail Khan (D.I.Khan), Tank and Lakki Marwat. This is in sharp contrast to the northern districts of N.W.F.P. – Peshawar, Charsadda, Mardan, Swabi and Nowshera (also known as the Peshawar Valley) - where secular and nationalist parties have traditionally been strong. Some of the prominent secular and nationalist political parties active in N.W.F.P. are the Awami National Party (ANP), Pakistan People's Party (PPP) and Pakistan Muslim League (PML). In fact, ANP represented the Pashtuns of N.W.F.P. during the struggle for independence against British rule over the Indian subcontinent (1857-1947).⁴⁵³ As the ANP saw the Afghan Jihad as a religious struggle directed against the Soviet Union and the Afghan Government led by Dr. Najibullah during the 1980s, it opposed the war. In fact, the political leadership of N.W.F.P. has always remained in the hands of nationalist and secular politicians belonging to northern districts of N.W.F.P.

The Talibanisation has become an important issue in Pakistan. Since it started in South and North Waziristan Agency in 2003, its impact was felt first and foremost on the southern districts of N.W.F.P. - Bannu, D.I.Khan, Tank and Lakki Marwat - which borders the two Agencies. These districts have traditionally remained the stronghold of religio-political parties, especially JUI-F. Similarly, during the successive local body elections of 2001 and 2005, MMA constituent parties won from these districts, and appointed their own *Nazim-e-Aala* (Urdu for district Mayor) and *Tehsil Nazim* (Urdu for sub-district mayor) in these districts.

Bordering the southern districts of N.W.F.P. are the two tribal agencies of North and South Waziristan. The religious elements in FATA were considerably strengthened

⁴⁵² 'MMA Vows to End US Influence', *Dawn*, September 24, 2002, <http://www.dawn.com/news/58622/mma-vows-to-end-us-influence> (accessed July 10, 2007).

⁴⁵³ ANP was then known as National Awami Party (NAP) as well as Khudai Khidmatgar Tehrik (Movement of the Servants of God) and Surkh Posh Tehrik (Urdu for Red Shirt Movement).

during the Afghan jihad (1979-1992). The key drivers behind this sociological change were the establishment of *madrassas* (religious seminaries) and recruitment of Mujahedeen from the FATA belt. After the introduction of adult franchise in FATA in 1996 by the Government of Benazir Bhutto, the general elections of 1997 witnessed religious clergy replacing the traditional tribal elders as the representatives of the local tribesmen. Although elections in FATA were held on non-party basis as provided by the law, however, these religious clerics had strong links and affiliation with JUI-F. Similarly, in 2002, religious clerics affiliated with JUI-F won all the parliamentary seats from the North and South Waziristan Agencies.⁴⁵⁴

The military operations conducted by Pakistani armed forces in South Waziristan Agency (SWA) and North Waziristan Agency (NWA) during 2004-2006 were resisted and deeply resented by the MMA government. The Taliban remained ideologically akin to the JUI-F, and the JUI-F-linked parliamentarians have played a pivotal role, as mediators, in effecting peace agreements between the government and the warring tribes of both SWA and NWA in 2004-2006.⁴⁵⁵ Similarly, these JUI-F parliamentarians also assumed a significant role as mediator/peacekeepers between the government and the Taliban, ensuring that the agreements continue to remain in place.

However, things started worsening when the Taliban started to interfere and Talibanize the settled districts of Bannu, D.I.Khan, Tank and Lakki Marwat. This was in sheer violation of the peace agreements, which apart from other conditions, also stipulated that the Pakistani-Taliban will not establish Taliban rule in NWA and SWA or export their ideology to the settled areas of N.W.F.P. From the administrative point of view, the law and order situation in southern districts have deteriorated. There have been attacks against law enforcement agencies as well as other government officials, and

⁴⁵⁴ In 2002, there were 20 parliamentarians from the entire FATA, out of which six belonged to the North Waziristan Agency (NWA) and the South Waziristan Agency (SWA). Some prominent parliamentarian during that time were Maulana Mirajuddin (SWA), Maulana Abdul Malik (SWA), Maulana Saleh Shah (SWA) and Maulana Said Nek Zaman (NWA). All the six parliamentarians are affiliated with JUI-F.

⁴⁵⁵ The Pakistani government signed peace agreements with Ahmadzai Wazir tribe of SWA (April 2004); Mahsud tribe of SWA (February 2005); and Utmanzai Wazir tribe of NWA (September 2006).

Islamist vigilantes have become active in these districts to enforce Sharia Law in the settled districts.

Threat of Talibanisation of N.W.F.P.

Since 2004, developments across N.W.F.P. have warranted serious attention. Law and order situation has been seriously threatened by bomb blasts, attacks on Music and CD shops as well as threats to barber shops and prize bond dealing businesses.⁴⁵⁶ These incidents are more frequent in southern districts of N.W.F.P., like Tank, D.I.Khan, Bannu, Lakki Marwat, Kulachi, Gomal, Hangu and Kohat, but do not spare the central and northern districts like Peshawar, Mardan, Charsadda, Swabi, Nowshera, Dir and Malakand etc. This is because the southern districts are adjacent to the North and South Waziristan Agencies, which are the fountainhead of the Pakistani Taliban movement. Similarly, both the agencies are host to foreign militants, while there is a scant presence of foreign militants in the FATA agencies bordering the central and northern districts of N.W.F.P. The southern districts have also undergone a drastic demographic change in the past few decades since many tribesmen from the North and South Waziristan have bought lands, build homes and settled down permanently over there. Almost every family in the twin Waziristan agencies have their members living in these southern districts. Even Baitullah Mahsud, the founder and head of the TTP, was born in the Bannu district and spent his childhood and youth over there.⁴⁵⁷ It was therefore easier for the Waziristani Taliban to spread the Talibanisation in the southern districts with the tacit support of their kinsmen permanently living over there.

The distinction between the groups operating in southern N.W.F.P. districts and those active in northern districts is that the latter is on a much smaller scale and have

⁴⁵⁶ “PIPS Security Report 2007”, January 1, 2008, Page 5, [file:///C:/Users/asus/Downloads/psr0003%20\(1\).pdf](file:///C:/Users/asus/Downloads/psr0003%20(1).pdf) (accessed August 19, 2014).

⁴⁵⁷ “Baitullah Mehsud”, *The Bureau of Investigative Journalism*, <https://www.thebureauinvestigates.com/namingthedead/people/nd223/?lang=en> (accessed on May 9, 2015)

recently emerged in the backdrop of Lal Masjid operation in July 2007.⁴⁵⁸ The Taliban in northern districts operate out of Darra Adamkhel, Mohmand and Bajaur Agencies and are not reported to be sending fighters to fight alongside the Taliban inside Afghanistan. This differs significantly from the situation in the southern districts, where Taliban activities are a well-described phenomenon. Talibanization in the southern districts is being influenced by the events and actors involved in North and Southern Waziristan Agencies.

While studying the southern districts of N.W.F.P., we have to take into consideration the geographical location as well as ethnic and sociological makeup of the districts of Bannu, D.I.Khan, Tank and Lakki Marwat, where Talibanisation is most prominent. All the four districts border the North and South Waziristan Agencies and travel/transport passages into these agencies transit these important districts. Similarly, D.I.Khan is also important in the sense that it is the southern headquarters of N.W.F.P., and serves as an important place for provincial government offices. In the past sixty years, there has been a considerable change in the ethnic and demographic composition of these districts. Many families belonging to Wazir, Mahsud and Bhattani tribes have permanently settled in these districts and have purchased agricultural and residential properties. These families are usually called as *Dwa Kor* (meaning people maintaining two homes at two separate places). They have been given this name because they own residences in NWA or SWA, while they continue to live in the settled districts. These families usually shift to NWA or SWA during the summer time, when the weather is pleasant in the highlands, and migrate to the lowlands or settled districts of N.W.F.P.

⁴⁵⁸ The Lal Masjid is state-owned mosque located in Islamabad. It was run by two brother clerics, who were Al-Qaeda and Taliban sympathisers and maintained links with both of them as well as with other jihadist and sectarianist outfits in Pakistan. In 2007, the Lal Masjid clerics announced the enforcement of Sharia in Islamabad and started vigilante activities in nearby markets to rid them of sins and evils like CD and music shops etc. The government eventually took legal action against the two cleric brothers who refused to cave in, thereby resulting in the siege of the Lal Masjid in July 2007. Eventually, the government assaulted the Masjid under “Operation Silence”, thereby arresting one brother while killing the other one who resisted his arrest. See, Khaled Ahmed, “What Really Happened at Lal Masjid”, December 21-27, 2012, Vol. XXIV, No. 45, <http://www.thefridaytimes.com/beta3/tft/article.php?issue=20121221&page=3> (accessed on May 6, 2015)

during the winter time.⁴⁵⁹ The Mahsud and Bhattani tribesmen from SWA, therefore, form a significant proportion of Tank's population, while Wazirs constitutes a significant portion of the population in Bannu district. In D.I.Khan, both Wazirs and Mahsuds can be found in significant numbers and have drastically altered the demography of the entire district.

Instead of thwarting the Talibanisation of NWA and SWA, Pakistan's failed military operations have strengthened and emboldened the Taliban. The Pakistani-Taliban were buoyed by their so-called military "victory" against Pakistan Army. This has emboldened their resolve to creep into the settled district of N.W.F.P. in order to purify these districts, while securing their hold on SWA and NWA.

In 2002, there were just three attacks reported in the N.W.F.P. However, in 2006, the Province recorded 60 terrorist attacks in which 139 people were killed and 303 were injured. Compared to this, 144 attacks were reported in FATA, which caused 379 deaths and 307 injured.⁴⁶⁰ In 2007, the N.W.F.P. surpassed FATA in terms of terrorist violence. The Province recorded 460 terrorist attacks compared to 435 attacks in FATA during the same period.⁴⁶¹ The graph of terrorist violence continued to rise in N.W.F.P. during the year 2008. A total of 2,148 terrorist attacks were reported in N.W.F.P. Compared to this, the violence ebbed in FATA, where 385 terrorist attacks were reported.⁴⁶²

Since early 2006, Tank district became the biggest target of Taliban's onslaught. It arguably became the most Talibanised of N.W.F.P's 24 districts: "*where shooting a*

⁴⁵⁹ The winter in NWA and SWA is severe and there is snowfall in some parts of these two agencies as well. However the summer is always pleasant. Also, most parts of NWA and SWA are mountainous, therefore, the families move to the low lying areas of either the Frontier Regions (FR) or the adjoining settled districts of the N.W.F.P. to live and earn their livelihood.

⁴⁶⁰ "PIPS Security Report 2006", June 7, 2007, page 3, [file:///C:/Users/asus/Downloads/psr0002%20\(2\).pdf](file:///C:/Users/asus/Downloads/psr0002%20(2).pdf) (accessed August 19, 2014).

⁴⁶¹ "PIPS Security Report 2007", January 1, 2008, Page 16, [file:///C:/Users/asus/Downloads/psr0003%20\(1\).pdf](file:///C:/Users/asus/Downloads/psr0003%20(1).pdf) (accessed August 19, 2014).

⁴⁶² "Pakistan Security Report 2008", page 3.

person is like having a cup of tea".⁴⁶³ Before the district administration started taking measures to curb Taliban activities, in March 2007, armed Taliban used to roam the streets at night.⁴⁶⁴ The owners of Music and CD shops were told to close their shops and threatened that if they did not comply their shops would be attacked. After these threats, many shop owners either closed down their businesses, or switched to selling audio-cassette⁴⁶⁵ and CD recordings of jihadi songs, movies of suicide attacks and footage of militant training.⁴⁶⁶ The Taliban also warned people not to play music at wedding ceremonies. In April 2006, the local Taliban attacked a wedding ceremony in Lakki Marwat and injured one person, who was part of a band, which was entertaining the guests at the wedding.⁴⁶⁷ Similarly, local festivals being held by Bareilvi (Sufi) Muslims, commemorating the death of their saints, were also warned to observe these commemorations in silence, and not through the traditional fanfare. The local Bareilvis from Tank were so terrified that they shunned all entertainment during their 2007 festivals. They refrained from sports activities and their traditional beating of drums.⁴⁶⁸ A number of Taliban pamphlets were circulated in town, with written decrees legitimizing the murder of all the hypocrites i.e. journalists, politicians, members of the Pakistani security forces, government officials and several others.

The security situation, however, took a turn for the worse when the police tried to stop the Taliban militants from recruiting high school students for jihad in Afghanistan. Most high school students were recruited against their will and without the proper consent from their parents. An encounter on March 26th 2007, between police and Taliban attempting to recruit students from a private high school, left a police officer and

⁴⁶³ "As Tense as Tank", Pakhtun E-Magazine *Khyber Watch*, http://khyberwatch.com/nandara/index.php?option=com_content&task=view&id=405&Itemid=84 (accessed August 19, 2014).

⁴⁶⁴ "Pakistani Taliban Take Control of Waziristan", *Daily Times*, May 27, 2007, http://dailytimes.com.pk/default.asp?page=2006\05\27\story_27-5-2006_pg7_27 (accessed July 28, 2007).

⁴⁶⁵ "As Tense as Tank".

⁴⁶⁶ 'The Jihad on Pushtun Music', 28 March 2007, <http://www.inthebullpen.com/archives/2007/6310> (accessed August 19, 2014).

⁴⁶⁷ 'Pakistani Tribesmen Attack Wedding Party for Playing Music', *The News*, April 4, 2006, Page 3

⁴⁶⁸ "As Tense as Tank".

one Talib dead. In retaliation, a raiding party of nearly 100 Taliban attacked Tank city with rockets, grenades and sophisticated weapons. In the ensuing battle, nearly 33 people were killed.⁴⁶⁹ To bring the situation under control, a curfew was imposed in the city.

Subsequently, there was a gradual increase in attacks on law enforcement agencies in Tank district. The Taliban seem to want to force the district administration and law enforcement authorities, into submission before enforcing their agenda. On April 4th 2007, two paramilitary personnel were killed and seven wounded in a landmine explosion on the Tank-Jandola road.⁴⁷⁰ On May 14th 2007, a grenade attack on a military vehicle in Tank left one soldier dead and four others injured.⁴⁷¹

Further attacks were reported on 24 and 26 May 2007 against a paramilitary fort and military convoys in Tank city. However, the most bold and costly attacks came on 28 May 2007, when a suicide attacker rammed his explosive-laden vehicle into a military convoy, resulting in the death of two paramilitary personnel. On 31 May 2007, another attack targeted the family of Khyber PA, Pir Amiruddin, when a group of Taliban attacked his home in Jattai village, in Tank district, killing thirteen people, including women and children.⁴⁷²

Realizing the gravity of the situation, the local administration, political leadership and the local population decided to address this situation by unifying their efforts. A local jirga was sent to Baitullah Mahsud, Emir of the Mahsud Taliban, requesting him to rein in the Taliban militants and stop them from operating in Tank. Similarly, Maulana Attaur Rehman, a member of provincial assembly of the N.W.F.P., who is also the brother of JUI-F leader, Maulana Fazlur Rahman, organized local Peace Committees in Tank to overview the security situation and take steps to bring law-and-order to the district. The

⁴⁶⁹ Ibid.

⁴⁷⁰ <http://www.satp.org/satporgtp/countries/pakistan/nwfp/datasheet/blast.html> (accessed August 19, 2014).

⁴⁷¹ 'FC Official Killed in Tank, *Paktribune*, 15 May 2007.

⁴⁷² 'Political Agent's House Attacked: 13 Gunned Down', *Dawn*, June 1, 2007, <http://www.dawn.com/news/249790/political-agent-s-house-attacked-13-gunned-down> (accessed July 19, 2007).

tribesmen traveling from FATA into district Tank were being asked to leave their weapons in Jandola Frontier Region before entering Tank.

The security situation in Bannu, D.I.Khan, Lakki Marwat also deteriorated significantly during the first half of 2007. In D.I.Khan, the problem was more complicated, than in the other two cities, as the Talibanisation was compounded by two decades of sectarian strife between Shiites and Sunnis. After being banned and severely disrupted in Southern-Punjab and Sindh, Sunni sectarian militant groups belonging to Lashkar-e-Jhangvi (LeJ) and Sipah-e-Sahaba Pakistan (SSP) shifted to South Waziristan Agency. Through their presence in South Waziristan, a nexus was formed between certain commanders among the Pakistani-Taliban and sectarian groups. These sectarian groups and Taliban commanders augmented their Talibanisation efforts with attacks on Shiites. On 29 January 2007, a suicide bomber killed three people, including two police officials, who were guarding the Shiite procession commemorating Ashurra (10th of Muharram to grief the death of Imam Hussain) in the city.⁴⁷³ Labeling many traditional activities, like music, prize bond businesses, traditional *melas* (fanfare activities), as un-Islamic, Taliban asked locals to refrain from them. On 6 April 2007, Taliban militants exploded two bombs before the commencement of a traditional fanfare in D.I.Khan, after issuing prior warnings, to the local citizens, through pamphlets.⁴⁷⁴ Similarly, there have been numerous attacks on police and security forces in the D.I. Khan district.

The Bannu and Lakki Marwat districts witnessed similar onslaught by Taliban, who were attempting to extend their hold from NWA into these districts. Attacks on police and security forces became a routine matter. To avoid being targeted, government vehicles took-off their official green number plates and instead started using fake civilian plates.⁴⁷⁵ The waves of instability continued to grow day by day. The Taliban became so

⁴⁷³ Kanchan Lakshman, "NWFP: Extremist Encroachment", *South Asia Intelligence Review*, 5, no. 45, (2007).

⁴⁷⁴ See <http://www.satp.org/satporgrp/countries/pakistan/nwfp/datasheet/blast.html> (accessed August 19, 2014).

⁴⁷⁵ Mansoor Akbar Kundi, 'Being Pathetic and Callous', *The Nation*, June 9, 2007, page 7.

emboldened that they erected barricades in these settled districts in broad daylight, and started forcibly removing cassette players and audio-cassettes from vehicles.⁴⁷⁶

This drive of Talibanisation was being done from the NWA and SWA. Some of the famous Taliban militant leaders active in the settled areas were Asmatullah Shaheen Bhattani in Tank district, and Qari Sarfaraz Afghani in Lakki Marwat district. These Taliban commanders believe that they “*have a duty to enforce Islamic law wherever they can, because the government has failed to do so.*”⁴⁷⁷

Qari Sarfaraz Afghani was an Afghan national and belonged to Giankhel tribe of Afghanistan.⁴⁷⁸ He maintained his headquarters in Janikhel area of Frontier Region Bannu, before his arrest by police in Lakki Marwat district in May 2007.⁴⁷⁹ In an interview he gave to the *BBC* in March 2007, Sarfaraz admitted that Taliban groups are being sent as mobile units from NWA to Bannu to carry out “Islamic purification” of the settled areas.⁴⁸⁰ While expressing his hatred for President Musharraf, Qari Sarfaraz said that he supports those who tried to assassinate Musharraf, but:

*"We (Taliban red.) do not have the power or capacity to remove this government. We cannot bring down the Musharraf regime, so we don't intend to do that. What we are trying to do is that in our area, if we see something un-Islamic happening, we try to stop it, because we are responsible for our own area."*⁴⁸¹

⁴⁷⁶ ‘Taliban Now on Highway’, *Daily Times*, 12 April 2007, <http://archives.dailytimes.com.pk/main/12-Apr-2007/taliban-now-on-highway> (accessed July 28, 2007).

⁴⁷⁷ ‘Pakistan Faces the Taliban’s Tentacles’, *BBC*, May 22, 2007, http://news.bbc.co.uk/2/hi/south_asia/6677967.stm (accessed July 28, 2007).

⁴⁷⁸ ‘Action Against Taliban Sought’, *Dawn*, May 20, 2007, <http://www.dawn.com/news/247882/action-against-taliban-sought> (accessed on July 28, 2007).

⁴⁷⁹ ‘Pakistan: Local Taliban Commander Arrested’, http://english.ohmynews.com/articleview/article_view.asp?at_code=411383 (accessed August 19, 2014).

⁴⁸⁰ ‘Pakistan Faces the Taliban’s Tentacles’, *BBC*, May 22, 2007, , http://news.bbc.co.uk/2/hi/south_asia/6677967.stm (accessed on July 28, 2007)

⁴⁸¹ Ibid.

Sarfaraz was an absconder, who was wanted by the local police in a number of criminal cases involving attempted kidnapping of police and other government officials, as well as killing a number of people.⁴⁸² He is previously believed to have played role in the Taliban movement in Afghanistan.⁴⁸³

The members of the local administration in the Bannu district believed that the arrest of Qari Sarfaraz will help stop the growing Taliban influence in the southern districts of the N.W.F.P. Independent sources, however, said that the Taliban movement operates with organized succession and the removal of one commander will therefore not weaken the movement significantly.⁴⁸⁴ Qari Sarfaraz was quoted as saying, *"I don't care about being killed or arrested. I am working on a wider agenda where personal gains and loss carry less importance to me."*⁴⁸⁵

Asmatullah Shaheen was from the Bittani tribe of South Waziristan Agency. He was active in the Bittani area, and the adjoining district of Tank, and was instrumental in enforcing Shariah in the two areas. He asked Bittani tribesmen to grow beards, and ordered the Ulema (Clerics) not to offer funeral prayers and the marriage ceremonies of those people who disobeyed his orders.⁴⁸⁶

There are many underlining drivers, which facilitated Taliban's penetration in the settled areas. The first was the removal of the office of Commissioner and Deputy Commissioner under the "Devolution of Power Plan 2000", which created an administrative vacuum. While the office of the locally elected *Nazim* (Mayor) was provided with the authority previously held by the Commissioner, the *Nazim* failed to fulfill his duty. This is partly because the *Nazim* is not professionally trained to oversee administrative affairs, and partly due to his political role, which provides him little incentive to take tough decisions, which could negatively affect his future political career.

⁴⁸² "Pakistan: Local Taliban Commander Arrested".

⁴⁸³ Ibid.

⁴⁸⁴ Ibid.

⁴⁸⁵ Ibid.

⁴⁸⁶ 'Clerics Ban, "Vaccination in Wanna, Jandola", *The Nation*, March 2, 2006.

Secondly, the MMA was in power in N.W.F.P. during 2002-2007, where it ran the provincial government. The Taliban have political and religious affiliations with one of MMA's constituent party – Jamiat Ulema-e-Islam Fazal (JUI-F). MMA had been an ardent opponent of military operations in North and South Waziristan Agencies during 2004-2006. Similarly, the southern districts of N.W.F.P. have traditionally remained the stronghold of JUI-F. While Maulana Fazlur Rahman, head of JUI-F, was the Member of National Assembly (MNA) from district D.I.Khan, his brother, Maulana Attaur Rehman, was a member of provincial assembly from the Tank district. Similarly, then Chief Minister of N.W.F.P., Akram Durrani, who is also a member of JUI-F, was elected as Member of Provincial Assembly (MPA) from district Bannu and *Nazim-e-Aala* (Chief Mayor) for the three districts, Bannu, Tank, D.I.Khan.

Defending the Pakistani-Taliban's activities in southern district, Maulana Fazlur Rahman initially said that *"local Taliban were being labeled as militants for leading their lives in accordance with the Shariah in the southern districts."*⁴⁸⁷ He further said that *"foreign hands"* were behind the incidents of suicide bombing in the southern districts.⁴⁸⁸ The MMA tended to differentiate the violence in the southern districts, from the Talibanisation drive carried out by the Pakistani-Taliban. While the MMA and JUI-F was vehemently against the violence spilling into the settled areas, they turned a blind eye to the Taliban's Islamic purification efforts.

However, an increase in incidents of forced Islamist vigilante activities by the local Taliban as well as suicide attacks in settled districts, catalyzed alarm within MMA quarters. Sensing that such activities would turn the people against the Taliban as well as their political backers, the JUI-F offered their condemnation of these vigilante activities and suicide bombings. There were indications of growing rift between the Taliban and the JUI-F, as was witnessed by a rocket attack on Maulana Fazalur Rehman's home in

⁴⁸⁷ 'Foreigners Involved in Suicide Blasts', *Daily Times*, May 2, 2007, <http://archives.dailytimes.com.pk/national/02-May-2007/foreigners-involved-in-suicide-blasts-fazl> (accessed July 28, 2007)

⁴⁸⁸ Ibid.

D.I.Khan on 20 April 2007.⁴⁸⁹ The attack came in the aftermath of a convention organized by JUI-F in Peshawar on 17 April 2007, which declared the suicide bombing as un-Islamic.⁴⁹⁰

The former N.W.F.P. Information Minister, Asif Iqbal, belonging to the MMA government also expressed his concern when he said that “small independent groups” operating in settled areas believe that “*When the strongest arm of the government, the army, was neutralized ... they could take on the relatively less equipped administration of a settled district.*”⁴⁹¹ According to a Pakistani journalist, Rahimullah Yousafzai, “*There is a serious rift between these militants and the JUI. Some of them had links with the JUI in the past, then they were radicalized and they want the JUI to be more radical, too.*”⁴⁹²

The 4 June 2007 meeting of the National Security Council (NSC) in Islamabad on the security situation in N.W.F.P. and FATA was also attended by the former N.W.F.P. Chief Minister, Akram Durrani, who was reported to be equally concerned by the Talibanisation of N.W.F.P.⁴⁹³

In 2006 Peace Committees were also created in settled areas of N.W.F.P., specifically in the Southern provinces.⁴⁹⁴ However the role of the Peace Committees in FATA differs from that of Peace Committees in the settled areas. In FATA the Peace Committees act as a parallel system to that of the local authorities, whereas in the settled areas the Peace Committees only arbitrate when tasked and in conjunction with local

⁴⁸⁹ ‘Rocket Fired at Fazl’s House’, *Daily Times*, April 21, 2007, <http://archives.dailytimes.com.pk/national/21-Apr-2007/rocket-fired-at-fazl-s-house> (accessed July 28, 2007)

⁴⁹⁰ “Suicide Bombings, Forced Sharia un-Islamic: Clerics”, *Daily Times*, April 18, 2007, <http://archives.dailytimes.com.pk/main/18-Apr-2007/suicide-bombings-forced-sharia-un-islamic-clerics> (accessed July 28, 2007).

⁴⁹¹ “Independent Cells Spreading Talibanisation Across NWFP”, *Daily Times*, June 1, 2007, <http://archives.dailytimes.com.pk/main/01-Jun-2007/independent-cells-spreading-talibanisation-across-nwfp> (accessed July 28, 2007).

⁴⁹² “Pro-Taliban Militants Taking Over Tank”, *Daily Times*, 14 June 2007.

⁴⁹³ “Talibanisation Imperils Security, NSC Warned: Immediate Action Urged”, *Dawn*, 23 June 2007.

⁴⁹⁴ Ibid

authorities.⁴⁹⁵ The involvement of Peace Committees in the settled areas is also often requested by the local police, who want to see local grievances settled expeditiously, outside Pakistan's overstretched and corrupt judicial system.⁴⁹⁶ The peace committees in the settled areas did not enforce Shariah rule, but merely arbitrated disputes on request. However the strength of the Peace Committees rested with their close ties to the Taliban. As stated by the member of the Peace Committee in Dera Ismail Khan:

*"Peace Committees have their sympathies for Jalaluddin Haqqani, but do not fall under his rule. However it is the general belief among members of the Peace Committees that Haqqani would be willing to assist if they called on him for help."*⁴⁹⁷

In other words, whereas the Taliban Peace Committees in FATA act in direct conjunction with the Taliban commanders of the various tribes, the Peace Committees in the settled areas perform their duties, with unstated and informal approval of the Taliban. With the weight of the Taliban behind them, most locals feel compelled to accept arbitration and verdicts by the Peace Committees.⁴⁹⁸ However the Peace Committees give the parties the option of settling the disputes by *Pakhtunwali* (Pukhtun cultural code) or *Shariah*.⁴⁹⁹

Another source of strength for the Peace Committees in the settled areas was the public support they garner from philanthropic work. Peace Committees helped orphans and made financial collections, which are subsequently distributed to those in need.⁵⁰⁰ Peace Committees also arranged Madrassah education for young males, whose families were unable to provide education.⁵⁰¹

⁴⁹⁵ Interview with Abid Mahsud, a member of the Peace Committee in Dera Ismail Khan, May 23, 2007

⁴⁹⁶ Interview with Sailab Khan Mahsud, tribal journalist based in Tank district, June 15, 2007.

⁴⁹⁷ interview with Abid Mahsud, a member of the Peace Committee in Dera Ismail Khan, May 23, 2007.

⁴⁹⁸ Ibid

⁴⁹⁹ Ibid

⁵⁰⁰ Ibid

⁵⁰¹ Ibid

The locals, based on their religious and moral credentials as well as social standing in the society, nominated potential members of the Peace Committees.⁵⁰² A nomination could be challenged, but only by submission of evidence, which challenged the character of the nominee. An investigation could then ensue and the findings, would determine the outcome on whether the nomination should be withdrawn or upheld.⁵⁰³ Members of Peace Committees generally included individuals, who support different political parties, but party members were generally shunned, as it was feared that their political loyalties will interfere with their work in the Peace Committee.⁵⁰⁴

Key Drivers Behind the Taliban Violence in N.W.F.P.

After discussing the security situation in N.W.F.P. resulting from efforts by Taliban to “Islamise” the settled areas, the author would highlight the key drivers that allowed the Taliban to penetrate into the N.W.F.P., and create law-and-order crisis in the province. However, the Taliban were unable to gain a foothold in the Province.

The following could be described as political drivers:

1. The Muttahida Majlis-e-Amal (MMA)-led government in N.W.F.P. - which ruled the Province from 2002-2008 - especially its Jamiat Ulema-e-Islam Fazal (JUI-F) component, has close affiliation with local as well as Afghan Taliban. MMA also stands for Nifaz-e-Sharia (Implementation of Islamic Sharia) in the N.W.F.P. as a first step, and to extend it to the rest of the country at a later stage. The MMA has from the beginning opposed Pakistan’s alliance with the US in the war on terror, and also vehemently opposed military operations in South and North Waziristan Agencies.⁵⁰⁵ Similarly, JUI-F is traditionally strong in the settled districts of southern N.W.F.P., and therefore, Taliban found considerable room to operate in those settled areas. However, the Taliban are

⁵⁰² Ibid

⁵⁰³ Ibid

⁵⁰⁴ Ibid

⁵⁰⁵ “Pro-Taliban Militants Taking Over Tank”, *Daily Times*, 14 June 2007

getting more radicalized with the course of time, which is creating serious concerns within JUI-F leadership, since people have started expressing disapproval over some of the vigilante activities being carried out by the Taliban.⁵⁰⁶ According to Brig (r) Mehmood Shah, former FATA home secretary: “I think the MMA is paying the price for its policy of opposing military operations in tribal areas as the same people it was supporting are attacking Tank.”⁵⁰⁷ According to Shah, The JUI-F is “the political face of Islamic militancy in Pakistan.”

2. Lack of coordination between the federal and provincial governments also led to deterioration of security situation in the settled areas. The MMA was of the belief that the “hidden hands” of federal government are behind worsening security situation in N.W.F.P. It believed this as “continuation of attempts by the federal government” to weaken it before the general elections in 2007. Hence, the alleged “Talibanisation process” had divided the N.W.F.P. and Islamabad although they would otherwise have joined hands to tackle the issue.⁵⁰⁸
3. Instability in Afghanistan was another driving factor behind the strengthening of militant Islamist in Pakistan. The N.W.F.P. and FATA residents considered the US and NATO to be an occupation force. They believed in extending all possible support to anti-Western forces in Afghanistan. The Pashtuns were also unhappy with Pakistan’s support to anti-terrorism operations in Afghanistan and against Al-Qaeda in Pakistan. In recent National Security Council meeting held on 4 June 2007 in Islamabad, the meeting was told:

*“Foreign occupation of Afghanistan, Pakistan’s alliance with the United States in the war on terror; long festering political disputes in the Muslim world and a growing feeling among Muslims that they are under attack from the West were major contributory factors behind the growing militancy in the region.”*⁵⁰⁹

⁵⁰⁶ Ibid.

⁵⁰⁷ ‘Independent Cells Spreading Talibanisation Across NWFP’, *Daily Times*, 1 June 2007.

⁵⁰⁸ Ibid.

⁵⁰⁹ “Talibanisation Imperils Security, NSC Warned: Immediate Action Urged”, *Dawn*, June 23, 2007

4. A considerable number of tribal families from North and South Waziristan Agencies had settled in the southern districts of N.W.F.P. – Bannu, Tank, D.I.Khan, Kulachi and Gomal – which considerably altered the demography of these districts. The Taliban from North and South Waziristan found it convenient to find sanctuary with their fellow tribesmen and operate in these districts to spread Talibanisation, as well as collecting donations from them.
5. Last but not the least, there was a serious lack of understanding within the policy-makers, academics, media and civil society in Islamabad and Peshawar regarding the phenomenon of Talibanisation of FATA and N.W.F.P. Most of them considered it as an Afghan phenomenon, which posed little political and security threat to Pakistan. Majority of them were focused on the evolving situation in Afghanistan and the regional dynamics that were in play in the insurgency-hit country. Similarly, most of the policy-makers, media and civil society had scant knowledge of Al-Qaeda and other terrorist organizations hiding in North and South Waziristan Agency, and the political and security ramifications it poses to Pakistan, the region and the entire world.⁵¹⁰ This made the job for the Pakistani government of fighting Talibanisation in FATA and N.W.F.P., as well as rooting out Al-Qaeda and other terrorist organisations from FATA very difficult.

The following could be described as administrative drivers:

6. The introduction in 2001 of Local Government Plan based on the Devolution of Power Plan significantly weakened the civil administration in the settled areas. The abolition of the office of Commissioner who used to serve as an overarching authority in terms of coordination between the settled districts and the adjoining tribal areas left an administrative vacuum. As a result, the Political Agent of a tribal agency had to look

⁵¹⁰ Meeting at the Area Study Centre, University of Peshawar, May 21, 2007. Also discussion with Rustum Shah Mohmand, ex-Chief Secretary of N.W.F.P., ex-Ambassador of Pakistan to Afghanistan and Advisor to the Under-Consideration Joint Pak-Afghan Grand Jirga held in August 2007 in Pakistan.

towards Peshawar – the provincial capital of N.W.F.P. and the sitting place for Governor and Chief Minister – for routine as well as extraordinary affairs.

7. The Devolution of Power plan also abolished the office of Deputy Commissioner who was the head of the district, and vested most of his powers in the office of *Nazim-e-Aala* – elected representative of the people – while retaining little authority with the newly established office of District Coordinating Officer (DCO). The *Nazim-e-Aala* has little experience in the running of the day-to-day affairs of the district. Similarly, the *Nazim-e-Aala* also carried a political affiliation that weakened his will and ability to take timely and effective decisions. While the *Nazim-e-Aalas* in southern districts are from JUI-F, it became difficult for them to take action against the Taliban who are also politically affiliated to the JUI-F leadership in North and South Waziristan.
8. Similarly, the subordination of civil administration to the *Nazim-e-Aala*, while decreasing the effectiveness of the former, has also resulted in extensive political interference in the running of civil administration. As a consequence of these reforms, the police department by default was entrusted with the responsibility to deal with the problems of the people, while at the same time doing their professional job of maintaining law and order issues. Similarly, the *Nazim-e-Aala* was most often not invited to attend high-level official meetings chaired by the Governor or the Chief Minister of N.W.F.P., which effectively sidelines him on overall existing security environment in his district.⁵¹¹
9. The Department of Home and Tribal Affairs of the N.W.F.P. Secretariat was responsible for the overall law and order issues in the N.W.F.P. and FATA. However, the restructuring of Governor Secretariat into the FATA Secretariat, and the creation of Department of Law and Order in 2006 resulted in duplication of law enforcement powers between the N.W.F.P.'s Home and Tribal Affairs Department and the Law and Order Department of FATA Secretariat. This only served to increase the lack of coordination between the N.W.F.P. Secretariat - which looked after the settled district and FATA - and

⁵¹¹ Interview with Iqbal Khattak, Bureau Chief of *Daily Times* in Peshawar, June 4, 2007.

the Governor Secretariat - that dealt only with FATA. Similarly, working of the law enforcement agencies, like the Frontier Corps and Frontier Constabulary operating in FATA and the police department that operates in settled districts were being dealt by two different Secretariats. Since Talibanisation was causing instability in settled districts with its roots in North and South Waziristan Agencies, a lack of coordination between the two secretariats further complicated the problems.

10. Issues relating to bad governance, fragile law and order situation, corrupt and inefficient bureaucracy, illiteracy, overstretched and corrupt justice system, lack of health facilities, unemployment etc., are also of the driving factors behind the radicalization of people in settled as well as tribal areas. The southern districts of N.W.F.P. had remained economically backward, and politically marginalised. The Taliban, therefore, attempted to fill this vacuum by providing security to people, as well as efficient and expeditious justice in the settled areas. There were instances where local people of settled areas approached the Taliban themselves asking them to provide them security, as well as arbitrate in their disputes.

11. The Taliban felt much confident with their “success” against a much-stronger Pakistan Army in FATA, and believed that they can easily take-over the civil administration of the settled districts of southern N.W.F.P., which is weaker in terms of resources.⁵¹² According to a high-level meeting of the National Security Council on June 4, 2007, which was presided over by President Musharraf and attended by N.W.F.P. Chief Minister, Akram Durrani, it was decided to deploy more troops from the Frontier Constabulary, Frontier Corps and induct more police officials to overcome the deteriorating law and order situation in the settled districts.

⁵¹² Ibid.

Reversing the Taliban Gains

The general elections held in February 2008 returned the Awami National Party (ANP) and Pakistan Peoples Party (PPP) into power in the N.W.F.P. The religio-political parties did not perform well in the elections. Upon assuming control of the government, the ANP took drastic steps to reverse the Taliban penetration in the N.W.F.P.

Reviving British-era Administrative System

The ANP government reinstated the Commissionerate System that was in place before the promulgation of the Musharraf-era Local Government Plan 2000. The office of Nazim-e-Aalaa was abolished and the executive authority vested in his office was delegated to the commissioners, deputy commissioners and assistant commissioners. This greatly improved coordination between the officials in the field and policy level. It was convenient for a civil servant to take hard and timely decisions that could provide security to the ordinary people from the Taliban, compared to an elected Mayor who was more concerned about his future political ambitions.

Raising Lashkars

The ANP encouraged the local people to form anti-Taliban lashkars to flush them out of their areas. In this respect, lashkars were raised in various villages adjoining the FATA region.⁵¹³ While the Taliban attacked the Lashkars with impunity, the later were able to root out Taliban's sympathisers and supporters from the area. All the Taliban leaders that belonged to the settled districts of N.W.F.P. took refuge in FATA with their comrade-in-arms from the FATA tribes. The military operations which started in the FATA region in late 2008 further weakened the Taliban's capability to strike deep in the N.W.F.P.

⁵¹³ Farhat Taj, "Analysis: Adezai and the ANP", *Daily Times*, March 12, 2011, <http://archives.dailytimes.com.pk/editorial/12-Mar-2011/analysis-adezai-and-the-anp-farhat-taj> (accessed August 20, 2014).

Initiation of Military Operations in FATA

Since the Taliban were using FATA as a springboard to launch their terrorist activities in the adjoining N.W.F.P., therefore the government launched multiple and simultaneous military operations in various Agencies of FATA. In August 2008, Pakistan Army launched a large scale operation code named, Sherdil (Urdu for Lion Heart) in Bajaur Agency.⁵¹⁴ The said military operation received support from NATO stationed in the neighbouring Afghanistan, which started a coordinated operation, Lion Heart, in the Afghan territory opposite the Bajaur Agency.⁵¹⁵ By February 2009, Pakistan Army claimed to have cleared most of the Agency from the Taliban presence.⁵¹⁶

A similar military operation, code named Operation Brekhna, was launched by Pakistan Army in the Mohmand Agency in 2009. In the adjoining Khyber Agency, Pakistan Army launched a military operation, Sirat-e-Mustaqeem, in June 2008, after terrorists based in the Agency kidnapped 14 Christians from Peshawar city.⁵¹⁷ Other Agencies of FATA, like the Orakzai and Kurram Agencies faced a military operation named *Operation Khwakh Ba De Sham* (Pashto for I will teach you a lesson) in March 2010.⁵¹⁸ A massive military operation, Rah-e-Nijat, against the TTP head, Hakimullah Mahsud, was also launched in October 2009 in the South Waziristan faced a massive military operation.⁵¹⁹

⁵¹⁴ “Bajaur areas cleared of militants, claim elders: Deployment of security men sought”, *Dawn*, October 8, 2008, <http://www.dawn.com/news/324415/bajaur-areas-cleared-of-militants-claim-elders-deployment-of-security-men-sought> (Accessed on June 2, 2015)

⁵¹⁵ “US Launches Joint Border Operation with Pakistan”, *Dawn*, November 18, 2008, <http://www.dawn.com/news/955203/us-launches-joint-border-operation-with-pakistan> (accessed on June 2, 2015)

⁵¹⁶ “Troops defeat Taliban in Pakistan’s Bajaur region”, *The Indian Express*, March 1, 2009, <http://archive.indianexpress.com/news/troops-defeat-taliban-in-pakistans-bajaur-region/429310> (accessed on June 2, 2015)

⁵¹⁷ “Unrest in Khyber Agency: Fifth operation in Bara on the cards”, *Express Tribune*, October 22, 2011, <http://tribune.com.pk/story/279047/khyber-agency-clashes-army-poised-to-conduct-operation-against-lashkar-e-islam/> (accessed on June 2, 2015)

⁵¹⁸ “Eighty percent of Kurram Cleared of Militants, Says Army”, *Dawn*, July 6, 2010, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/44-eighty-per-cent-of-kurram-cleared-of-militants-says-army-fa-01> (accessed on June 3, 2015)

⁵¹⁹ “Taliban resist Pakistan onslaught”, *BBC*, October 18, 2009, http://news.bbc.co.uk/2/hi/south_asia/8312932.stm (accessed on June 3, 2015)

These military operations have the cumulative effect of rendering the Taliban vulnerable in FATA by targeting them in their respective strongholds. Since the Taliban were engaged in fighting the Pakistani security forces inside FATA, it decreased their activities in the adjoining N.W.F.P. These operations also dislodged the Taliban from their respective areas in FATA and forced them to cross the Pakistan-Afghan border and seek refuge in Afghanistan. While the Taliban continue to attack security forces in both FATA and N.W.F.P., the intensity and deadliness of these attacks have decreased tremendously.

Strengthening of Law Enforcement Agencies

In order to curb the Taliban's vigilante activities in the N.W.F.P., the provincial government announced various schemes to deter the Taliban from creating violence in the province. The number of police officials were doubled from 41,000 in 2007 to 80,000.⁵²⁰ It is pertinent to mention that 500 police officials had died due to Taliban violence between 2008-2010.⁵²¹ In order to boost the sagging morale of the police force, the government announced Shuhada Package for policemen killed during the militancy, and also promised to bear the educational expenses of the children of the deceased policemen. Likewise, the government twice doubled the salaries of the police personnel in 2010 and 2011 respectively.⁵²²

In order to fight the Taliban effectively, the provincial government formed the Directorate of Counter Terrorism or DCT (now renamed as Counter Terrorism Department or CTD) The CTD is mandated to collect Intelligence collection, surveillance and monitoring, registration of terrorism cases, investigation of ATA cases, arrest and detentions and research and analysis.⁵²³

⁵²⁰ "Khyber-Pakhtunkhwa: Police salaries increased by 50 per cent", *The Express Tribune*, January 15, 2011, <http://tribune.com.pk/story/104234/khyber-pakhtunkhwa-govt-announces-50-raise-for-police/> (accessed on June 3, 2015)

⁵²¹ Ibid.

⁵²² Ibid.

⁵²³ "KPK Anti-Terror Body Renamed", *The Nation*, November 29, 2013, <http://nation.com.pk/national/29-Nov-2013/kpk-anti-terror-body-renamed> (accessed June 9, 2015)

In order to enhance the fighting capacity of the N.W.F.P. Police against the Taliban, the Pakistan Army began providing extensive training courses. An Elite Police Force was also raised from within the exiting police cadre to fight the menace of terrorism. Between July 2007-January 2008, around 800 personnel of Elite Force received training from the Army's Special Services Group (SSG) personnel. The Army also provided training assistance to around 8437 police recruits of NWFP police in various recruitment centres from July 2007 to January 2008.⁵²⁴

In terms of material assistance to the N.W.F.P. police, the government provided 17,000 Short Machine Guns, 150 LMG, G-3 1000, RPG-7 150, Heavy Machine Guns 50, Recoilless Rifle 75mm 10, bullet proof jackets 12000, steel helmets 2000 besides huge quantity of ammunitions so that they could effectively tackled terrorism and militancy.⁵²⁵

⁵²⁴ “Pak Army provides extensive training courses to NWFP police to counter terrorism”, *APP*, http://www.app.com.pk/en/index.php?option=com_content&task=view&id=95546 (assessed on June 10, 2015)

⁵²⁵ Ibid.

Chapter 6: Conclusion

Since 9/11 attacks in the U.S., terrorism continues to dominate foreign policy discourses throughout the world. The threat of terrorism in a globalized and interconnected world is shaping the military doctrines which are being adjusted to incorporate strategies to fight low intensity asymmetric conflict. Despite having spent enormous resources in the past ten years on fighting terrorism and insurgency, the problem seems to have multiplied many times. At the turn of the first decade of the 21st Century, ungoverned territories have tremendously grown in size and number, thereby posing a serious threat to the world peace and security.

This thesis analysed one such ungoverned space, the Federally Administered Tribal Areas (FATA) of Pakistan. FATA shares a direct border with Afghanistan and both FATA and N.W.F.P. have tremendous similarities with each other as well as the Afghans across the Pakistan-Afghanistan border. The overthrow of the Taliban regime in Afghanistan in October 2001 and the dismantling of terrorist infrastructure in the war-ravaged country did not resolve the problem. The foreign militants, especially Al-Qaeda, fled to Pakistan where it sought a sanctuary in FATA and the adjoining N.W.F.P. These foreign militants were welcomed in FATA by pro-Taliban FATA tribesmen who themselves took part in fighting in Afghanistan during the Taliban rule (1996-2001). However, Al-Qaeda and other foreign militants were not able to entrench themselves in the N.W.F.P. and other parts of Pakistan due to the law enforcement action by the government. They were either killed or nabbed.

Subsequently, Al-Qaeda decided to entrench itself in FATA. In 2002, the Pakistani Taliban emerged in FATA. Their preaching and ideological indoctrination led many tribesmen to join them, thereby adding to their strength. Soon they started an anti-vice campaign in which criminals, dacoits and murderers were publicly executed. Similarly, they started cross border raids into Afghanistan. When the Pakistani government attempted to interdict terrorist infiltration into Afghanistan following pressure by the international community, the Taliban turned against the local Political

Administration and rendered it ineffective by targeting the *Maliks* (tribal elders) and the Khassadars (local ragtag police force). Subsequent military operations by the Pakistan Army could not restore law and order. Realising that the kinetic approach of the Pakistan government is not bringing the desired result, the government entered into peace agreements with the myriad Taliban groups. These agreements were openly flouted by the Taliban. Not only did they Talibanised the entire FATA by 2006, but started to export their ideology to the neighbouring N.W.F.P.

Unlike FATA, which had quickly succumbed to the Talibanisation drive of the Pakistani Taliban, the N.W.F.P. has so far survived and continues to resist this extremist ideology. The reason FATA succumbed to the Taliban force was due to the weak and archaic governance institutions. These institutions were carved out in the mid-nineteenth century by the British India in pursuit of certain strategic objectives. Located on the Western border of British-India, the FATA and N.W.F.P. were considered to be the gateway for invaders from Central Asia to the Indian subcontinent. Hence, security aspects dominated the policies regarding the two regions. These archaic institutions allowed for minimum penetration of the government in the FATA region and self-rule for the local tribes. The N.W.F.P. on the other hand evolved differently and exhibited administrative, judicial and political institutions which became a source of strength for the Province.

The Pakistani government, soon after its establishment did not modify, extend or introduce administrative reforms in FATA and continues to maintain the old British era system. These institutions in the face of challenges of the 21st Century appeared to be outmoded, and could not withstand the resistance by the Taliban. While administrative institutions maintain an order in a society, political institutions are vital for expressing one's opinions publicly. Similarly, the security institutions ensure the internal and external security of a society or polity. Largely viewed as the last line of defence in terms of internal conflict, its failure could destroy governance thereby resulting in a dysfunctional state.

Findings of the Study

The Study has found out that the lack of institutions has helped the Taliban in the following four important ways:

a) Control of Territory

Taking benefit of the archaic and informal state institutions in FATA, the Taliban were able to effectively neutralize them, thereby eroding the writ of the state in the region. The control of the FATA region provided the Taliban with legitimacy and respect within the wider jihadist arena. It also galvanized a segment of the population in FATA and the mainland Pakistan into joining them, thereby increasing their rank and file. By Talibanising FATA, the Taliban were able to carve out a sanctuary for themselves, from where they were able to plan, operate and execute their agenda in Pakistan and the South and Central Asian region.

b) Control of Resources

By Talibanising FATA, the Taliban were able to exploit resources of the region to raise finances to run their affairs. These finances came in the shape of taxing people, businesses, exploiting natural resources, such as timber, precious stones, diamond and other precious metals. These finances were a sine qua non for running the territory, recruiting, planning and managing future terrorist operations.

c) Filling the Political Vacuum

The Taliban were able to fill the political gap created as a result of the already weakened of the archaic institutions in FATA. They capitalized on the tribesmen's resentment towards the Frontier Crimes Regulation (FCR) by replacing it with the Taliban-style Sharia and introducing the so-called political institutions in the region. The enforcement of "Sharia" and "Islamic" institutions in FATA allowed them to present their version of the "Islamic Emirate" to like-minded regional and international jihadist militant groups, and won them accolades for introducing the so-called Islamic rule.

d) Ability to Challenge the Security of the State

Operating out of the safety of FATA, the Taliban were able to challenge modern state institutions and security forces in Pakistan as well as neighbouring Afghanistan. The Taliban widened their terrorist attacks on law enforcement and security forces throughout Pakistan and created serious law and order situation. Apart from terrorist attacks, the Taliban regularly kidnapped high profile people from mainland Pakistan and brought them to the FATA region to use them as a bargaining chip in seeking money from the government as well as getting their comrades released from government detention.

e) Support for Global Jihadists

The Talibanisation of FATA allowed militant groups of all shades – local and foreign – to take refuge in the region under the patronage of the Taliban. Due to Talibanisation, FATA is regarded as the most dangerous place on earth. It has gradually evolved into a semi-sanctuary of foreign, local and Afghan militants who are not only seeking refuge in the area but are involved in planning terrorist attacks in the neighbourhood and the West.

Contribution of the Study

The study would contribute to the body of literature existing on FATA as well as other conflict zones. The existing literature mainly focuses on the role of state and non-state actors in a conflict zone. This study identifies structural institutions as an important aspect in counter-terrorism strategies.

The importance of the role of institutions cannot be ignored in prolonged conflicts that are being fought in today's world. Iraq continues to slide into dysfunctional state because of weak political, administrative and security institutions. Similarly, armed asymmetric conflicts in North Africa and Middle East show that the absence of modern state institutions could lead a nation towards utter destruction and failure. Hence, emphasis should be put on building strong modern state institutions that may have the ability to run the state effectively. The presence of strong institutions guarantees rule of law and keeps a check on fringe beliefs and actions.

Policy Recommendations

- a) There should be greater emphasis on non-kinetic approaches to wrest a territory from insurgents' and terrorists' hands. Absence of economic opportunities result in poverty which drive people towards taking up arms against the existing system or state in an attempt to benefit themselves from a new order. While kinetic approach is sometimes needed to dislodge the militants from a territory, however it should only be taken as a means to an end; the end product being a stable and prosperous community.
- b) Political Institutions are indispensable for building a robust and resilient society. Grass root level political institutions provide the people with an opportunity to participate in shaping their future through democratic means. The fundamental rights of the people such as free speech, freedom of action etc., are a sine qua non for building a healthy, stable and prosperous community.
- c) There should be an emphasis on building economic institutions in peripheral areas in order to generate employment and bring prosperity in the poverty ridden areas. The betterment of economic conditions of the people would discourage violent tendencies among the people and offer them a safe and better future.
- d) Presence of strong law enforcement and security institutions guarantees the sovereignty and territorial integrity of a state. A state should emphasize on building and maintaining such institutions which are capable of not only warding off external aggression but also clamping down internal armed uprising and defending the lives and properties of its citizens.
- e) It has been seen that conflict-ridden areas are mainly located on the peripheries or edge of civilization. It is due to the forces of political, social, economic and cultural isolation which does not allow the poor periphery to integrate into the

rich core. The state should made earnest efforts to bring the periphery into the mainstream by devising and implementing policies which allow for greater movement of ideas, people and good. The process of acculturation would gradually lead towards the assimilation of the periphery into the core.

BIBLIOGRAPHY

PRIMARY SOURCES

Interviews:

Interview conducted with Khalid Aziz, Head of Regional Institute of Policy Research and Training (RIPORT), Peshawar, Pakistan on May 23, 2007.

Briefing by a Major from the Khyber Rifles, in Khyber Rifles Mess on May 23, 2007 at Michni Post, Torkhum, Khyber Agency.

Interview conducted with Shakil Qadir, Political Agent of Bajaur, in Khar, Bajaur Agency, on May 24, 2007.

Interview conducted with Aftab Khan Marwat, former Deputy Secretary (Civil Armed Forces) at the Federal Ministry of States and Frontier Region (SAFRON), Islamabad, on 5 July 2014.

Interview conducted with Mansur Khan Mahsud, prominent member of Mahsud Tribe and resident of South Waziristan, Islamabad, on 5 July 2014.

Meeting at the Area Study Centre, University of Peshawar, 21 May 2007. Also discussion with Rustum Shah Mohmand, ex-Chief Secretary of N.W.F.P., ex-Ambassador of Pakistan to Afghanistan and Advisor to the Under-Consideration Joint Pak-Afghan Grand Jirga held in August 2007 in Pakistan.

Interview with Iqbal Khattak, Bureau Chief of *Daily Times* in Peshawar, 4th June 2007.

Official Documents:

Official Website of the Federally Administered Tribal Areas (FATA), <http://fata.gov.pk/Global.php?iId=29&fid=2&pId=25&mId=13> (Accessed on 9 August 2014)

Official website of the Government of Khyber Pakhtunkhwa Province, <http://www.khyberpakhtunkhwa.gov.pk/aboutus/Geography.php> 12, 2014) (Accessed on July 12, 2014)

“Chapter Three: Administration of the Tribal Areas After Independence.” <http://pr.hec.gov.pk/Chapters/1987-4.pdf> (Accessed on 5 August 2014).

“History: The March of Time.” Official Website of the Government of Khyber Pakhtunkhwa Province, <http://www.khyberpakhtunkhwa.gov.pk/aboutus/History.php> (Accessed July 28, 2014)

Imperial Gazetteer of India Provincial Series, North West Frontier Province, Lahore: Sang-e-Meel Publications, 2002.

“Land Utilisation Statistics in Khyber Pakhtunkhwa Province”, Bureau of Statistics, Government of Khyber Pakhtunkhwa Province, http://kpbos.gov.pk/prd_images/1399370800.pdf (accessed July 12, 2014)

Official Report of FATA Secretariat, “Strengthening of FATA Levies”, <http://www.pc.gov.pk/wp-content/uploads/2014/04/FINAL-NAS-PC-1.pdf> (Accessed on 19 August 2014).

“The Constitution of the Islamic Republic of Pakistan”, National Assembly of Pakistan, http://www.na.gov.pk/uploads/documents/1333523681_951.pdf

“The Constitution of the Islamic Republic of Pakistan.” Official website of the Ministry of Foreign Affairs of Pakistan, <http://www.mofa.gov.pk/Publications/constitution.pdf>

Chapter 5: Terrorist Safe Havens: Strategies, Tactics, Tools for Disrupting or Eliminating Safe Havens, Country Report on Terrorism 2007, Official website of the US Department of State, <http://www.state.gov/s/ct/rls/crt/2007/>

“Afghan Refugees.” Official Website of the Commissionerate Afghan Refugees (CAR) Khyber Pakhtunkhwa Peshawar, http://kpkcar.org/projects.php?project_id=2 (Accessed on April 3, 2015)

“FATA: Statistical Profile of Deeni Madaris (2013-2014).” Official Report of the Directorate of Education FATA, (May 2014), fata.gov.pk/cp/uploads/downloads/14147372955453252dcf3e2.pdf (Accessed on April 3, 2015)

Hussain, Faqir. “The Judicial System of Pakistan”. Official Document of Supreme Court of Pakistan, http://www.supremecourt.gov.pk/web/user_files/File/thejudicialsystemofPakistan.pdf (accessed on May 12, 2015).

SECONDARY SOURCES

Books:

Ahmed, Akbar S and David M. Hart. *Islam in Tribal Societies: From the Atlas to Indus*. London: Routledge & Kegan Paul plc, 1984.

Ali Shah , Sayed Wiqar. *North-West Frontier Province: History and Politics*. Islamabad: National Institute of Historical and Cultural Research. 2007.

Bruce, Richard Isaac. *The Forward Policy And Its Results, or Thirty-Five Years' Work Amongst the Tribes on Our North-Western Frontier of India*. London: Longmans, Green and Co, 1900.

Baha, Lal. *N.W.F.P. Administration under British Rule 1901-1999*. Islamabad: National Commission on Historical and Cultural Research, 1978.

Chand Obhrai, Rai Bahadur Diwan. *The Evolution of North-West Frontier Province*, (Delhi: London Book Co, 1938)

Caroe, Sir Olaf. *The Pathans: 550 B.C.-A.D. 1957*. New York: St. Martins Press, 1958.

Coll, Steve. *Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden, from the Soviet Invasion to September 10, 2001*. New York: Penguin Press, 2004.

Dani, Ahmad Hassan. *Peshawar: Historic City of the Frontier*. Lahore: Sang-e-Meel Publications, 2002.

Edwards, David B. *Heroes of the Age: Moral Fault Lines on the Afghan Frontier*. Berkeley: University of California Press, 1996.

Evera, Stephen Van. *Guide to Methods for Students of Political Science*. Ithaca, NY: Cornell University Press, 1997.

Griffin, Michael. *Reaping the Whirlwind: The Taliban Movement of Afghanistan*. USA: Pluto Press, 2001.

Helmke, Gretchen, Steven Levitsky. *Informal Institutions and Democracy: Lessons from Latin America*. Maryland: The John Hopkins University Press, 2006.

Hechter, Michael. *Internal Colonialism: The Celtic Fringe in British National Development. 1536-1966*. Berkeley and Los Angeles: University of California Press, 1975.

Haroon, Sana. *Frontier of Faith*. Karachi: Oxford University Press, 2011.

Hasnat, Syed Farooq. *Global Security Watch-Pakistan*. California: Praeger Security International, 2011.

H. Sinno, Abdulkader. *Organizations at War in Afghanistan and Beyond*. New York : Cornell University Press, 2008.

L. George, Alexander and Bennett, Andrew. *Case Studies and Theory Development in Social Sciences* Cambridge: MIT Press, 2005.

Marsden, Peter. *The Taliban: War and Religion in Afghanistan*. New York: Zed Books, 2002.

Maley, William. *The Afghanistan Wars*. London: Palgrave Mcmillan, 2002.

Marwat, Fazal-ur-Rahim. *From Muhajir to Mujahid: Politics of War Through Aid*. Peshawar: Area Study Centre, University of Peshawar, 2004.

Musharraf, Pervez. *In the Line of Fire*. London: Simon and Schuster, 2006.

Mir, Amir. *Talibanization of Pakistan: From 9/11 to 26/11*. New Delhi: Pentagon Security International, 2009.

Matinuddin, Kamal. *The Taliban Phenomenon: Afghanistan 1994-1997*. Karachi: Oxford University Press, 1999

McMichael, Philip. *Development and Change: A Global Perspective*. California: Sage Publications, Inc, 2012.

Mohmand, Sher Muhammad. *FATA: A Socio-Cultural and Geo-Political History*. Lahore: Sang-e-Meel Publication, 2008.

Mahsud, Mansur Khan. "The Taliban in South Waziristan" in *Talibanistan*. Peter Bergen and Katherine Tiedemann (Eds). New York: Oxford University Press, 2013.

Rana , Muhammad Amir. “Post-9/11 Developments and Emergence of Local Taliban Groups” in *Dynamics of Taliban Insurgency in FATA*, Muhammad Rana, Safdar Sayal and Abdul Basit (eds). Islamabad: Pak Institute for Peace Studies, 2010.

Rashid, Ahmed. *Taliban: Islam, Oil and the New Great Game in Central Asia*. New York: I.B. Tauris and Co Ltd, 2000.

Rome, Sultan-i. *The North-West Frontier (Khyber Pakhtunkhwa): Essays on History*. Karachi: Oxford University Press, Pakistan: 2013.

Rem Korteweg, Sajjan Gohel, Francois Heisbourg, Magnus Ranstorp and Rob De Wijk, “Background Contributing Factors to Terrorism: Radicalisation and Recruitment” in Magnus Ranstorp, *Understanding Violent Radicalisation: Terrorist and Jihadist Movement in Europe*, (Routledge, Abingdon, 2010), 21-49.

Ridgway, Major R.T.I. *Pathans*. Calcutta: Superintendent Government Printing, India, 1910.

Ruttig, Thomas. “The Haqqani Network as an Autonomous Entity”. in *Decoding the New Taliban: Insights From the Afghan Field*. Antonio Giustozzi (Ed). London: Hurst Publishers, 2009.

Sharma, D.P. *The New Terrorism: Islamist International*. New Delhi: A.P.H. Publishing Corporation, 2005.

Spain, James W. *The Way of the Pathans*. Karachi: Oxford University Press, 1962.

Siddique, Abu Bakar. *The Pashtuns: The Unresolved Key to the Future of Pakistan and Afghanistan*. London: C. Hurst and Co. Publishers Ltd, 2014.

Warburton, Col. Sir Robert. *Eighteen Years in the Khyber: 1879-1898*. London: John Murray, 1900.

Wylly, Colonel H. C. *From the Black Mountain to Waziristan*. London: Macmillan. 1912.

Yunas, S. Fida and Dr. Sher Zaman Taizi. *Treaties, Engagements and Sanads Relating to the North West Frontier Province*. Peshawar: Area Study Centre.

Journal Articles:

Ahmed, Akbar S. "Colonial Encounter on the North West Frontier Province: Myth and Mystification." *Economic and Political Weekly*, No. 51/52, (1979): 2092-2097

Ahmed, Ishtiaq. "The Talibanisation of Pakistan: Threat Abated." *South Asia*, Issue no. 14, (October 2009): <http://www.isas.nus.edu.sg/SA%20online%2014.pdf>

A. Haul, Peter and Rosemary C. R. Taylor. "Political Science and the Three New Institutionalisms". *Political Studies*, 44, no. 5 (1996): 938.

Acharya, Arabinda, Syed Adnan Ali Shah Bukhari and Sadia Sulaiman. "Making Money in the Mayhem: Funding Taliban Insurrection in the Tribal Areas of Pakistan." *Studies in Conflict and Terrorism*, 28, no. 5, (2009).

Aslam Khan, Muhammad. "Agricultural Development in Khyber Pakhtunkhwa Province: Prospects, Challenges and Policy Options." *Pakistaniaat: A Journal of Pakistan Studies*, 4, no. 1 (2012): 53- 49-68.

Bayer , Hannah and Dr. Fred Fening, "The Impact of Formal Institutions on Global Strategy in Developed Vs. Emerging Economies." *International Journal of Business and Social Science*, 3, no. 15 (2012): 31.

Borum, Randy. "Radicalization into Violent Extremism I: A Review of Social Science Theories." *Journal of Strategic Security*, 4: no, 4. (2011): 7-36.

C. North, Douglass. "Institutions." *Journal of Economic Perspectives*, 5, no. 1 (1991): 97.

Caroline Hartzell and Hoddie, Matthew "Institutionalizing Peace: Power Sharing and Post-Civil

Collier, David. "Understanding Process Tracing". *Political Science and Politics*, 44, no 4 (2011):

<http://polisci.berkeley.edu/sites/default/files/people/u3827/Understanding%20Process%20Tracing.pdf> (accessed December 15, 2014).

Cruikshank, Paul. "The Militant Pipeline: Between the Afghanistan-Pakistan Border Region and the West." *New American Foundation*, (2011): http://security.newamerica.net/publications/policy/the_militant_pipeline_0

Difference Between Violent and Non-Violent Radicalization." *Terrorism and Political Violence*, 24 (2012): 1 1-3.

Evans ,Peter and James E. Rauch. "Bureaucracy and Growth: A Cross-National Analysis of the Effects of "Weberian" State Structures on Economic Growth." *American Sociological Review*, 64, no. 5 (1999): 748-765.

Fair, C. Christine, Howenstein, Nicholas and Their, J. Alexander. "Troubles on the Pakistan-Afghanistan Border." USIP Peace Briefing, United States Institute Of Peace (USIP), (2006): Available at: http://www.usip.org/files/resources/Fair_Howenstein_Thier_PB_Pakistan-Afghanistan%20Border.pdf

Ghufran, Nasreen "Pushtun Ethnonationalism and the Taliban Insurgency in the North West Frontier Province of Pakistan." *Asian Survey*, no. 6 (2009): 1092- 1114.

Gunaratna , Rohan and Syed Adnan Ali Shah Bukhari. "Making Peace With Pakistani Taliban to Isolate Al-Qaeda: Success and Failures." *Peace and Security Review*, 1, no. 2, Second Quarter (2008): 1-25.

Gunaratna, Rohan & Anders Nielsen. "Al Qaeda in the Tribal Areas of Pakistan and Beyond." *Studies in Conflict & Terrorism*, 31, no. 9, (2008): 782, <http://dx.doi.org/10.1080/10576100802291568>, (accessed on April 6, 2015).

G. March, James and Johan P. Olsen. "The New Institutionalism: Organizational Factors in Political Life." *The American Political Science Review*, 78, no. 3 (1984): 734-749.

Groenewegen , John Kerstholt , Frans and Nagelkerke, Ad. "On Integrating New and Old Institutionalism: Douglass North Building Bridges" *Journal of Economic Issues*, 29, no. 2 (1995): 467-475.

G. Ogbaharya, Daniel. "(Re-)building governance in post conflict Africa: the Role of the State and Informal Institutions." *Development in Practice*, 18, no. 3 (2008): 395-402.

Gunaratna, Rohan and Syed Adnan Ali Shah Bukhari. "Making Peace With the Pakistani Taliban to Isolate Al-Qaeda: Success and Failure." *Peace and Security Review*, 2, (2008): 1-27.

Hira, Anil and Ron Hira. "The New Institutionalism: Contradictory Notions of Change." *American Journal of Economics and Sociology*, 59, no. 2 (2000): 267-282.

H. Hodgson, Geoffrey. "What are Institutions?." *Journal of Economic Issues*, XL, no. 1 (2006): 2.

James, March and Johan P Olsen. "The New-Institutionalism. Organizational Factors in Political Life." *American Political Science Review*, No 3, (1984): 734-749.

J. Junker, Louis. "Theoretical Foundations of Neo-Institutionalism", *American Journal of Economics and Sociology*, 27, no. 2 (1968), 197-213;

Julia R. Azari and K. Smith, Jennifer. "Unwritten Rules: Informal Institutions in Established Democracies", *Perspective on Politics*, 10, no. 1 (2012). 37-55.

Lauth, Hans-Joachim "Informal Institutions and Democracy", *Democratization*." no. 4 (2000): 23.

Lian, Wang "Talibanization in the Tribal Areas of Pakistan." *Journal of Middle Eastern and Islamic Studies*, 4, no.1 (2010): 88-90.

Lakshman, Kanchan . "NWFP: Extremist Encroachment." *South Asia Intelligence Review*, 5, no. 45, (2007):

M. Moe, Terry. "Power and Political Institutions." *Perspectives on Politics*, 3, no. 2 (2005): 215-233.

McCauley, Clark & Moskalenko Sophia. "Mechanisms of Political Radicalization: Pathways Toward Terrorism." *Terrorism and Political Violence*, (2008) 20:3. 418.

Nielsen, Klaus. "Institutionalist Approaches. in the Social Sciences: Typology, Dialogue, and Future Challenges." *Journal of Economic Issues*, No. 2 (2001): 505-516

Nielsen, Klaus. "Institutionalist Approaches in the Social Sciences: Typology, Dialogue, and Future Challenges." *Journal of Economic Issues*, 35, no. 2 (2001): 505-516.

P. Daniel ,Sullivan, "Tinder, Spark, Oxygen, and Fuel: The Mysterious Rise of the Taliban." *Journal of Peace Research*, no. 1 (2007): 93-108.

Porta, Donatella Della “Process of Radicalisation and De-radicalisation.” *International Journal of Conflict and Violence*, 16: no. 1(2011): 4-10.

Thranert , Oliver and Wagner, Christian. “Pakistan As a Nuclear Power: Nuclear Risks, Regional Conflicts and the Dominant Role of the Military.” Stiftung Wissenschaft Und Politik (SWP), RP 8, (2009): http://www.swp-berlin.org/fileadmin/contents/products/research_papers/2009_RP08_trt_wgn_ks.pdf

Web Sources:

Abbas, Hassan, “A Profile of Tehrik-e-Taliban Pakistan”, *CTC Sentinel*, 1, Issue 2, (January 2008.) <http://belfercenter.ksg.harvard.edu/files/CTC%20Sentinel%20-%20Profile%20of%20Tehrik-i-Taliban%20Pakistan.pdf> (accessed August 18, 2014)

Abbas, Hassan. “Militancy in Pakistan’s Borderlands: Implications for the Nation and for Afghan Policy.” The Century Foundation, Available at <http://tcf.org/publications/2010/10/militancy-in-pakistan2019s-borderlands-implications-for-the-nation-and-for-afghan-policy/pdf>

Ahmad, Mumtaz. “Madrassa Education in Pakistan and Bangladesh.” www.iiu.edu.pk/.../madrassa-education-in-pakistan-and-bangladesh.pdf (Accessed on April 3, 2015)

Ali Shah, Sayed Wiqar, “Political Reforms in the Federally Administered Tribal Areas of Pakistan (FATA): Will it End the Current Militancy?”, *Working Paper* No. 64, Heidelberg Papers in South Asian and Comparative Politics. (2012). <file:///C:/Users/asus/Desktop/Political%20History%20and%20Reforms%20of%20FAFA%20Wiqar%20Ali%20Shah.pdf> (accessed August 5, 2014).

Andrabi, Tahir, Jishnu Das, Asim Ijaz Khwaja, Tristan Zajonc. “Religious School Enrollment in Pakistan: A Look at the Data.” www.hks.harvard.edu/fs/akhwaja/papers/madrassa_CER_dec05.pdf (Accessed on April 3, 2015).

Aziz, Khalid. "Causes of Rebellion in Waziristan." Policy Report, (2007).
<http://www.riport.org/update/downloads/reports/RIPORT-REBELLION%20IN%20WAZIRISTAN%20ver%20for%20Criterion.pdf> (accessed September 29, 2008)

Bukhari, Laila. "Waziristan: Impact on the Taliban Insurgency and the Stability of Pakistan." FFI/RAPPORT Norwegian Defence Research Establishment, (2006).
<http://www.ffi.no/no/Rapporter/06-02894.pdf> (accessed July 10, 2014).

Burki, Khan Zada, "Rise of Taliban in Waziristan." *The Dialogue*, V, no. 3, (2010).
http://www.qurtuba.edu.pk/thedialogue/The%20Dialogue/5_3/Dialogue_July_September_2010_188-211.pdf (accessed May 14, 2014).

Cheema, Ali Khwaja , Asim Ijaz and Qadir, Adnan. "Local Government Reforms In Pakistan: Context, Content And Causes."
www.hks.harvard.edu/fs/akhwaja/papers/Chapter8.pdf

D. Brinkerhoff and A. Goldsmith. "Clientelism, Patrimonialism and Democratic Governance: An Overview and Framework for Assessment and Planning." Report to United States Agency of International Development (USAID), Washington, 2002. <http://www.gsdrc.org/go/display/document/legacyid/1719> (accessed (December 12, 2014).

Franko, Claudio. "The Tehrik-e-Taliban Pakistan: The Bajaur Case, Part II." NEFA Foundation, July 2009. <http://www.fondazionecdf.it/var/upload/file/992-02.pdf> (accessed March 9, 2009)

Franzen, Simon. "Unity in Terrorism: the Relationship Between Al-Qaeda, the Taliban and Militants in Pakistan." Institute for Middle Eastern Democracy, (2012), instmed.org/wp-content/uploads/2012/.../Al-Qaeda-and-the-Taliban.pdf (Accessed on April 6, 2015)

Grare, Frederic. "Rethinking Western Strategies Towards Pakistan: An Action Agenda for the US and Europe." Carnegie Endowment for International Peace, (2007). http://www.carnegieendowment.org/files/grare_pakistan_final.pdf

Haq, Dr. Noorul, Dr. Rashid Ahmed Khan and Dr. Maqsoodul Hassa Nuri, "History of the Federally Administered Tribal Areas of Pakistan", IPRI Report, March 2005. <http://fatareforms.org/2005/03/24/history-federally-administered-tribal-areas-pakistan/> (accessed August 14, 2014).

Hussain, Muhammad Hamid. "Frontier Crimes Regulation: A Case Study of Reforms Process." <http://frc.com.pk/wp-content/uploads/2012/08/Frontier-Crimes-Regulation-A-Case-Study-of-Reforms-Process.pdf> (accessed December 10, 2014).

Helmke , Gretchen and Levitsky. "Steven "Informal Institutions and Comparative Politics: A Research Agenda." <http://www.oecd.org/dac/governance-development/37791245.pdf> (accessed December 10, 2014).

Khan, Sarfraz, "Special Status of Tribal Areas (FATA): An Artificial Imperial Construct Bleeding Asia." *Eurasia Border Review*, 1, (2010). http://src-h.slav.hokudai.ac.jp/publictn/eurasia_border_review/no1/06_Khan.pdf (accessed August 7, 2014).

Khan, Sarfraz and Abdul Hamid Khan., "The Frontier Crimes Regulation (FCR): A Socio-Political Assessment." *Journal of Central Asia*, http://www.asc-centralasia.edu.pk/Issue_70/01_FCR.html (accessed August 7, 2014).

Khan Wazir, Muhammad Maqbool, "FATA Under FCR: An Imperial Black Law." *Central Asia Journal*, http://www.asc-centralasia.edu.pk/Issue_61/09-FATA_UNDER_FCR.html (accessed August 9, 2014).

Khan, Sarfaraz, "Special Status of FATA: Illegal Becoming Licit." *Central Asia Journal*, http://www.asc-centralasia.edu.pk/Issue_63/02-SPECIAL_STATUS_OF_FATA.html (accessed August 10, 2014).

Khwaja, Asma Shakir. "Talibanisation of Pakistan: Myth or Reality", *Working Paper* No. 6, Graduate School Asia and Africa in World Reference Systems, Martin-Luther-University Halle-Wittenberg, <http://www.gsaa.unihalle.de/eng/gzaa/onlinepapers.php?pid=006> (accessed August 15, 2014).

Khan, Abdul Malik. "The Dispensation of Justice in the Federally Administered Tribal Areas (FATA) of Pakistan: Its Implications and Analysis." *Central Asia Journal*, No. 62, http://www.asc-centralasia.edu.pk/Issue_62/00-TOC.html (accessed August 15, 2014).

Khan Wazir, Muhammad Maqbool. "FATA Under FCR (Frontier Crimes Regulations): An Imperial Black Law." *Central Asia Journal*, Issue no. 61, http://www.asc-centralasia.edu.pk/Issue_61/09-FATA_UNDER_FCR.html (accessed August 15, 2014).

Khattak, Iqbal. "Renaming Said to Give Identity to Pakhtun Nation." *Central Asia Online*, April 24, 2010. http://centralasiaonline.com/en_GB/articles/caii/features/pakistan/2010/04/24/feature-01?mobile=true (accessed July 12, 2014).

Laub, Zachary. "The Taliban in Afghanistan." Council on Foreign Relations (CFR), July 7, 2008. <http://www.cfr.org/afghanistan/taliban-afghanistan/p10551> (Accessed August 6, 2008).

Lieven, Anatol, "Our War Against the Pashtuns." *The New York Review of Books*, (2012), <http://www.nybooks.com/blogs/nyrblog/2012/apr/03/afghanistan-war-against-pashtuns/> (Accessed on April 4, 2015).

Marwat, Fazal-ur-Rahim. "From Muhajir to Mujahid: Politics of War Through Aid." Pakistan Study Centre, University of Peshawar, <http://www.bktrc.org/books/marwat/Chapter-%20I.pdf>

P. Schmid, Dr Alex. "Radicalisation, De-Radicalisation, Counter-Radicalisation: A Conceptual Discussion and Literature Review." *ICCT Research Paper*, March 2013. http://www.icct.nl/download/file/ICCT-Schmid-Radicalisation-De-Radicalisation-Counter-Radicalisation-March-2013_2.pdf (accessed December 3, 2014).

Pai, Sudha and K. Sharma, Pradep, "New Institutionalism and Legislative governance in the Indian States: A comparative Study of West Bangal and Uttar Pradesh." Working Paper Series, Centre for the Study of Law and Governance, 2005, <http://www.jnu.ac.in/cslg/workingPaper/07New%20Institutionalism%20%28Sudha%20Pai%29.pdf> (accessed December 11, 2014).

Raman, B. "Al-Qaeda's Psywar." *Outlook India*, November 26, 2007. <http://www.outlookindia.com/printarticle.aspx?236121> (Accessed August 16, 2014).

Rahim,Tariq, Aurangzeb and Shaheen Shaukat. "Urbanisation in North West Frontier Province." *Sarhad Journal of Agriculture*, 23, no. 1, 2007, http://www.aup.edu.pk/sj_pdf/Urbanization%20in%20north%20west%20frontier%20province.pdf

Riedel, Bruce. "The Al Qaeda-Iran Connection." Brookings Institute, (2011), <http://www.brookings.edu/research/opinions/2011/05/29-al-qaeda-riedel> (accessed April8, 2015).

Semple, Micheal. "The Pakistan Taliban Movement: An Appraisal." (November 2014). http://www.cidob.org/en/publications/stap_rp/policy_research_papers/the_pakistan_taliban_movement_an_appraisal (accessed December 10, 2014).

Soysa, Indra de and Jutting, Johannes. "Informal Institutions and Development: Think Local Act Global." OECD Seminar Paper, <http://www.oecd.org/dac/governance-development/37790393.pdf> (accessed December 10, 2014).

Synovitz, Ron. "Afghanistan: Taliban Evolves Into Network Of Groups." *RFERL*, (April 26, 2008), <http://www.rferl.org/content/article/1109636.html> (accessed August 13, 2014).

Tellis, Ashley J. "Pakistan and the War on Terror: Conflicted Goals, Compromised Performance." Carnegie Endowment for International Peace, (2008), www.carnegieendowment.org/files/tellis_pakistan_final.pdf (accessed August 14, 2014).

Veldhuis , Tinka and Jorgan Staun. "Islamist Radicalisation: A Root Cause Model." Netherland Institute of International Relations Clingendael, October 2009. http://subweb.diis.dk/graphics/IO_indsatsomraader/Religion_og_social_konflikt_og_Mellemsteden/Islamist%20Radicalisation.Veldhuis%20and%20Staun.pdf (accessed December 7, 2014).

Wazir. Asmatullah Khan and Muhammad Zaheer Khan, "Mainstreaming FATA Through Legal and Political Reforms." Report by FATA Research Centre. <http://frc.com.pk/wp-content/uploads/2014/01/Research-Paper-2.pdf> (Accessed on April 6, 2015)

Wolf, Stefan. "Post-Conflict State Building: The Debate on Institutional Choice." <http://www.stefanwolff.com/files/Post-conflict%20State%20Building.pdf> (accessed December 11, 2014).

Newspapers:

Asia Times Online Newspaper

ABC News

BBC Newspaper

Central Asia Online

Dawn Newspaper

Daily Times

Los Angeles Times

Peoples Daily

The Guardian

The Friday Times

The News

The New York Times

The Washington Post

The Nation Newspaper

The Express Tribune

The Telegraph

The Hindu

Weekly Pulse

Weekly Peshawar