

SWAT PEACE ACCORD

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PREFACE

Swat Peace Accord between the Government of the North West Frontier Province (NWFP) and the Chief of the Tehrik-e-Nifaz-i-Shariat-i-Muhammadi (TNSM) Maulana Sufi Muhammad was signed on February 16, 2009. This was followed by the promulgation of “Nizam-e-Adl Regulation 2009” by the Governor of the NWFP with the approval of the President of Pakistan. The peace accord is of great significance to Pakistan and was attracting both local and global attention. It was being hailed both as a victory of dialogue over guns and also denounced as surrender to militants. It is a controversial document.

There is an apprehension, and not unjustifiably, that militants “are seeking the overthrow of the Pakistani state, which ... is a nuclear armed state.”¹ “The militants, for their part, are promising more than just proscriptions on music and schooling. They are also promising Islamic justice, effective government and economic redistribution.”² A senior advocate says, “The state is under attack; instead of dealing with them as aggressors, the government has abdicated”.³

However, it appears that the peace accord was made as a political expediency to give peace a chance. The NWFP government negotiated the deal in “response to the will of the people rather than a cave-in to the militants ... to pacify the militants and undermine their populist demand for speedy Islamic justice.”⁴ It was a tactical move to wean away some of the militants from Militant Taliban Commander Maulana Fazlullah to Sufi Muhammad, who was apparently cooperating for peace.

The people of Swat were getting speedy justice under the Wali of Swat through Qazi courts (Nizam-e-Adl) till 1969 when Swat was integrated into Pakistan. Since then the people have been experiencing delayed and expensive justice. It is a common practice that hearing dates

¹ U.S. Secretary of State Hillary Clinton cited in “Hillary Urges Pakistanis to speak out against against Govt’s Taliban Policy”, News (Lahore), April 23, 2009.

² Mahboob Mahmood, a Pakistani-American lawyer and former classmate of President Obama, cited in Jane Perlez and Pir Zubair Shah, “Taliban Exploit Class Rifts in Pakistan”, *New York Times* online, April 16, 2009.

³ Athar Minallah, a leader of a lawyers’ movement for an independent judiciary, cited by Jane Perlez, “Pakistan Makes a Taliban Truce, Creating a Haven”, *New York Times* online, February 16, 2009.

⁴ Stephen Tankel, “A Risky Deal in Swat”, *Guardian*, February 17, 2009.

in courts are advanced quite often and appeals to High Court in Peshawar and Supreme Court remain pending for long periods. Prime Minister Yousuf Raza Gilani supported the peace accord as a home-grown strategy and assured government support if it led to peace. It is also argued that the Swat Peace Accord and Sharia (Islamic legal code) are consistent with the Constitution of Pakistan. Now that militant Talibans are violating the accord and have spurned even the Darul Qaza they had been demanding, and are challenging the writ of the government in Swat and adjoining areas, the peace deal seems to be collapsing. Although military action, which has had to be resumed, alone cannot resolve the issue, it must be pursued firmly till they disarm as promised in the Swat Peace Accord.

There is no mass support for extremism, orthodoxy, or militancy in Pakistan, but the civil society and the nation should be more vocal and rise against this menace. The lasting solution, however, will lie in the administration of justice, ensuring basic public services to the people, and elimination of deprivation, poverty and ignorance.

The *IPRI Factfile* contains texts of the Accord and the Regulation and comments thereon appearing in the national and international media mostly during April 2009.

April 30, 2009

Noor ul Haq

NATIONAL

TEXT OF SWAT PEACE ACCORD

(February 16, 2009)

1. The Sharia law will be imposed in Swat, including the whole Malakand division;
2. The Army will gradually withdraw security forces from the region;
3. The government and the Taliban will exchange prisoners;
4. The Taliban will recognise the writ of the government and they will cooperate with the local police;
5. The Taliban will halt attacks on barber and music shops;
6. The Taliban will not display weapons in public;
7. The Taliban will turn in heavy weapons like rocket launchers and mortars to the government;
8. The Taliban will not operate any training camps;
9. The Taliban will denounce suicide attacks;
10. A ban would be placed on raising private militias;
11. The Taliban will cooperate with the government to vaccinate children against diseases like polio;
12. The Madrassa of Maulana Fazlullah in Imam Dherai would be turned into an Islamic University;
13. Only licensed FM radio stations would be allowed to operate in the region
14. The Taliban will allow women to work without any fear.

<http://pkpolitics.com/2009/04/14/parliament-endorses-nizaam-e-adl-regulation/>

TEXT OF THE NIZAM-E-ADL REGULATION 2009

(April 13, 2009)

Following is the text of the Nizam-e-Adl Regulation 2009: To provide for Nifaz-e-Nizam-e-Sharia through Courts in the provincially Administered Tribal Areas for the North-West Frontier Province, except the Tribal Areas adjoining Mansehra district and the former State of Amb in the Hazara division.

It is expedient to provide for Nifaz-e-Nizam-e-Sharia through courts in the Provincial Administered Tribal Areas of the North-West Frontier Province except the Tribal areas adjoining Mansehra district and the former State of Amb;

Clause (3) of Article 247 of the Constitution of the Islamic Republic of Pakistan provides that no Act of Majlis-e-Shoora (parliament) or a Provincial Assembly shall apply to a provincially Administered Tribal Areas, or any part thereof, unless the governor of the province in which the Tribal Areas is situated, with the approval of the President, so directs, and in giving such direction with respect to any law, the Governor may direct that the law shall, in its application to a Tribal Area, or to a specified part thereof, have effect subject to such exceptions and modifications as may be specified in the direction;

Clause (4) of Article 247 of the Constitution of the Islamic Republic of Pakistan provides that the governor of a province, with the prior approval of the President may, with respect to any matter within the legislative competence of the Provincial Assembly, make regulations for the peace and good governance of Provincially Administered Tribal Areas or any part thereof;

In exercise of the powers aforesaid, the North-West Frontier Province governor, with the approval of the president, is pleased to make the following Regulation:

1: Short Title, Extent and Commencement:

- (1) This Regulation may be called the Sharia Nizam-e-Adl Regulation, 2009.
- (2) It shall extend to the provincially Administered Tribal Areas of the North-West Frontier Province, except the Tribal Areas adjoining Mansehra district and the former State of Amb, hereinafter referred to as the said area.
- (3) It shall come into force at once.

2: Definitions:

- (4) In this Regulation, unless there is anything repugnant in the subject or context,
 - (a) "Court" means the court of competent jurisdiction established and designated as such under this Regulation, and includes a court of appeal or, as the case may be, a court of revision;
 - (b) "Dar-ul-Dar-ul-Qaza" means the final appellate or revisional court, in the said area, designated as such, under this

Regulation in pursuance of clause (2) of Article 183 of the Constitution of the Islamic republic of Pakistan;

- (c) “Dar-ul-Qaza” means appellate or revisional Court constituted by Governor of North West Frontier Province in the said area, under clause (4) of the Article 198 of the Constitution of the Islamic Republic of Pakistan;
- (d) “Government” means the Government of the NWFP;
- (e) “Paragraph” means a paragraph of this regulation; “recognised institution” means the Shariah Academy established under International Islamic University Ordinance, 1985 (XXX of 1985) or any institution imparting training in Uloom-e-Shariah and recognised as such by government;
- (f) “Prescribed” means prescribed by rules made under this Regulation;
- (g) “Qazi” means a duly appointed judicial officer as specified and designated in column (3) of Schedule II;
- (h) “Recognised institution” means the Shariah Academy established under International Islamic University Ordinance, 1985 (XXX of 1985) or any institution imparting training in Uloom-e-Shariah and recognised as such by government;
- (i) “Schedule” means a Schedule to this Regulation;
- (j) “Sharia’h” means the injunctions of Islam as laid down in the holy Quran and Sunnah, Ijma and Qias.

3: Explanation:

In the application to the personal law of any Muslim sect, the expression “the holy Quran and Sunnah” shall mean the Quran and Sunnah-e-Nabvi (PBUH) as interpreted by that sect.

- (1) All other expressions, not expressly defined in this Regulations, shall have the same meanings as assigned to them in any other law for the time being in force in the said area.
- (2) All other expressions, not expressly defined in this Regulation, shall have the same meanings as assigned to them in any other law for the time being in force in the said area.
- (3) Application of certain laws. (1) The laws specified in column (2) of Schedule-I, as in force in the NWFP immediately before the commencement of this Regulation, and so far as may be, all rules, notifications and orders made or issued there under, shall apply to the said area.

- (4) All the laws applicable to the said area, including the laws mentioned in sub-paragraph (1) shall so apply subject to such exceptions and modifications as specified in this Regulation.

4: Certain Laws to Cease to Operate:

If, immediately before the commencement of this Regulation, there was in force in the said area any law, instrument, custom or usage having the force of law not corresponding to the Injunctions of Quran Majeed and Sunnah or provisions of any of the laws applied to the said area by this Regulation, such law, instruments, custom or usage, as the case may be, shall upon such commencement, cease to have effect in the said area.

5: Courts:

Besides, Dar-ul-Dar-ul-Qaza and Dar-ul- Qaza, there shall be following courts of competent jurisdiction, in the said area:

- (a) Court of Zilla Qazi;
- (b) Court of Izafi Zilla Qazi;
- (c) Court of Aa'la Illaqa Qazi;
- (d) Court of Illaqa Qazi; and
- (e) Court of Executive Magistrate.

6: Qazis and Their Powers and Functions:

- (1) Any person to be appointed as Illaqa Qazi in the said area shall be a person who is a duly appointed judicial officer in the North-west Frontier Province and preference shall be given to those judicial officers who have completed Shariah course from a recognised institution.
- (2) In relation to proceedings and conducting the criminal or cases, all powers, functions and duties conferred, assigned or imposed on Judicial officers in the North-West Frontier Province under any law for the time being in force shall, subject to application of such law in the said area and established principles of Sharia'h, be exercised, performed or discharged by them as designated in column of Schedule-II.
- (3) Subject to the general supervision of the principal seat of Dar-ul-Qaza, a Zilla qazi shall supervise the work of subordinate courts and, through the District Police Officer concerned, the process

serving staff, with in the local limits of his jurisdiction.

7: Executive Magistrate:

- (1) In each district or protected area, there shall be a District Magistrate, Additional District Magistrates, Sub Divisional Magistrates and other Executive Magistrates as the Government may deem necessary to appoint.
- (2) The District Magistrate and all other Executive Magistrates shall discharge their functions, responsibilities and exercise their powers according to the established principles of Shariah and other laws for the time being in force in the said area.
- (3) Keeping peace, maintaining order, enforcing the executive authority of the Government and “Sadd-e-Zara-e-Jinayat” shall be the duty, responsibility and power of the District Magistrate. For this purpose he may take action against an individual under the established principles of Shariah.
- (4) The cases included in Schedule III to this Regulation shall be exclusively triable by Executive Magistrates.

EXPLANATION: The expression “Sadd-e-Zara-e-Jinayat” means and includes all actions and steps taken under the Shariah laws and any other law in force for the time being for the control of crimes.

8: Submission of Challan to Qazi or Executive Magistrate:

It shall be the duty of every officer-in-charge of a police station to ensure that complete challan in each criminal case is submitted to the concerned Court with in fourteen days from the date of lodging the first information report, except in a case in which the concerned Qazi or Executive Magistrate has granted special extension of time for a specified period for reasons to be recorded:

- (1) Provided that if any officer-in-charge of police station or investigation officer fails to submit complete challan within specified period, the Qazi or Executive Magistrate concerned shall refer the matter to competent authority for disciplinary action against the police officer responsible for such delay and necessary disciplinary action shall be taken against him forthwith and shall be duly communicated to the referring Qazi or Executive Magistrate.

- (2) The officer-in-charge of a police station shall submit a copy of the first information report to concerned Qazi or Executive Magistrate within twenty four hours of its lodging, and inform the concerned Qazi and Executive Magistrate, from time to time, about the position and further progress of investigation of the case.

9: Proceedings to be in Accordance with Shariah:

- (1) A Qazi or Executive Magistrate shall seek guidance from Quran Majeed, Sunna-e-Nabvi (PBUH), Ijma and Qiyas for the purposes of procedure and proceedings for conduct and resolution of cases and shall decide the same in accordance with Shariah. While expounding and interpreting the Quran Majeed and Sunna-e-Nabvi (PBUH) the Qazi and Executive Magistrate shall follow the established principles of exposition and interpretation of Quran Majeed and Sunna-e-Nabvi (PBUH) and, for this purpose, shall also consider the expositions and opinions of recognised Fuqaha of Islam.
- (2) No court shall entertain a suit unless the plaintiff or, as the case may be, the complainant verifies that copies of the plaint along with supporting documents have been sent, through registered post with acknowledge due to all defendants, except in case of a suit for perpetual injunction accompanied by an application for temporary injunction.
- (3) The pleadings shall be accompanied by copies of all relevant documents and affidavits of all the unofficial witnesses duly attested by an oath commissioner. The affidavits so submitted shall be treated as examination-in-chief of such witness:

Provided that if, after submission of pleadings, in the opinion of court, any new issue arises, party to proceedings may be allowed to submit afresh copies of relevant documents and affidavits of unofficial witness attested in the manner aforesaid, for arriving at just conclusion of case.

- (4) In all cases of civil nature written statement shall be submitted within seven days and where the defendant fails to do so his defence shall be struck off:

Provided that the court may extend time for filing of written statement in extraordinary circumstances for an additional

period of seven days. The time so allowed shall not be extended further on any ground whatsoever.

- (5) After completion of evidence, the court shall ask the parties to argue, either verbally or in writing, on the adjourned date and, if either of the party fails to do so on the date so, fixed, the court shall pronounce judgment on merits without any further adjournment for arguments:

Provided that it shall be the duty of the court to make list of relevant reported judgments, referred to by any party as precedent, which shall form part of judicial record.

- (6) No adjournment shall be granted to either party in any civil or criminal proceedings, except where the court is satisfied that adjournment is unavoidable. In such case the requesting party shall deposit the costs in court, which shall not be less than two thousand rupees.

10: Observance of Time Schedule:

- (1) A period of not more than six months for disposal of a civil case, and a period of not more than four months for disposal of a criminal case, shall be standard time schedule excluding the time spent for proceedings.
- (2) A Qazi shall finalize a case within the time schedule prescribed under sub-paragraph (1) and, in case of any delay in disposal of any case beyond such schedule, shall report the cause and reasons of such delay to the Zilla Qazi, or, as the case may be, to the presiding officer of the principal seat of Dar-ul-Qaza, and shall act on the directions issued by such court in this behalf.
- (3) An Executive Magistrate shall also finalize a case within the time schedule prescribed under sub-paragraph (1) and, in case of any delay in disposal of any case beyond such schedule, shall report the case and reasons of such delay to the District Magistrate and shall act on the directions issued by him in this behalf.
- (4) If the Zilla Qazi or, as the case may be, the presiding officer of the principal seat of Dar-ul-Qaza in relation to proceedings in the court of Qazi, upon examination of causes of delay, is of the opinion that the delay has been caused due to the delaying tactics of a party, it shall impose a cost to be recovered from the

defaulter party and direct the court concerned to dispose of the case within an extended period of not more than one month.

- (5) If the District Magistrate, in relation to proceedings in the court of Executive Magistrate, upon examination of causes of delay, is of the opinion that the delay has been caused due to the delaying tactics of a party, it shall impose* a cost to be recovered from the defaulter party and direct the court concerned to dispose of the case within an extended period of not more than one month.
- (6) If in the opinion of Zilla Qazi or, as the case may be, of the presiding officer of the principal seat of the Dar-ul-Qaza, the Qazi or Executive Magistrate, dealing with the case or proceedings is responsible for delay in its disposal, the Zilla Qazi or, as the case may be, the presiding officer of the principal seat of Dar-ul-Qaza may
 - (a) in the case of Qazi, deliver upon him a letter of displeasure. If a Qazi is served with three letters of displeasure in a year, then the Zilla Qazi or as the case may be, presiding officer of the principal seat of Dar-ul-Qaza, after providing him an opportunity of being heard, may make an entry in his service record; and
 - (b) in the case of Executive Magistrate, inform the District Magistrate about such delay and recommend for disciplinary action, provided in clause (a) and the District Magistrate shall act on the recommendations accordingly.
- (7) In criminal cases, the Investigating Officer shall prepare copies of the case file in triplicate, in addition to judicial file, so that the trial court may retain the judicial file for regular trial, and the remaining two files, may be sent to the court concerned when requisitioned.
- (8) An appeal or revision under this Regulation shall be filed within thirty days from the date of the decision in the respective case, after sending its copies, through registered post with acknowledge due, to the opposite part, and the appellate or revisional court shall decide the same within thirty days, without remanding it on any ground whatsoever:
Provided that such court shall have the power to rectify any illegality or irregularity of omission.

- (9) Any decree shall be executed either by the court, which passed it, or by the court it is sent for execution, within two months.

11: Establishment of Courts:

- (1) As soon as may be after the commencement of this Regulation, Government shall take necessary steps to establish as many courts as may be necessary to ensure expeditious dispensation of justice within prescribed time schedule.
- (2) Where the number of pending cases at a time exceeds more than one hundred and fifty in a court of Zilla Qazi, District Magistrate, or, as the case may be, Izafi Zilla Qazi, or exceeds more than two hundred cases in a court of Aa'la Ilaqa Qazi, Executive Magistrate, or, as the case may be, Illaqa Qazi, it shall be necessary for the Government to establish a new court and provide it all related facilities to ensure dispensation of justice within prescribed time schedule.

12: Appeal and Revision:

Subject to the Constitution of the Islamic Republic of Pakistan, appeal or revision against the orders, judgment or decrees of the Dar-ul Qaza shall lie to the Dar-ul-Dar-ul-Qaza established for the purposes of this Regulation.

13: Power to Appoint Musleh:

- (1) Any civil or criminal case, subject to mutual consent of the parties, may be referred by a court to Musleh or, as the case may be, musleheen before recording of evidence, either on the agreement of the parties regarding the names of such musleh or musleheen, or in case of their disagreement, to such musleh or musleheen whose names appear on the list maintained by the court for such purpose:
Provided that the cases falling within the purview of Hudood laws and cases by or against the Federal Government or Provincial Government or any statutory body or persons under legal disabilities shall not be referred for sul'h.
- (2) The musleheen shall record their opinion with regard to a dispute referred to them with reasons thereof.

-
- (3) Where a musleh or, as the case may be, musleheen, to whom a dispute has been referred for resolution, either fail or refuse to resolve it, or the Court is of the opinion that unnecessary delay has been caused, without sufficient reason, in resolving it, the Court, may, on the application of a party or suo 'moto, for reasons to be recorded, withdraw the order of such reference and, after such withdrawal, it shall resolve the dispute in accordance with Sharia'h as if it were not referred for sul'h:
- Provided that, in no circumstances a case shall remain with a musleh or, as the case may be, musleheen for a period of more than ^fifteen days, but the court may, in extraordinary circumstances, for reasons to be recorded in writing, extend the time for fifteen days and, on the expiry of the aforesaid period, it shall stand withdrawn to the court for further proceedings.
- (4) The Musleh or, as the case may be, the musleheen, appointed for such resolution of the dispute, after hearing the parties and their witnesses, if any, perusing the relevant document, if any, and inspecting the spot, if need be, shall form opinion about resolution of the dispute, with reasons therefor, and submit a report of their opinion to the concerned court without delay: Provided that in case the opinion is not unanimous, the opinion of the majority members and the opinion of each dissenting member, separately or jointly, with reasons thereof shall be so submitted.
- (5) The Court shall, if it is satisfied that the opinion in a case referred to for sul'h under sub-paragraph (1) is in accordance with Sharia'h, make it the rule of the Court, and shall announce it as such, but, if the court comes to the conclusion that the opinion is not in accordance with Sharia'h, it shall declare the opinion, for reasons to be recorded, as null and void and shall start its proceedings for decision of such dispute in accordance with Sharia'h as if it were not referred for sul'h.
- (6) The court shall, before proceeding further, provide an opportunity to the parties to submit objections, if any, to such report, and, if any, objections are so made, the court shall, after hearing the parties, decide about the correctness or otherwise of the objections.
- (7) The court shall, keeping in view the actual expenses incurred by the musleh or musleheen, on travelling to, and stay at, the place

other than the place of his or, as the case may be, their residence, and the time spent, in dealing with the case, in particular circumstances of each case, fix the remuneration of such musleh or musleheen, to be paid by each party in such proportion as may be determined by the court.

14: Conduct of Judicial Officers and Executive Magistrates:

- (1) The conduct and character of each Judicial Officer and Executive Magistrate shall be in accordance with the Islamic principles.
- (2) Notwithstanding anything contained in any law for the time being in force/ all cases, suits, inquires, matters and proceedings in courts, pertaining to the said area, shall be decided by the courts concerned in accordance with Sharia'h: Provided that cases of non-Muslims in matters of adoption, divorce, dower, inheritance, marriage, usages and wills shall be conducted and decided in accordance with their respective personal laws.
- (3) Government may, from time to time, take such measures for the purposes of sub-paragraph (1), as it may deem necessary.

15: Aid and Assistance to Courts:

- (1) All executive authorities in the said area, including members of law enforcing agencies and members of other service's of Pakistan, shall act in aid and assistance of the courts, and shall implement their judicial decisions and orders.
- (2) The Government may, where necessary, issue such directions to any law enforcing agency as are necessary in relation to service of court processes on the parties, witnesses or any other person, and, for any general or specific purposes, in order to ensure the conduct of such law enforcing agency in aid and assistance of the courts.

16: Language of the Court and its Record:

All the processes and proceedings of the court, including the pleadings, evidence, arguments, orders and judgments shall be recorded and conducted in Urdu, Pushto or in English and the record of the Court shall also be maintained in the said language.

17: Power to Make Rules:

The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Regulation.

18: Regulation to Override Other Laws:

The provisions of this Regulation shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force in the said area.

19: Repeal:

- (1) The Provincially Administered Tribal Areas Shari Nizam-e-Adl Regulation, 1999 (NWFP Reg. I of 1999), and rules made there under are hereby repealed.
- (2) The Code of Criminal Procedure (Amendment) Ordinance, 2001 (XXXVII of 2001), applied to the said area vide Home and Tribal Affairs Department's Notification No. 1/93-SOS^I.I (HD)/2001, dated the 27th April 2002, is hereby repealed.
- (3) Notwithstanding the repeal of the Regulation under subparagraph (1), or cessation of any law, instrument, custom or usage under paragraph 4, the repeal or cessation, as the case may be, shall not
 - (a) revive anything not in force or existing at the time at which the repeal or cessation takes effect;
 - (b) affect the previous operation of the law, instrument, custom or usage or anything duly done or suffered there under;
 - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the law, instrument, custom or usage;
 - (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the law, instrument, custom or usage; of
 - (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the law, instrument, custom or usage

had not been repealed or ceased to have effect, as the case may be.

SCHEDULE I

(See Paragraph 3 (1))

S.N. Nomenclature of laws (1) (2)

1. The West Pakistan Historical Mosques and Shrines Fund Cess Ordinance, 1960 (W.P.Ord.y of 1960).
2. The Family Courts Act, 1964 (W.P.Act XXXV of 1964).
3. The Pakistan Arms Ordinance, 1965 (W.P.Ord.XX of 1965).
4. The Law Reforms Ordinance, 1972 (Ord.XII of 1972).
5. The Code of Civil Procedure (Amendment) Act, 1976, (XV of 1976).
6. The Law Reforms (Amendment) Ordinance, 1976 (Ord. XXI of 1976).
7. The North-West Frontier Province Suppression of Crimes. Ordinance, 1978 (NWFP Ord. III of 1978).
8. The North-West Frontier Province Prevention of Gambling Ordinance, 1978 (N.W.F.P. Ord. V of 1978)
9. The Code of Civil Procedure (Amendment) Ordinance, 1980 (Ord. X of 1980).
10. The Offences against Properties (Enforcement of -Hudood) (Amendment) Ordinance, 1980 (Ord. XIX of 1980).
11. The Offence of Zina (Enforcement of Hudood) (Amendment) Ordinance, 1980 (Ord. XX of 1980).
12. The Offence, of Qazf (Enforcement of Hadd) (Amendment) Ordinance 1980 (XXI of 1980).
13. The Ehtram-e-Ramzan Ordinance, 1981 (Ord. XXIII of 1981).
14. The Offences against Property (Enforcement of Hudood) (Amendment) Ordinance, 1982 (Ord. II of 1982).
15. The Zakat and Ushr (Amendment) Ordinance, 1983 (Ord.VII of 1983).
16. The Zakat and Ushr (Second Amendment) Ordinance 1983 (Ord. X of 1983).
17. The Zakat and Ushr (Third Amendment) Ordinance, 1983 (Ord. XXVI of 1983).
18. The Anti-Islamic Activities of Qadianis Group, Lahore Group and Ahmadis (Prohibition and Punishment) Ordinance, 1984 (Ord. XX of 1984).

19. The Zakat and Ushr (Amendment) Ordinance, 1984 (Ord. XLVI of 1984).
20. The North-West Frontier Province (Enforcement of Certain Provisions of Laws) Act, 1989 (NWFP Act II of 1980).
21. The Code of Civil Procedure (Amendment) Act, 1989 (IV of 1990).
22. The Zakat and Ushr (Amendment) Act, 1991 (XXIII of 1991).
23. The Enforcement of Sharia'h Act, 1991 (X of 1991).
24. The Pakistan Bait-ul-Mal Act, 1992 (I of 1992).
25. The Code of Civil Procedure (Amendment) Act, 1992 (VI of 1992).
26. The NWFP Shari Act, 2003 (NWFP Act No II of 2003).
27. The NWFP Waqf Ordinance, 1979 (Ord. I of 1979).
28. The NWFP Consumer Protection Act, 1997 (Act VI of 1997).
29. The Pakistan Environmental Protection Act, 1997 (Act XXXIV of 1997).
30. The Civil Law (Reforms) Act, 1994 (Act XIV of 1994).
31. The Fatal Accident Act, 1855 (Act XIII of 1855).
32. The Partition Act, 1893 (Act IV of 1893).
33. The Antiquities Act, 1975 (Act VII of 1976).
34. The Essential Article (Control). (Act, 1958).
35. The North-West Frontier Province Orphanages (Supervision and Control) Act, 1976 (Act XIV of 1976).
36. The West Pakistan Suppression of Prostitution Ordinance, 1961 (Ord. II of 1961).
37. The Price Control and Prevention of Profiteering and Hoarding Act, 1977 (XXIX of 1977).
38. The West Pakistan Regulation and Control of Loud Speaker and Sound Amplifiers Ordinance, 1965 (Ord. II of 1965).
39. The Prevention of Gambling Act, 1977 (Act XXVIII of 1977).
40. The Indecent Advertisement Prohibition Act, 1963 (Act XII of 1963).
41. The Travel Agencies Act, 1976 (Act XXX of 1976).
42. The Employment of Children Act, 1991 (Act V of 1991).
43. The North-West Frontier Province Registration and Functions of Private Educational Institutions (Amendment) Ordinance, 2002 (Ord XLVI of 2002).
44. The NWFP the Punjab Minor Canals (Amendment) Ordinance, 2002 (Ord. LVIII of 2002).

45. The NWFP Local Government (Amendment) Act, 2005 (Act X of 2005).
46. The NWFP Housing Authority Act, 2005 (Act XI of 2005).
47. The NWFP Consumers Protection (Amendment) Act, 2005 (Act II of 2005).
48. The NWFP Local Government (Second Amendment) Act, 2006 (Act II of 2006).
49. The NWFP Societies Registration (Amendment) Act, 2006 (Act III of 2006).
50. The NWFP Prohibition of Kite Flying Activities Act, 2006 (Act IV of 2006).
51. The NWFP Interest of Personal Loans Prevention Act, 2007.
52. The NWFP Agriculture and Livestock Produce Markets Act, 2007.
53. The North-West Frontier Province Forest Ordinance, 2002 (Ord. XIX of 2002).
54. The Anti-Terrorism (Second Amendment) Ordinance, 1999 (Ord. XIII of 1999).
55. The Anti-Terrorism (Third Amendment) Ordinance, 1999 (Ord. XX of 1999).
56. The Juvenile Justice System Ordinance, 2000 (Ord. XXII of 2000).
57. The Anti-Terrorism (Amendment) Ordinance, 2000 (Ord. XXIX of 2000).
58. The National Highway Safety Ordinance, 2000 (Ord. XL of 2000).
59. The Zakat and Ushr (Amendment) Ordinance, 2000 (Ord. XXI of 2001).
60. The Patents Ordinance, 2000 (Ord. LXI of 2001).
61. The Control of Narcotic Substances (Amendment) Ordinance, 2000 (Ord. LXVI of 2000).
62. The Zakat and Ushr (Amendment) Ordinance, 2001 (Ord. XXI of 2001).
63. The Arms Laws (Amendment) Ordinance, .2001 (Ord. LXVI of 2001).
64. The Code of Civil Procedure (Amendment) Ordinance, 2002 (Ord. XXXIV of 2002).
65. The General Clauses (Amendment) Ordinance, 2002 (Ord. XXXIII of 2002).

66. The Representation of People (Amendment) Ordinance, 2002 (Ord. XXVIII of 2002).
67. The Representation of People (Amendment)' Ordinance, 2002 (Ord. XXXVI of 2002).
68. The Representation of People (Third Amendment) Ordinance, 2002 (Ord. XLV of 2002).
69. The Zakat and Ushr (Amendment) Ordinance, 2002 (Ord. XXV of 2002).
70. The Zakat and Ushr (Amendment) Ordinance, 2002 (Ord. XXXVIII of 2002).
71. The National Commission for Human Development Ordinance, 2002 (Ord. No. XXIX of 2002).
72. The Pakistan. Electronic Media Regulatory Authority Ordinance, 2002 (Ord. No. XIII of 2002).
73. The Prevention and Control of Human Trafficking Ordinance, 2002 (LIX of 2002).
74. The Probation of Offenders*. (Amendment) Ordinance, 2002 (LXVI of 2002).
75. The Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002 (Ord. LXXIV of 2002).
76. The Freedom of Information Ordinance, 2002 (Ord. XCVI of 2002).
77. The Press Council of Pakistan Ordinance, 2002 (Ord. XCVII of 2002).
78. The Press, Newspaper, News Agencies and Book Registration Ordinance, 2002 (Ord. XCVIII of 2002).
79. The Monopolies and Restrictive Trade Practices (Control and Prevention) Ordinance, 2002 (Ord. CI of 2002).
80. The Drugs (Amendment) Ordinance, 2002 (Ord. XXVIII of 2002).
81. The Local Government, Election Laws (Amendment) Ordinance, 2002.
82. The Political Parties Order, 2002 (C.E.O. 18 of 2002).
83. The Political Parties (Amendment) Order, 2002 (C.E.O. 20 of 2002).
84. The Police. (Amendment) Order, 2002 (C.E.O. 36 of 2002).
85. The Contempt of Court Ordinance, 2003 (Ord. V of 2003.).
86. The Political Parties (Amendment) Act, 2004 (Act III of 2004).

87. The Code of Civil Procedure (Amendment) Act, 2004 (Act VIII of 2004).
88. The Defamation (Amendment) Act, 2004 (Act IX of 2004).
89. The Anti-terrorism (Amendment) Act, 2004 (Act X of 2004).
90. The Illegal Dispossession Act, 2005 (Act XI of 2005).
91. The Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) (Amendment) Act, 2006.
92. The Pakistan Electronic Media Regulatory Authority (Amendment) Act, 2007 (II of 2007).
93. The Prevention of Electronic Crimes Ordinance, 2008.
94. The Control of Narcotics Substances Act, 1997 (XXV of 1997) .

SCHEDULE II

(See paragraphs 2 (1) (g), 6(2)]

S.NO. Designation of judges and Judicial Officers in the NWFP except PATA

Designation of judges and Judicial Officers in the PATA

1 2 3

1. District and Sessions Judge – Zilla Qazi
 2. Additional District and. Sessions Judge – Izafi Zilla Qazi
 3. Senior Civil Judge/Judicial – Aa’la Illaqa Qazi
- 30 of Criminal Procedure Code, 1898 (Act V of 1898) Aa’la Illaqa Qazi
4. Civil Judge/Judicial Magistrate Illaqa Qazi

SCHEDULE III

(See paragraph 7(4)]

S. No. Description of Offences

1. All offences under Pakistan Penal Code punishable with imprisonment up to three years with or without fine.
2. All” offences punishable under Local and Special Laws punishable up to three years with or without fine.
3. Cases for prevention of breach of peace and public nuisances under the Pakistan Penal Code and the Code of Criminal Procedure, 1898.
4. Cases pertaining to deviations of licences and permits under relevant laws applicable to the said area.

http://www.dailytimes.com.pk/default.asp?page=2009\04\15\story_15-4-2009_pg7_51

SECRET DETAILS OF SWAT PEACE ACCORD

The Taliban have demanded that the secret details of the Swat peace accord be released to the public and have assured Maulana Sufi Mohammed that they will lay down their arms as soon as President Zardari signs the agreement.

As these Taliban demands became known, the 14 so far secret points of the Swat peace accord were also made available by the sources concerned, who said if the agreement failed only the Taliban would emerge as the beneficiaries since they had already secured the release of 53 detained fighters and they would also not be bound to accept the writ of the state. President Asif Zardari now holds the key to the success of the accord and key to peace in Swat, sources say. The Taliban of Swat, they say, have again assured Maulana Sufi Muhammad that the day President Zardari signs the Nifaz-e-Adl Regulation, they will start handing over their heavy weapons to the government.

But, interestingly, the Taliban have demanded that Maulana Sufi Muhammad must reveal the whole peace agreement to the public, which was finalised between them and the provincial government. Top Army officials were also part of the peace talks, the sources claim, saying they also approved the agreement. President Zardari recently said he will sign the deal only when there will be complete peace in Swat. This statement has irritated not only the Taliban but also Maulana Sufi Muhammad, who left Mingora on Thursday in protest. After his departure from Mingora, many people started leaving the Swat valley because the Taliban were returning to their positions.

The ANP leadership has also made it clear to President Zardari that they are committed to the agreement with Maulana Sufi Muhammad and they will leave the provincial government if he (Zardari) does not sign it within a few days. The ANP has told President Zardari that the peace agreement will ultimately help the government, not the Taliban, because the government would be able to establish its writ in the whole of the Malakand division.

The Army high command, sources say, has also recommended quick ratification but President Zardari is under intense pressure from the US officials not to do it

Sources have told The News that President Zardari wants the Taliban to surrender even the small weapons but it was decided between Maulana Sufi Muhammad and the Taliban that they would not surrender

small weapons. They argue that most of the Taliban belong to poor families and when they will return to their areas the rich and strong landlords will try to take revenge because the Taliban had forced them to leave the area.

The Taliban have, however, agreed that they would keep only licensed weapons in future. It was also learnt that some Taliban from Swat had started selling their vehicles because they wanted to start some business but their commanders had stopped them because they were not sure about the future of the peace agreement.

Hamid Mir, *News*, April 11, 2009

http://thenews.jang.com.pk/top_story_detail.asp?Id=21455

PRESIDENT SIGNS NIZAM-E-ADL AFTER NA NOD

President Asif Ali Zardari signed the Nizam-e-Adl Regulation for Swat on Monday, after the National Assembly passed a resolution in favour of the draft regulation. “Yes, the president has signed the Nizam-e-Adl Regulation before leaving for Dubai on a two-day visit,” presidential spokesman Farhatullah Babar told Daily Times.

Earlier on Monday, the National Assembly unanimously passed a resolution recommending the president sign the regulation to be imposed in the Malakand division in accordance with a peace agreement between the NWFP government and Sufi Muhammad, the chief of Tehrik-e-Nifaz-e-Shariat-e-Muhammadi and father-in-law of Taliban chief Mullah Fazlullah. The Muttahida Qaumi Movement (MQM) had expressed its reservations over the resolution but abstained from voting to allow it to be passed unanimously. MQM legislators left the House before voting began.

Prime Minister Yousuf Raza Gilani told the National Assembly that the issue had been brought before the House to build a broad national consensus and establish the supremacy of parliament. He said the NWFP government had signed the deal after consulting the federal government. “I have also talked to Asfandiyar Wali Khan and Fazlur Rehman and both recommended immediate passing of the resolution,” he said. Gilani said Pakistanis were united in supporting the new law. Leader of Opposition Chaudhry Nisar Ali Khan declined to comment on the “merits and demerits” of the deal saying it was a sensitive issue. But he accused the government of not owning the peace agreement and

“dragging the parliament into the matter” to avoid international pressure. MQM Parliamentary Leader Farooq Sattar said his party did not believe in agreements made on gunpoint, and that the MQM was not a party to the pact.

Daily Times, April 14, 2009

http://www.dailytimes.com.pk/default.asp?page=2009\04\14\story_14-4-2009_pg1_1

NIZAM-E-ADL WILL BE REVIEWED IF PEACE NOT RESTORED: ZARDARI

The government may review the Nizam-e-Adl Regulation 2009 if peace is not restored in Swat, President Asif Ali Zardari said on Wednesday. Addressing the Pakistani community in Tokyo, he said the Nizam-e-Adl, and not sharia, had been imposed in Malakand division, a private TV channel reported. The president was in Japan to attend the Friends of Democratic Pakistan (FODP) ministerial meeting and a donors' conference.

Zardari demanded that the international community extend emergency aid to Pakistan to steer it out of the present economic crisis, saying failure to do so would strengthen terrorists. He said the Pakistan People's Party (PPP) government was engaging the global community to help them realise the gravity of the problems facing Pakistan. He said the country would be saved from various challenges, including economic and security concerns, through a policy of reconciliation and dialogue, APP reported. The president said the FODP initiative, launched by him in New York last year, was part of the engagement process. “As today's world has turned into a globe, no country can avoid the impact of any happening in any part,” he added. He said there was a growing sense of realisation in the world of the problems faced by the Muslim world, adding that Muslim countries were trying their best to present the true image of Islam before the world to counter the image being portrayed by extremist elements. He said Islam is a religion of peace, tolerance, brotherhood and harmony, and the people who are portraying it through aggression will face defeat.

He said the government of Pakistan was telling the world the majority of its people, including those in the Tribal Areas, were moderate and peace loving. “If the people in Wana vote for PPP candidates, it gives a message that if they cannot fight (with the militants) they can express

their opinion by giving vote to moderate elements,” he said. Zardari said the PPP government wanted to strengthen Pakistan’s institutions, alleviate poverty, and tackle all other challenges facing the country, adding the FODP ministerial meeting was expected to provide effective support from the international community for a democratic Pakistan. He also referred to the appointment of special envoys for Pakistan by major countries, saying it was a positive development and would help Pakistan get much needed support for development and progress. “Our spirits are high. We have never accepted defeat and will, God willing, take the country out of various challenges,” he added. ...

Daily Times, April 16, 2009

http://www.dailytimes.com.pk/default.asp?page=2009\04\16\story_16-4-2009_pg1_1

THE TALIBAN: CONTAINED OR UNLEASHED?

The parliament approved unanimously, in the absence of the MQM, the Nizam-e Adl Regulation, which has now been signed by the president. We were told that this would lead to the surrender of heavy arms by the Taliban, and Sufi Mohammad would guarantee a ban on the display of even small arms by the Taliban. Now we are told that the Taliban will not surrender their arms until they have determined that the Nizam-e Adl has been implemented.

This, it appears, is a determination that only the Taliban are competent to make. One well informed TV commentator was told by a Taliban spokesman that the Taliban will not use their arms in Swat but will retain them for waging jihad, which was an obligation for every Muslim. In short, he provided confirmation of the apprehension that Swat will become a safe haven for those waging jihad in the tribal areas and further afield. We were told that there would be qazi courts, and it was assumed that they would be appointed by the state as required by sharia law. But it now seems that this will be the responsibility of Sufi Mohammad, who presumably will be doing so in consultation with the Taliban. Sufi Mohammad’s spokesman made it clear that these qazis would all have to sport beards to be considered eligible. When told that this was not mentioned anywhere in the Holy Quran or in sharia law, he said that this was not a valid interpretation and that all the Sahaba had beards, and that accepting a clean-shaven qazi was out of the question. He conceded, however, that this restriction did not apply to other people

who lived in the area in which the Nizam-e Adl was to be enforced. How long before this concession will be withdrawn is open to question. The apprehension is that the Afghan Taliban's practice of detaining every individual whose beard was not of the specified size will soon be introduced. Meanwhile, the crimes committed by the militants, many of them criminals, will be forgotten. How this will be in accord with sharia law only Sufi Mohammad can tell us. It is correct that a section in Swat has long agitated for the system of quick justice that the Wali of Swat dispensed when Swat was a princely state. But was the enforcement of Nizam-e Adl part of the platform of the parties that contested the 2008 elections in Malakand Division, and did they win the elections?

If this is the demand of the people, as we are told, why was this not a part of the election campaign and why was the determinedly secular ANP allowed to win the majority of seats? Clearly, it is not the representatives of the people but gun-toting militants preaching a distorted interpretation of Islam who have intimidated the government into accepting the claim that they represent the will of the Swati people. Power, Swat proves clearly, flows through the barrel of a gun. The news from other parts of the country is not very reassuring either. The Supreme Court has apparently granted bail to Maulvi Abdul Aziz of Lal Masjid, and according to his lawyer, all charges against him have been dismissed. Meanwhile, Aziz's sister-in-law Umme Hassaan has been creating a stir in southern Punjab, making fiery speeches and, according to one attendee of her rallies, claimed that she would bring about an Islamic revolution in three months.

The New York Times story on the militant threat to Punjab, and the situation in Multan and Dera Ghazi Khan, attracted a great deal of attention, but it did not contain any information that our authorities and analysts were unaware of. The Punjab chief minister may have words of high praise for the Punjab police force, but it is fairly clear that in combating the rise of militancy and in curbing the intimidation by the militants, the record of the police and the intelligence agencies has been less than stellar. In last week's column, I had mentioned the incidents in Sindh where a religious party has become influential enough to be able to enroll police and judicial support for banning traditional musical evenings. Now the chief minister of Sindh has said that while there may be Taliban in Karachi, there is no Talibanisation of Sindh.

On the other hand, an MQM representative recently claimed that there are 2.5 million Afghans in Karachi. This is clearly an exaggerated

figure, but there should be no doubt that the number is far higher than what the so-called census of Afghan refugees in Pakistan had come up with. (5 percent of the total refugee population according to this census was said to be in the entire Sindh province.) In Balochistan, the murder of the three Baloch leaders has heightened tensions and there is little evidence to suggest that the anger has been assuaged by the announcement of head money for the identification of the perpetrators. The Baloch are still upset about the difference in the ethnic-sectarian balance that the presence of the Afghan refugees has brought about, but this is overlaid in large part by their sense of deprivation and the perception that Balochistan exists only to be exploited. So far, it is only nationalist forces that have capitalised on this sense of grievance, but one can be sure that the extremists are also working on this. At an increasingly alarming rate, the writ of the state and the ability of its organs to uphold the fundamental rights of citizens are being eroded. And yet we remain in a state of denial. We are fully capable, we say, of handling the terrorist threat; we are going to fix our economy; all we want is trade opportunities, not aid; and we do not accept or give blank cheques. The truth is that we are in a parlous state. Our economic situation is such that the growth rate now being anticipated by the State Bank is between 2.5 and 3.5 percent. Industry is reeling from power cuts and the general sense of insecurity. While this comparison is odious, it has been calculated that India, with a much smaller rate of population growth, needed an 8 percent growth rate to make a dent in its poverty level and to create much needed employment opportunities that are the best antidote to the disaffection that breeds extremism. At our current rate of growth and with the situation prevailing in the industrial sector, there is little chance that the economy will create the jobs that would wean our disaffected youth away from the clarion call of the extremists, who mysteriously continue to have access to almost unlimited funds. Reading between the lines of Shaukat Tareen's statement, one gets the impression that keeping the economy afloat and maintaining even this rate of growth will need an injection of aid in the range of \$ 4-6 billion from the Friends of Pakistan meeting. Even this huge amount will need to be supplemented by a yet another debt rescheduling exercise with the Paris Club.

We can cry ourselves hoarse about the \$34 billion that the war against terror has cost us while ignoring the fact that during the last eight years we adopted none of the austerity measures that such massive losses

should have made necessary. We need assistance desperately if there is even to be a half-hearted effort at stemming the inexorable advance of Talibanisation. How is this to be achieved without some attention being paid to the demands of the donor community, particularly when it is only rabid anti-Americanism or some other 'deeper plot' that prevents us from recognising that these demands are compatible with our own requirements? Are we doomed to march lemming-like to the cliff and into the sea?

Najmuddin A Shaikh, *Daily Times*, April 17, 2009
http://www.dailytimes.com.pk/default.asp?page=2009\04\17\story_17-4-2009_pg3_2

MISPLACED FEAR

As soon as words like Islamic laws, Shariah, nizam-e-adl, and qazi courts are mentioned, there is panic. Hearts and minds are seized with fear. Images of bearded men and veiled women spring to mind, bringing with them an aura of the pre-modern times. All of this is then lumped together as a threatening anachronistic return to medieval times, which are deemed to be dark ages. It is considered going backward, against the modern era of progress, equal rights for men and women, and democracy. The great tragedy inherent in this verdict is obvious: not many people are interested in exploring the underlying fundamental assumptions of these dramatic pronouncements.

The overriding force governing all the uproar about Islamic threat is a blind submission to the dicta of modernity. Modernity, defined as the coming into existence of the post-Renaissance world, is a worldview that defines all aspects of life from the perspective of human reason alone, as opposed to Divine revelation. As a concept, modernity spans all realms of human thought—from sociology to politics and from economics to fashion. Ultimately, it is associated with a certain set of attitudes which define relationships between humanity and the rest of the cosmos. Reduced to a bare minimum, modernity is founded on the belief in progress. That is to say, an evolutionary trajectory leading to better and better conditions for human existence.

The religious view of the human condition is based on a teleology that leads to an ultimate end, the day when everything will fold back towards the Creator. A day when the entire order of the cosmos will shatter and deeds will be weighed, leading to an everlasting Hereafter.

This worldview stands in stark contrast to the evolutionary progress. That humanity as a whole degenerates as it moves forward in time is an idea that shatters the entire edifice of modernity. It anchors the human race in an immutable relationship with the Divine and establishes a nexus between the purpose of human existence and laws which must be observed to fulfil that purpose.

Those who construe Islamic Shariah as going backward are right insofar as the linear time is concerned, but not many detractors of this "return" are willing to open up their hearts and minds to actually ask: what is wrong with going back? Furthermore, they even fail to ask the most basic question: what really is Shariah? And this is, sadly, the root of their fears. It is also a sign of their intellectual poverty that most of them confuse Shariah with deeds of this or that group (Taliban, al-Qaeda, etc.). Ironically, one of the best, easy-to-understand articulations of what Shariah is has come from the pen of a Jew, a Harvard law professor, Noah Feldman, whose article in *The New York Times* (March 30, 2008), generated considerable discussion in political circles. Although Feldman, played a rather dirty trick to the actual incorporation of the idea of Shariah in the constitutions of occupied Iraq and Afghanistan, when he was hired as a consultant by the occupying country, he, nevertheless, explained the organic modus operandi of Shariah in his article. He acknowledged that Shariah has had a bad press. He also acknowledged that "in the Muslim world the concept of Shariah has undergone an extraordinary revival in recent years: "A century ago, forward-looking Muslims thought of Shariah as outdated, in need of reform or maybe abandonment. Today, 66 percent of Egyptians, 60 percent of Pakistanis and 54 percent of Jordanians say that Shariah should be the only source of legislation in their countries." And he pre-empted his explanation by asking a rhetorical question that turned the scales on those who fail to engage with the question: "How is it that what so many Westerners see as the most unappealing and pre-modern aspect of Islam is, to many Muslims, the vibrant, attractive core of a global movement of Islamic revival?"

Since his article was published in the influential *New York Times*, it generated interest and carried a certain degree of authority. "Shariah, properly understood, is not just a set of legal rules," wrote Feldman, "to believing Muslims, it is something deeper and higher, infused with moral and metaphysical purpose. At its core, Shariah represents the idea that all human beings -- and all human governments -- are subject to justice under

the law...Shariah is best understood as a kind of higher law, albeit one that includes some specific, worldly commands." For Muslims, there is simply no option but to take their beliefs seriously. Of course, there were, are, and always will be, differences of opinions on this or that detail of the implementation of Shariah. But if Muslims are to survive in a world forced to accept the dictates of secular modernity, then a better understanding of their own religion is the first step toward reconstruction of their societies.

Muzaffar Iqbal, *News*, April 17, 2009
http://www.thenews.com.pk/arc_news.asp?id=9

NIZAM-I-ADL SET TO DERAIL THE JUDICIAL SYSTEM

One may recall that in the February 2008 elections, no religious party in Malakand region came close to the number of votes received by the winners which belonged the PPP, ANP and PML-Q. There could be no clearer rejection of religious forces by the local population. Proponents of Nizam-i-Adl argue there is no cause for alarm since the agreement, they say, is aimed specifically at introducing a system of speedy justice, implementation of which will return peace to the region. Indeed, on the surface, the clauses of the Nizam-i-Adl Regulation do not appear to be overtly malicious.

But these tepid clauses have no nexus with the ground reality, which is that litigants are not permitted to be represented by lawyers and that Qazis for these courts will be appointed by the Taliban rather than the State. More worrisome, it appears that the administration in Malakand Division has been handed over de facto to the Taliban, including policing and enforcement of a social code that restricts the population's freedom of speech, expression and movement; forbids leisure and economic activity deemed unsuitable by the militants; and singles out women for special restrictions, including their pursuit of basic education.

An article published in a local daily on April 13 names high military, civil and police officials who participated in public prayers led by Taliban leader Maulana Fazlullah, against whom the state has registered no less than 67 cases involving murder, terrorism and war against the state. If true, this would lend credence to Maulana Sufi Mohammad's assertion that the armed militants enjoy "immunity" from prosecution for their atrocities and confirm fears that events in Swat have

culminated in transfer of power to the militants rather than the limited-scope judicial.

Because of our well-known political reluctance to tackle issues that have antecedents, however doubtful, in the Sharia (recall that the 2006 “Hasba” Bill was suspended on technical rather than substantive defects,) one can anticipate that the Nizam-i-Adl Regulation is unlikely to be challenged for being in conflict with fundamental rights. But does the Regulation clash with the “basic structure” of the state? Our constitution provides a clear and unambiguous construct of the judicial structure and system for administration of justice and, unless it contains hidden clauses, one finds no provision for any of the federating provinces to adopt their own legal code, much less authorising such empowerment at the Divisional level.

Questions concerning the constitutionality of this Regulation, however, pale in comparison with the circumstances that have led to its promulgation. Taliban neither surrendered their arms nor agreed to hand over those militants known to have committed murders and administered “executions” in their grab for total power. Proponents of the Regulation argue that obviating legal niceties or niggling over who surrendered to whom are a small price to pay for bringing peace to the region. Using the curious logic that defines much of our political conduct, in which the existence of unpleasant facts is either ignored or denied, these proponents overlook that peace in the first place was disturbed by these extremists and the prudent way for its restoration was unconditional surrender by the militants or their military defeat and disarmament. Negotiation on political issues could follow only after such actions.

This of course has not happened, the militants are in control and, if press reports are to be believed, both their overt and underground armed presence is in expansion mode throughout the country. What does the future hold? Unfortunately, more of the same. The PPP government has already announced that other agreements will follow in the tribal areas in case the Swat Agreement is a success, without defining for us what are the state’s benchmarks for success. Indeed, what are or were the regime’s objectives in Swat during the past one year remains a mystery. In the space of two days, shortly before an important meeting of the “Friends of Pakistan,” we have witnessed the president’s volte face regarding the signing of the Nizam-i-Adl Regulation, followed by Sufi Mohammad’s sudden paeans of praise for the army and the arrest of a “close aide” of Baitullah Mehsud.

The timing suggests that events are being orchestrated as part of a deeper strategy by which the Pakistan's establishment can counter American pressures and gain access to financial assistance that is free of the political and diplomatic conditions designed to increase US leverage over our policy options.

Many times in the past such brinkmanship has taken the country to the edge of the precipice, with no positive outcome and it would be a mistake for the government to assume that it is capable of riding and controlling at will the militancy tiger. There should be no illusions about the fact that the Taliban, whose power objectives extend to control and domination of the Pakistani state and its strategic arsenal, will concede anything in the unlikely event that Pakistan should come out ahead in the negotiations with its international interlocutors. Cambridge historian Eric Hobsbawm has described militant extremists in Islamic countries as "primitive and pre-industrial" and certainly the Taliban lend credence to the assessment, having no economic or social programme beyond destruction of the existing system. Aside from the trauma of those at the receiving end of militant "liberation" in what are considered remote areas of the country, the collateral damage to the urban economy and judicial system may become irreversible.

On television the same day that parliament endorsed the Nizam-i-Adl Regulation, prominent preacher Dr Israr (whose legion of disciples, unlike the Taliban, are well-to-do, educated and urban) defended the flogging in Swat of a young woman as being in conformity with the Sharia and justified her public humiliation by stating that if "rajm" (stoning to death) is mandated for public viewing and participation, this can also apply to lesser deterrent punishments. Dr Israr, it may be recalled, rose to prominence in the Ziaul Haq era, when, using Hobsbawm's analysis, Pakistan's industrialists, urban middle class entrepreneurs and shopkeepers saw in the "Islamist" revival a weapon by which to counteract trade unionism and employer-unfriendly laws; and lavishly financed the creation of extremist groups that, once armed, provided them with both business and political protection. Two and a half decades later, unless checked, the PPP's ill-conceived move for re-instatement of thousands of workers retrenched in the 1990s and its business-antagonistic policies, including Senator Raza Rabbani's untimely call for an end to trade unionism in Banks, will see a new generation of urban entrepreneurs again look to the militants for protection of their economic interests. Elsewhere, throughout the

country, a combination of tribalism and pseudo-religiosity is making a frontal assault on the judicial system. In the past week alone, in Khandkot, Sindh, a “Jirga” has “settled” a dispute, involving no less than thirty deaths between two tribes. The Lahore High court set free on bail persons involved in the village jirga-sanctioned outrage against Mukhtaran Mai. Maulana Aziz of the Lal Masjid has been freed on bail. To correct the alarming law and order situation in Sindh, the president says he will “appeal to the tribal chiefs” to take corrective action instead of directing the police and other law-enforcement agencies to do this. The principal association of Karachi’s Pashtoon population refers to itself as a “Loya Jirga” to claim ethnic-based legitimacy for its demands. These developments are not a surprise. For some years now the government itself has regularly resorted to jirgas in the tribal areas in a futile attempt to avoid force-confrontation with militants and has even, with US encouragement, thoughtlessly arranged “Grand Jirgas” of Fata and Afghanistan tribal elders, actions that make the justice system and electoral process appear irrelevant in the eyes of citizens.

When, during the 1975-77 Emergency declared by Indira Gandhi, India’s Supreme Court finally succumbed to pressure and validated the suspension of fundamental rights, the New York Times stated that “the submission of an independent judiciary to an absolutist government is virtually the last step in the destruction of a democratic system.” Being on the verge of building a democratic system, it is a disappointment that the very parties voted into power through an electoral process have supported disenfranchisement of more than two million citizens, abandoning them to rule by an armed group that rejects democracy and elections. The “basic structure” of the state has been made open to change by whichever armed group can establish its writ. Ironically, only the MQM, itself accused of being a militant and ethnic organisation, has opposed the Swat deal.

Shahid Scheik, *Dawn*, April 18, 2009

<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/in-paper-magazine/encounter/nizamiadl-set-to-derail-the-judicial-system>

LIVING WITH DELUSIONS

It was not surprising that the followers of Sufi Muhammad celebrated parliamentary approval of a sharia-based judicial system for Swat. This was the realisation of their struggle, launched in the early nineties. Their

success did not owe to the genuineness of their demands; rather, having failed to restrain militant groups in the Swat area, Pakistan's federal and provincial governments accepted their demands hoping that it would reduce violence and give some space to wrest the political and administrative initiative from various militant groups. Official circles thought that if they succeed in co-opting Sufi Muhammad's TNSM, militancy will be weakened.

Sufi Muhammad was not directly involved in the current violence, but this cannot be said of all of his followers, who have overlapping affiliations with militant groups. Further, the Sufi was in detention until last year, which made it difficult for him to lead the Islamist militant movement in Swat. By the time he was released under an agreement to stay away from violence, other groups, especially those working under the warlord Fazlullah, had entrenched themselves. Sufi Muhammad did not condemn any violence by the Swat-based militants and showed no concern about anti-women actions, including the destruction of girls' schools.

These groups share ideological affinity and goals that keep them on good terms. They diverge only in tactics. Sufi Muhammad's position has also been weakened among the militants because of his miserable failure in the venture to lead his followers to Afghanistan to fight the Americans after the invasion of Afghanistan in 2001. In fact, it was this latest agreement with the provincial government that brought him back into the limelight. The NWFP government, led by the secular ANP, is downplaying the religious character of the Nizam-e Adl Regulation and projecting it as a mere change of nomenclature of the judicial system in Swat. It argues that judges under the new system would be appointed by the government as was the case in the past, and the role of the Peshawar High Court and the Supreme Court is built into the system. Further, it claims that this system has been brought about to ensure speedy justice by fixing deadlines for the disposal of cases.

The ANP interpretation is different from that of Sufi Muhammad, his spokesman and senior followers. They see the introduction of the new judicial system as a triumph that brings the judicial system in Swat under their supervisory control. Refusing to recognise the jurisdiction of the Peshawar High Court or the Supreme Court of Pakistan over Swat, Sufi Muhammad and his spokesman have made it clear that judges would be appointed with their consent and the Sufi would monitor if the judges were fulfilling the obligations of sharia law. Efforts to introduce such a

system failed in the 1990s because the Sufi objected to the appointment of judges. At that time, the provincial and federal governments did not accept his demand. Now, both lack the confidence to check Sufi Muhammad's interference in the management of the Nizam-e Adl. Four sets of issues raise doubts about the capacity of the new system to contain militancy. The first pertains to the implementation and management of the new judicial system in a manner that it does not become an instrument for the militants to exercise more effective control of the area. What happens if the militants ask for Islamic administrators and Islamic law enforcement agencies for implementation of the qazi courts' judgements? Second, what is going to be the operational relation of these courts with the Peshawar High Court and the Supreme Court? Can a qazi court's judgement be challenged in the High Court or the Supreme Court? Will the sharia-based courts sentence people to death or life imprisonment? Third, the agreement has been signed with Sufi Muhammad and not with the Taliban leaders, who use violence to pursue their religious-ideological agenda. Sufi Muhammad has appealed to them to give up their weapons. However, they refuse to do so; they perceive themselves to be on the ascendancy and see no reason to voluntarily accept government authority. Fourth, the new judicial system is being introduced to appease militants with the hope that this may enable the government to win the support of some militants. This appears to be a false assumption because the Swat deal gives a clear signal to the militants that if they can firmly hold on to an area, the government would opt for political compromise on their terms. The Sufi and the Taliban reject the Pakistani constitution, law and the primacy of the Pakistani state. They view themselves as a party at par with Pakistani government and want agreements on terms of interaction between the two rather than agreeing to Pakistani government control.

The Swat agreement is a desperate move to improve the law and order situation in the Taliban-infested area in order to deflect the criticism that civilian and security authorities have lost the capacity and the will to fight extremism and terrorism. The focus of the civilian government is now on showing the public that it has the capacity to withstand American pressure and India's tough line since the Mumbai attacks. There appears to be a well-orchestrated effort by official civilian circles to encourage the media and societal leaders to sharply criticise the US and India. Military/intelligence circles are perturbed by the persistent American campaign against the ISI. It has now launched a counter-

offensive though its loyalists in the media and in political and societal circles to defend the agency as a national asset and take on the US and India, who are at the forefront of the anti-ISI campaign. This has brought the Army/ISI as well as sections of the official circles close to the Islamists and the political right, which has an ideological anti-US, anti-India and pro-Taliban disposition.

Pakistan faces a complex dilemma. On the one hand, the top civilian and military leadership vows repeatedly to fight extremism and terrorism. It has obtained economic assistance pledges for over \$5 billion at the Tokyo Conference on this plea. On the other hand, Pakistan's civilian and military authorities want to dispel the impression in the country that they cannot withstand American pressure. They are now encouraging Islamists and the political right to adopt a more strident approach towards US and Indian policies. The favourite themes for criticism are US drone attacks and proposed benchmarks for the utilisation of American aid to Pakistan. Of late, the federal government is arguing that Pakistan has lost over \$35 billion in the war on terrorism since September 2001, but it got foreign assistance far less than these losses. Official and nonofficial circles talk repeatedly of an international conspiracy to fragment Pakistan in order to take over the country's nuclear programme.

Strident nationalism has given boost to Islamic political discourse in Pakistan. The major beneficiaries of this perspective are the Taliban and other militants who are not described as adversaries in the Islamist-nationalist discourse. Attention is now focused on the perceived threat to Pakistan's integrity and its nuclear programme from western countries and India. Such a domestic environment may help the government to take a somewhat tough line in the dialogue on foreign economic and military cooperation, but it impedes the Pakistani government from pursuing counterterrorism in a coherent and consistent manner.

Hasan-Askari Rizvi, *Daily Times*, April 19, 2009
http://www.dailytimes.com.pk/default.asp?page=2009\04\19\story_19-4-2009_pg3_2

LIFE POST-NIZAM-E-ADL

Here are four of our historical, landmark, monumental mistakes. First: in 1947, we accepted that 27,220 square kilometres of FATA -- Bajaur, Khyber, Kurram, Mohamand, North Waziristan, Orakzai, South

Waziristan plus FR Peshawar, FR Kohat, FR Tank, FR Bannu, FR Lakki and FR Dera Ismail Khan -- shall continue to be governed under the Frontier Crimes Regulation of 1901. Second: in 1970, Federally Administered Northern Areas (FANA), a total of 72,496 square kilometres -- that includes Skardu, Ghanche, Gilgit, Ghizer Diامر, Astore and Hunza -- was created as a separate administrative unit. Third: in 1997, Ehtesab Act was passed by the Nawaz Sharif government that gave birth to Ehtesab Courts. Fourth: in 1997, the Anti-Terrorism Act gave birth to Anti-Terrorism Courts.

For the past 62 years we have failed to integrate FATA into the rest of Pakistan. For the past 39 years we have failed to integrate FANA into the rest of Pakistan. That's 99,716 square kilometres, nearly 13 per cent of our total landmass, outside the boundaries of the constitution of the Islamic Republic of Pakistan. The results of our follies are for the world to see. On April 13, President Asif Ali Zardari, the 11th president of Pakistan, signed Nizam-e-Adl Regulation 2009 donating an additional 5,337 square kilometres of Pakistan to Tehrik-e-Nafaz-e-Shariat-e-Muhammadi (TNSM). The TNSM has already laid its claim to 14,850 square kilometres of Chitral and 5,280 square kilometres of Dir. That would mean 16 per cent of our landmass. Where would it all stop? FATA is beyond Pakistan de facto. Swat is now beyond Pakistan de jure. Pakistan has no writ in most of Balochistan. And, that's a total of 452,243 square kilometres, or 58 per cent of Pakistan, beyond Pakistan's writ. What would Swat now be like? Which one of the 192 member-states of the UN would Swat be like? Which one of the 57 OIC countries would Swat be like? Saudi Arabia or Afghanistan?

Would the 'Switzerland of Pakistan' now be like Saudi Arabia? Saudi Arabia's per capita book readership is one of the lowest on the face of the planet. Saudi Arabia is yet to produce a Nobel prize winner (Israel has produced eight). Saudi Arabia has no more than 5,000 scientists (200 per million) while the US has 1.5 million (4,000 per million). Saudi Arabia hasn't invented anything of consequence for the human civilisation in its 77 years of existence. Saudi Arabia officially practises a comprehensive gender-based apartheid system whereby 14 million Saudi women have different legal rights than Saudi men, an "unequal access to property and jobs, and restrictions on freedom of movement... (Saudi women were not allowed to vote in the municipal elections of 2005)."

Would the 'Switzerland of Pakistan' now be like the 'Islamic Emirate of Afghanistan' (as Afghanistan was from 1996 to 2001)? No

political parties, no politics, no elections -- and absolutely dictatorial. No TV, no chess, no kites. For women -- restricted employment, no education, no sports, no nail-polish. For everyone else -- no videos, no music, no dancing, no clapping during sports events -- and a beard "extending farther than a fist clamped at the base of the chin." No paintings, no photographs, no stuffed animals -- and no dolls. Saidu Sharif has the Swat Museum and the Swat Museum has Buddha's footprints. Remember how the National Museum of Afghanistan was torn down with sledgehammers? Swat has Mingora and Mingora has Buddhist stupas. Remember Buddahas of Bamyana? Swat has Kabal and Kabal has a beautiful, beautiful golf course. Swat has Malam Jabba and Malam Jabba has a ski resort (last year, parts of the ski resort were burnt down). What would life be post-Nizam-e-Adl? According to Amnesty International, Nizam-e-Adl means "legitimising human rights abuses" in the Swat Valley. According to McClatchy Company, that publishes 43 different daily newspapers in the US, "A growing number of US intelligence, defence and diplomatic officials have concluded that there's little hope of preventing nuclear-armed Pakistan from disintegrating into fiefdoms controlled by Islamist warlords and terrorists, posing a greater threat to the US than Afghanistan's terrorist haven did before 9/11."

Dr Farrukh Saleem, *News*, April 19, 2009
http://www.thenews.com.pk/arc_news.asp?id=9

DISSECTING NIZAM-E-ADL

Islam remains one of the most popular political banners in Pakistan. The foundations of Pakistan were laid by Muslim leaders on the solemn pledge that Pakistan shall be a place wherein the principles of the Quran and sunnah shall be enforced. Amid the progressive thoughts of Quaid-e Azam Mohammed Ali Jinnah, expressed before various forums including Constituent Assembly, soon after independence religious lobbies put the government under pressure to Islamise laws.

The first step towards the "Islamisation of laws" was taken by the government of Liaquat Ali Khan when it passed the "Objectives Resolution". The Objectives Resolution was passed as a pious declaration that later became the preamble of the future Constitution(s). This declaration states that Pakistan shall be an "Islamic democratic country" and chosen representatives of the people shall govern the country within the boundaries prescribed by the "Shariah". Later in 1985 vide 8th

Constitutional Amendment, Article 2-A was inserted and the Objectives Resolution was made a substantive part of the Constitution. In the 1950s, the debate about the Islamisation of laws received a lot of attention. Those were the days when many Muslim countries like Syria, Egypt and Jordan had started the process of reform in their Islamic laws. Pakistan being one of the most important members of the “ummah” was greatly influenced by these developments. Pakistan wanted to be identified as a modern Islamic state. In this period, Muslim family laws were codified, and in 1969, the Muslim Family Laws Ordinance was promulgated. However, this codification of Muslim laws was more political symbolism than a substantive legal leap forward. Symbolically, it helped the international image of Pakistan.

On the practical front, initially, it did little to change existing practices; issues like polygamy were never settled by making laws. Registration of marriage was made essential by statute but even if somebody does not register his marriage, it shall remain a valid marriage. This is in contradiction with English law where if a marriage is not registered it shall be invalid in the eyes of the law. However, with the passage of time and with greater awareness, particularly among women about their rights, laws are now being much more effectively enforced than in the initial stages. Codification of Islamic laws provided the procedural metaphases for the implementation of these laws.

In the late 1970s, martial law was imposed in the country and the military government announced that principles of Islam would be imposed strictly. To meet with this purpose, in 1979 the “Hadd Ordinance” was imposed. The government also introduced amendments in the Evidence Act that declared women as lesser witnesses. One of the most important, rather controversial areas of Hadd punishment is *zina*. The law offends against women’s rights, and the law met vigorous resistance from women’s rights organizations over the years. President Pervez Musharraf provided some relief to women by bringing amendments in these laws. To the credit of President Musharraf, he also put a lid on legislation in the name of Islam that aimed to curtail the rights of minorities and women. His government encouraged rights legislation for minorities and women. In this background, when we see the Nizam-e-Adl Regulation being enforced by the NWFP government, it surpasses even the draconian era of 1980s. Despite all the horrific tales of life under the military junta, the laws introduced then were far more tolerable than this law.

The Nizam-e-Adl Regulation comprises 19 sections and two schedules. The law provides for the establishment of a seat of the Supreme Court and a bench of the Peshawar High Court for the Swat/Malakand area. Ironically, on its own, the government has altered the name of the Supreme Court and the High Court to the *Darul Darul Qaza* and the *Darul Qaza* respectively. The literal meaning of this term may be a “Court of Reprisal”; but how could a provincial government alter the name of the superior courts without amending the Constitution? In the same manner, the names of the offices of District and Sessions Judge, Additional District and Sessions Judge, Civil Judge and Magistrate have been changed to Zilla Qazi, Izafi Zilla Qazi, Aa’la Illaqa Qazi and Illaqa Qazi respectively. According to Section 6, the Illaqa Qazi shall be a person who is a duly appointed judicial officer in the NWFP, preferably one who has completed the sharia course from a recognised institution. The most controversial parts of this legislation are Sections 7(2), 7(3) and 14(2). Section 7(2) and (3) empower the district and other magistrates to enforce “*sadd-e zare jinayat*”, a term that means and includes all actions and steps taken under sharia law and any other law enforced for the control of crimes. For this purpose, the magistrate can take action against an individual under the established principles of sharia. Section 14(2) provides that notwithstanding anything contained in any other law, all cases, suits, inquiries, matters and proceedings shall be decided by the courts in accordance with sharia law. Section 18 provides that the regulations shall have effect of overruling all other laws; therefore the effect of law is that it supersedes all other laws and is not in addition of other laws.

In absence of any codification of the principles of sharia, some questions arise: what is sharia, in substantive terms; what are the principles of its interpretation; and who is competent to define and lay down the edicts of sharia? These are very controversial areas of interpretation. We have 72 recognised sects of Islam; whose interpretation of sharia law will these judges follow? Muslim scholars have numerous theories of evidence and punishments; how will these judges adopt a uniform procedure of trial and judgement? The biggest negative of these provisions is the discretion they bestow upon the magistrates and qazis by vesting in them the authority to interpret sharia. Discretionary powers are always dangerous, and modern legal systems strive to limit the discretion of the individual. The Nizam-e-Adl Regulation is vague, lacks

the fundamental guarantees of free and independent trial, and clearly offends against Articles (4) and (8) of the Constitution.

Chaudhry Fawad Hussain, *Daily Times*, April 19, 2009
http://www.dailytimes.com.pk/default.asp?page=2009\04\19\story_19-4-2009_pg3_3

ISLAMISATION: CURE OF ALL EVILS

Complete Islamisation of Pakistan has been the genuine and long-standing demand of the overwhelming majority of Pakistanis. Not only that, it is also the appropriate answer to the lurking fears of Talibanisation, growing rapidly with every passing day, as a natural response to the suppression of this public demand at the state level. This demand surfaced as soon as the inception of the country, since the driving force behind the Pakistan movement was the need for a separate country for Muslims where they could protect and practice their Islamic ideology. Consequently, the mounting public pressure led the Constituent Assembly to pass the Objectives Resolution, making a sacred covenant with the people of Pakistan that Quran and Sunnah will be the guiding principles of the constitution, legislation and policy-making of this land of the pure.

The British-trained establishment, including; the civil and military bureaucracy, were, however, averse to the idea of Islamisation and wanted to faithfully preserve the British system and the Anglo-Saxon system of government, besides the laws formulated by the colonial masters for subjects. Those people considered themselves the legitimate successors of the British colonial rulers and aspired to step into their masters' shoes to enjoy the same powers and privileges exclusively reserved for the privileged class of British officers colonising the sub continent for over 200 years.

The ensuing tug-of-war between the small minority of feudals and capitalists led by the colonial bureaucracy trying to replace colonists, and the vast majority of people yearning to materialise the dream of Pakistan into reality, led the country towards the state of affairs it is presently beset with. This confrontation has not only caused serious damages to the country, including the progressive erosion of nationhood, decline in unity, solidarity and integrity among the federating units and putting the country on the verge of collapse, but has also led to its dismemberment. For the common people the independence of Pakistan from the British

colonists was nothing but mere change of masters. The former British rulers were at least answerable to their British government and Parliament but their legacy of the local masters considered themselves as the ultimate authority and literally behaved like they were answerable to none but themselves.

The Pakistan movement leaders like Quaid-e-Azam and Liaquat Ali Khan were soon replaced by civil and military bureaucrats like Ghulam Mohammad, Gen Iskandar Mirza, Chaudhry Mohammad Ali and Gen Ayub Khan. In their quest for absolute power, these people destroyed democratic institutions and undermined the ideology of Pakistan for the sake of promoting the British culture, values and the English language. The irrational resistance to the genuine public demand for Islamisation emanates from the imperialistic mentality adopted by our ruling elite. It stems from the mentality that drove the medieval master-slave struggle, and exposes the ruling class's state of mind.

The elite and intellectuals in the Roman Empire believed that the slaves and inferior class of people had neither the need to think about their welfare, nor the right to form any association or assembly to deliberate upon their problems and their solutions. It was the right of Romans to think and decide about the welfare of the slaves. The same ideology was adopted by the European colonists who declared that it was the right of the white masters to decide about the affairs of the coloured subjects. The basic idea behind that view was that the coloured races were of inferior capabilities and was incapable of running their own affairs and solving their problems. The Aryan Hindus were of the same belief that the upper-caste people had the authority to take care of the political, religious and economic issues of the whole society, while the lower castes, having lesser capabilities, were there to serve the higher-caste masters. In the modern times, the much talked about theory of Clash of Civilizations by Samuel Huntington, professes the same ideology that the Western Civilisation is the superior ideology which has proved its supremacy and it was time other civilisations should be defeated and obliterated. The same belief was inculcated to the US authorities by former US president Richard Nixon in his book, *Seize the Moment*, that after the fall of Soviet Union it was the golden opportunity for the USA to impose itself all over the world as the sole superpower. The New World Order doctrine of Bush Senior had the same ideology that no power centre opposed to the USA should be allowed to grow, and this new world order should be imposed on the whole world with

the help of European nations, Israel and India, in order to protect and promote the US interests and civilisation. The crux of the Fukuyama's doctrine of End of History was that the Western civilisation has completely dominated the whole world, and its impossible that any other ideology could now evolve against it. The Western democracy has brought the humanity to the end point of its socio-cultural evolution. The entire debate that Islam should not be the system of governance in the country was the thinking paradigm of those who are mental slaves to the western culture and averse to the Islamic ideology. This is an undeniable fact that Muslims from the length and breadth of the subcontinent strove for the creation of Pakistan and rendered matchless sacrifices in human history. The proponents of the baseless argument that not Islam but economic reasons were the basis of the Pakistan movement have no answer as to why the Muslims of UP, CP, Calcutta, Madras and Bombay, etc., endeavoured for Pakistan despite knowing that their areas would not be part of Pakistan. Evidently, they were striving for the realisation of the dream of a separate homeland for Muslims to enable them practice Islam freely under the system governed by Quran and Sunnah.

Unfortunately, the state of Pakistan created after a historic struggle of Muslims was taken over by the agents of British colonists quite early. They kept weaving a web of conspiracies to consolidate their grip over the country and with the passage of time their clutches became so strong that now even the talk of Pakistan's Islamic ideology hurt their ears. Pakistan is not just any state based on geographical entities. It is the embodiment of a definite Ideology and religion. As the Father of the Nation, Quaid-e-Azam Mohammad Ali Jinnah, put it: Pakistan came into being the very day the first Muslim set foot on the subcontinent. Pakistan is a result of the Two-nation Theory that clearly spells that the life of Muslims is governed by the Islamic system based on Quran and Sunnah. Until we harmonise our lives, economy, society, Constitution and legal system with Islam, our society will continue to suffer from internal strife and friction.

Those who believe that Pakistan can be secularised by separating the Islamic system from its state are suffering from a serious fallacy. What they conveniently ignore in their bias against Islamic codes is that Islamisation of the country is not just the demand of what they call some extremists but is the strong desire of an overwhelming majority of the people, millions of whom are ready to sacrifice their lives to achieve this

objective, like those who laid down their lives in the Pakistan Movement. Though this majority is under the strong shackles of a tiny minority of western-slaves, the dawn of an Islamic revolution is round the corner. This is the era of a global Muslim renaissance as slavery's shackles are breaking and the enemies of Islam are on the retreat after the huge fortresses of their military and economic might are coming down under the pure resistance and sacrifices of the believers. Regarding the argument that promoting Islam would enrage Washington and the west, we would become isolated, and be dubbed as fundamentalists, etc., it must be kept in mind that alienating Islam will negate out existence and disintegrate the country. Islam is the basis of Pakistan, since it was created for Islam and not on the basis of some homeland.

Qazi Hussain Ahmad, *News*, April 20, 2009
http://www.thenews.com.pk/arc_news.asp?id=9

IMPLICATIONS OF THE DEAL

The passage of the controversial Sharia regulation for Malakand division once again brought global and national attention on how this would impact on Pakistan's future. Swat has been caught in violence for more than two years. The people were desperate for peace as they were caught between the militants and the military. Rough estimates indicate that more than 1,500 were killed, thousands injured and 250,000 were displaced in the previous two operations that were launched by the military against the Taliban.

The Swat deal was based on political expediency and appeasement but the people wanted to give peace a chance and the secular ANP was fully behind it. Then, as neither the ANP government nor the military was willing to stand up for another round, this was the way out. In any case this is a war involving hearts and minds. People for their own reasons took a sigh of relief that the peace deal may at least provide them security and a modicum of justice even if that is medieval. Clearly, there was a popular demand for the promulgation of Nizam-e-Adl in Swat and this goes back to the 1990s when Mohtarmma Benazir Bhutto had agreed to it.

In these circumstances, on the surface the passage of Nizam-e-Adl bill by the parliament and its assent by the president should be considered a welcome development. The context of the current deal is however more complex and problematic. The government has yielded under compulsion

at a time when Talibanisation is sweeping the country and overwhelming the state. Fazlullah and Sufi Mohammad have exploited this genuine grievance and have used it brilliantly to expand their growing power. It is for this reason that it would have grave implications if their ambitions are not contained and a comprehensive policy is not devised and put into operation to reverse the tide.

Seeing an opportunity the extreme fringe led by Baitullah Mehsud, Mullah Fazlullah, and others who are spearheading Talibinasation in Pakistan are likely to press on. And if Muslim Khan, the spokesperson of the TNSM, is to be believed jihad in perpetuity is their motto. This is so obvious from the way they are going about the question of appointing Qazis and addressing administrative and legal issues. The operational part of the Sharia would be the most difficult part of the agreement. It is amply clear that Sufi Mohammed wants to retain the powers of having the final say in the interpretation of Sharia and appointments of Qazis and the final arbiter on all matters of Swat and perhaps of Malakand. The spread of Taliban phenomena, albeit yet in pockets, is transforming the politico-social dynamic of Pakistan. Democracy and human rights will be the first casualties of Talibanisation. If however peace was to prevail in due course as a result of the deal and the government regains control over the situation, then every effort must be made to integrate the militants into the political system so that there is a sense of ownership. In parallel, a major effort should be launched to assimilate the cadres into the economic and social mainstream. All this is only attainable if productive skills are developed and employment opportunities are created in these less developed areas. The key question is, does the government have the vision and the capacity to put this plan into operation?

It would depend on what stakes Fazlullah has in maintaining peace. If his agenda is to harbour the militant force, continue to expand his power base and spread radical Islam then obviously the peace deal is a sham and merely a ruse to consolidate and keep marching ahead. Frankly, this seems the most likely scenario. But if he is half as genuine and loyal a Pakistani that some of his apologists would want us to believe it provides him a unique opportunity to redeem himself and Swat could one day return to its original calm and serene beauty for everyone to enjoy. There are profound social implications of this deal as well, notwithstanding the claims being made by the provincial government. With cinema, TV, art, music all banned the place is already becoming a cultural wasteland. If sports activity is all banned and even cricket considered taboo, the youth

would channel their energies into destructive and militant activities. For women even visiting bazaars and going out unaccompanied is considered a sin. The most damaging aspect of Taliban ethos is the opposition to education, and especially of girls. If allowed to continue this would compromise the future of the younger generation and cannot be accepted under any circumstances. Bowing to such retrogressive forces would be an invitation to the dark ages. A major contributor to Swat's economy has been tourism that has virtually come to a standstill. No tourist would enter Swat if such stringent interpretation of Sharia bordering on draconian laws prevails.

How will Washington and New Delhi perceive our approach of pacifying the Taliban? Already the US has expressed its reservations and they are closely monitoring the situation. US view has always been that peace deals are counter-productive and end up strengthening the militants by allowing them to consolidate and expand their influence. They could be talked into it that unless there is massive military intervention with huge adverse consequences it was not possible to have handled the situation in any other way. Nonetheless, economic assistance, foreign investment and political support will only keep coming if the international community is convinced that Pakistan is committed in turning the corner and not willing to hand over the country to the Taliban. Let us also keep reminding ourselves that nuclear power and Talibanisation are a dangerous mix that not even the best of our friends will tolerate.

Talat Masood, *News*, April 20, 2009
http://www.thenews.com.pk/arc_news.asp?id=9

US NEED NOT WORRY ABOUT NIZAM-E-ADL: PM

Prime Minister Yousuf Raza Gilani brushed aside US and global concerns about the new Nizam-e-Adl Regulation in Swat in a television interview on Monday. Regarding the concerns voiced by US Special Representative on Pakistan and Afghanistan Richard Holbrooke over the new law, Gilani said: "He does not need to worry too much about it. This is our country. We know the ground realities better than him. We know much better what kind of strategy should be evolved."

But he added that the regulation, which some call sharia law, was contingent to peace in the restive Swat valley. "If peace prevails, we would protect this regulation," the prime minister said, adding that the

country's leadership was responsibly following a "home-ground strategy" on peace as approved by parliament. Asked to comment on a statement by Tehrik-e-Nifaz-e-Shariat-e-Muhammadi leader Sufi Muhammad that the superior judiciary and democracy were un-Islamic, the prime minister said he did not want to comment on Sufi's "personal opinion". "There are many people who do not believe in democracy...But we believe in the will of the masses, and the support of people is with us," he said. Regarding MQM's apprehensions about the Nizam-e-Adl Regulation, Gilani said, "We are trying to convince them." "Time will tell whether it was in the interest of the country or not," he said. Gilani said he had received the report of the parliamentary committee on national security and it would be placed before the cabinet to evolve a national policy on terrorism.

"We are trying to convince them [United States] that drone attacks are against you. They are making our job and your job difficult," the prime minister said to a question. "This is our own war and we want to fight it in our own way, and you should help us if you really want to fight this menace," he said. Regarding the situation in Balochistan, Gilani said dialogue and development were his first preferences. "I am not in favour of army action. Army action is not the solution to problems. It may be used for limited time but there must be an exit policy," he said. "Wise people say the force should be kept in the background and should not be used all the time as your authority would be eroded and people will not take you seriously," he said. To a question about the murder of three Baloch leaders, the Gilani said the involvement of "foreign hand" could not be ruled out. He said he had sent a special team headed by the interior adviser who had constituted a fact-finding committee consisting of representatives of political parties.

Daily Times, April 21, 2009

http://www.dailytimes.com.pk/default.asp?page=2009\04\21\story_21-4-2009_pg1_1

REFLECTIONS ON SWAT PEACE

The NWFP government has had to face bitter criticism for cutting a peace deal with the Taliban in Swat. Critics argue that the deal has surrendered the writ of the state to the terrorists and because it has been done from a position of weakness, it invites the terrorists to extend their sway to other areas of the country, including Islamabad. The NWFP

government and its apologists defend the deal on the ground that it had no choice because the Pakistan Army had failed to vanquish the terrorists and there was no possibility of defeating them except at an unaffordable human cost; also, that the deal was necessitated by the interests of the people of Swat, many of whom had been uprooted and those who had stayed back were leading a miserable existence.

Are the critics justified? Ideally speaking, the NWFP government should not have concluded the peace deal but did so because the situation for the army and the people of Swat was very desperate and looked beyond redemption. The same holds true for the Nizam-e-Adl Regulation (NAR) which has apparently been enforced in response to the demands of the people of Swat. Notwithstanding these rationalisations, the fact remains that it is a bad deal and will break down sooner than later. However, it has a silver lining: the introduction of the NAR has deprived warlord Fazlullah of the cause which he was exploiting to mobilise the people. It signifies that the army may have greater chances of success when it decides to mount a military operation the next time. However, this will only be possible if the government wins the propaganda war (which it has been losing so far) by convincing the populace that the terrorists rather than the government is responsible for the failure of the peace deal. To achieve this objective, it will be incumbent for the government to keep Sufi Muhammad on its side in addition to increasing its capacity and the will to fight the terrorists. Some analysts have tried to justify the peace deal by comparing it with the slogan “better red than dead”, which the greatest intellectual of his time Bertrand Russell, in the 1950s and 60s, raised in the face of the growing nuclear menace that threatened to wipe out humanity. He raised this slogan because, in his opinion, human existence enjoyed absolute priority over everything else.

In our judgment, the comparison is unjustified because the two situations are utterly different. In one case the issue related to nuclear war while in the other it concerns terrorism. The former threat could annihilate almost the entire human race while victory by the terrorists can push humanity into barbarism. Despite the severity of nuclear threat, it is noteworthy that Russell’s contemporaries strongly challenged him on the issue. In their opinion, preservation of the human race was less important than submission to communism. In the present situation also there is no question of reconciling with the barbaric Taliban. Hence Russell’s pacifist slogan is irrelevant.

Many observers, including those from the West, fear that sharia law could overwhelm Pakistan. Is this fear justified? It is unfounded if the means used are peaceful because given the long colonial rule under which the people of Pakistan have lived they cherish fundamental rights, rule of law and democracy. Their dream is different from that of the tribal societies of FATA and Swat whose customs and traditions are closer to sharia law.

While Pakistanis are emotionally attached to Islam, they are not prepared to surrender the rights they enjoy under the Constitution as evidenced by their voting behaviour during general elections in which they have overwhelmingly rejected religious parties. Similarly, the Taliban cannot win militarily because the state in Punjab and Sindh is well-entrenched and strong. However, given the fact that the militants are spreading their tentacles in South Punjab, Karachi and elsewhere, they may succeed in forcing the government to enforce sharia law. Here the question arises whether we should be scared of sharia law in the first place. There are people like Imran Khan who think that we should not. They accuse liberals of having succumbed to Western propaganda about sharia law. This criticism is totally unwarranted. The fact of the matter is that sharia law which is man-made (though based on Quran and Sunnah) was formulated during the medieval period and has not kept pace with changing times. It is archaic in many respects and hence anachronistic. The issue gets compounded when we realise that there is no unified sharia law on which all the sects of Islam are agreed. Furthermore, the unfortunate reality is that they are incapable of achieving it. This aspect was underlined by the Munir Inquiry Report which pointed out that ulema of different sects cannot see eye to eye with each other on anything except that whosoever disagrees with them deserves to be killed. In this background, the introduction of sharia law in Pakistan as a whole would sound the state's death-knell. Here a word about the American concern that the Swat peace deal is likely to turn the area into a "safe haven" for the Taliban. Prime Minister Gilani thinks that the Obama administration is unnecessarily worried. In his opinion, it does not understand the ground realities which he claims to do. He is patently wrong and the Americans dead right.

Incidentally, it is not just the Americans who are worried about the peace deal but lots of Pakistanis also because the Taliban, in violation of the peace deal, have refused to surrender their weapons and are reportedly inducting new recruits by forcing each family to spare one son

for their terrorist militias. Their designs are undoubtedly dangerous. This represents a very scary scenario because not only would Swat become a base for their operations in Afghanistan but it would also be used as a launching pad for extending the Taliban's writ to other areas of the country.

Through the peace deal the Taliban have won the present round in the battle for the soul of Pakistan that this war against terrorists has come to symbolise. Having tasted success they will be relentless in their quest for new territories. Let us not forget that they have already moved into Buner. As opposed to their energy, the government seems to suffer from some kind of paralysis. It seems to have lost the will to fight which it must immediately muster to confront them. Given that Nawaz Sharif has emerged as the most popular leader in the country, he has a special role to play in this historic fight. He needs to mobilise people against the terrorist menace with the same energy, ruthlessness and courage which he demonstrated during the Long March. The Quaid's vision of a liberal, modern and progressive Pakistan cries for help.

Ijaz Hussain, *Daily Times*, April 22, 2009
http://www.dailytimes.com.pk/default.asp?page=2009\04\22\story_22-4-2009_pg3_2

THE LINES ARE DRAWN

The people of Swat lived a peaceful existence under the strict but benevolent administration of the Wali of Swat. To dispense justice he used Qazi courts (Nizam-e-Adl). In 1969, the Wali's hereditary rule was terminated and Swat was amalgamated into mainstream Pakistan. The Frontier Crimes Regulation (FCR) in effect in the Federally Administered Tribal Areas (FATA) was put in place in Swat in 1973. However, the FCR was arbitrarily withdrawn in 1988 and Swat was amalgamated judicially as well into Pakistan. Once this justice system was dismantled, people in Swat started to face difficulties in having their legal problems addressed.

Time and again court dates were shifted arbitrarily. For years appeals in the High Court far away in Peshawar went unheard, hardly any appeal emanating from Swat was ever adjudicated in two decades by the Supreme Court even further away in Islamabad. For the poor people of Swat the distance and time delay was as good as a death warrant. An entire generation was deprived of justice previously available in timely

fashion at low cost and at their doorstep, particularly in land disputes that constitute the major percentage of cases before the courts of law in Pakistan in the rural areas. A huge backlog of cases was built up over the last two decades. This failure in providing justice has been cleverly exploited by the militants to push their own narrow religious agenda on the back of a "class war," best illustrated by the fate of 40 of the big landlords of Swat. Depriving feudals of their land is always hugely popular anywhere in the world, organised "class action" has "exiled" them from Swat.

The 1994 Nizam-e-Sharia Regulation was meant to have professionally trained judicial officers as Ilaqa (area) Qazis, with preference given to those who had completed Sharia courses. The nomenclature of the judicial officers in the Provincial Administered Tribal Areas (PATA) was changed, with District and Sessions Judge, Additional District and Sessions Judge, Senior Civil Judge and Civil Judge being called Zila Qazi, Izafi Qazi, Aa'la Ilaqa Qazi and Ilaqa Qazi, respectively. In the present (2009) version of the regulations there is some ambiguity about the two appellate forums, Darul Qaza and Darul Darul Qaza, understood to be equivalent of Benches of the High Court and Supreme Court, established under Clause (4) of Article 198 and Article 183 (2) of the Constitution, respectively.

Nizam-e-Adl that existed in Swat till 1969 should be given a chance to ameliorate the miseries of the people of the area suffering presently under a grossly inadequate judicial system. However, that has nothing to do with the administration. In trying to grab power Maulana Sufi Mohammad has disabused us of any doubt about his real intentions camouflaged under the brokering of peace. On Sunday April 20, addressing a large gathering in Saidu Sharif, the Tehrik-e-Nifaz-e-Shariat-e-Muhammadi (TNSM) chief said that the High Courts and Supreme Court were un-Islamic institutions, it would be "haram" (forbidden) for anyone to approach them for appeals. Judges of the Supreme Court and High Courts, democratic ulema, politicians and feudal lords were labelled "enemies of the people." Sufi Muhammad accused the democratic ulema, and by inference this includes all MMA leaders, Qazi Hussain Ahmad, Maulana Fazlur Rahman, etc., of strengthening "infidelity" by joining the campaign for restoration of judges. Maulana Sufi Mohammad further said that there was no room for democracy in Islam. He glossed over the specific condition of the peace agreement for the militants to lay down their arms, the crux of the peace deal. He categorically declared

democracy as having no place in Islam. The Constitution of Pakistan was rubbished. Maulana Sufi Mohammad conveniently forgets that the main reason he stayed in jail since 2002 was to avoid retribution by the parents of the thousands of unfortunate youth from Swat and Dir he took on the "jihad" in Afghanistan and then ran away himself, abandoning them with the forces of one-legged Mullah Dadullah at Konduz. That gentleman bartered the freedom of the Afghan element of his forces and left the Pakistanis at the mercy of Rashid Dostum who buried them alive in containers in Shebergan, never to be seen again. Our media has a short memory!

On the issue of who is to exercise power in Swat, the TSNM and the Tehrik-e-Taliban Pakistan (TTP) are daggers drawn, in not accepting the rule of law in Pakistan they are one and same. Over TV and radio, the spokesman for the TTP in Swat, Muslim Khan, made no bones about the Taliban stance: (1) no laying down of arms; (2) enforcement of their version of Nizam-e-Adl to be extended to the settled areas of Pakistan; and (3) of not recognising the Constitution of Pakistan. If this precedent prevails, with what logic can we refute and oppose nationalist and ethnic forces in other areas of Pakistan from doing the same? Urgent and effective remedial measures are needed, political, economic and military, and not necessarily in that order, to stop this "class war" with religious overtones from spreading further.

The spiralling economic downturn in Pakistan will force-multiply social unrest and lead to anarchy. To get donors to part with their money in the present bleak world economic circumstances is next to impossible. Abu Dhabi in November 2008 was an unmitigated disaster. We went without doing our homework and came back empty-handed with red faces. The Tokyo commitments are a God-sent. Shaukat Tareen ensured good preparation going into the Tokyo meeting, Asif Zardari is to be commended for reinforcing the firing line by his own presence. Richard Holbrooke had it right. While the \$5 billion-plus committed is something to be thankful for, we need more, much more, at least \$50 billion to economically stabilise Pakistan and give us the inherent strength to combat the endemic terrorism emanating from the volatile tribal areas. We must spend the promised money correctly. Focussed on visible and viable socio-economic projects, transparency in procurement and effective implementation must be the touchstone. The religious crowd is using poverty as the baseline of their protest. We must target poverty alleviation in priority over everything else.

We must thank Maulana Sufi Mohammad. Swat is a huge wake-up call, it is a call to arms for civilised society in Pakistan. Contrary to public perception, the Army had the upper hand in Swat when the demands for peace forced the NWFP government to cede to the militants on the negotiating table the gains made on the battlefield. The militants have waged a clever campaign to foster the perception of their "military success." The Army must be given a free hand to complete the job. The "Marquess of Queensbury" rules do not apply in either counter-insurgency or counter-terrorism, when one fights a ruthless and uncompromising enemy, one uses the same tactics, no holds barred. We have to fight for our rights and that of our children against a bigoted and violent minority that is debasing our religion. Our entire way of life is endangered, we cannot afford appeasement anymore. The red line has been crossed. We are now clear who the enemy is, the lines are clearly drawn!

Ikram Sehgal, *News*, April 23, 2009
http://www.thenews.com.pk/daily_detail.asp?id=173876

THE SWAT CONTROVERSY

Maulana Sufi Nek Muhammad has set the cat among the pigeons by repeating his assertion that laws in Pakistan were not Islamic, and by rejecting the possibility of appeal against the decisions of the Qazis that are to be appointed under the Nizam-i-Adl Regulation. While his claims have caused some controversy, with the prime minister among the many voices raised in condemnation, this seems to ignore the fact that the Maulana is not uttering some wild-eyed pronouncement, but is reciting orthodoxy. This orthodoxy was overturned in the whole Muslim world in the first half of the 20th century, but while Muslims know that it was reversed before they were born, and that modern Islamic parties did not subscribe to this view, they do not know that this reversal was not accomplished by orthodox means, and was carried out by a not-so-strict adherence to the text of the Quran and Sunnah. Also, it was not carried out by experts in Islamic law, and did not fulfil the conditions laid down in any of the schools of thought.

The reversal was part of the modernising project, which suffered from two major flaws: first, it tried to convert Islam into another version of Christianity and Judaism, as 'religion' rather than a complete 'way of life', and second, it left orthodoxy in the hands of ulema, who had

received a medieval training, and who did not accept the modernist project, which is still not complete, of converting the Muslims of the world into good capitalists. Because of this, even though the ulema supported modernising, they retained enough of orthodoxy that most (but not all) continued preaching it, and the consequent resistance to capitalism that it meant.

The orthodoxy was such that it continued to be taught in the madrassahs that are even now producing ulema. One advantage that the ulema secured was that they became a class which was already in existence, and which Islam tried to render irrelevant: a clergy. The rites of marriage and death were taken over, along with prayer, and made the preserve of a given class. When the Islamic modernising parties got busy, they either replaced the traditional ulema with ulema of their own, or with their own cadres. They did not try and do what is essential, to convert their cadres into Arabic scholars who could directly approach the sacred texts, and thus carry out the missing piece of the modernising project: the ownership of Islam by ordinary Muslims, rooted in the Quran and Sunnah. Perhaps the main reason for this being the missing piece, rather than a basic portion, of the modernising project, is that this in no way contributes to the absorption of Muslims into capitalism. As a result, the Muslims lack a class which can provide solutions to life's problems, which adopt the modern styles but which also give the lie to capitalism, especially now that it has turned to paganism. This has also coincided with the end of *ijtihad*, which Iqbal for one wanted it to be carried out by the parliament of the Muslim people, but which others see as being possible only if the *mujthideen* are competent scholars. This is presumably to guard against those who want *ijtihad* to represent a complete overhauling of Islam to make Muslims amenable to capitalism. Therefore, we have Muslims who criticise the *Tehrik-e-Nifaz-e-Shariat-e-Muhammadi* for being orthodox, and who apparently see Islam as something that allows them to lead a European lifestyle, or rather a capitalist one, and which does not prescribe punishments for offences against the Islamic code, which is the generalised meaning of *Shariah*, rather than the particular meaning it has in Swat. However, to expect other than orthodoxy in Swat was probably going too far anyway.

The first point that arises is the absence of appeals. This is also probably more important than other points, for the present judicial system, introduced by the British, has depended on appeals. However, Islamic orthodoxy limits the right of appeal, so that the trial court is

mostly the only court to hear the case. Therefore, the Qazi has more power than a session judge, with the decision of the former final, as opposed to the latter, who may have not just his final decisions reversed on appeal to not just the High, but also the Supreme Court, but also interim decisions on applications. One reason why the Qazi is quicker than the judge is because the appeals are limited to the Darul Quza, who can only decide if there has been a misapplication of Shariah by the trial judge. As a matter of fact, misapplication of law is supposed to be the only underlying ground of appeal in the case of session judges, and the real ingenuity of lawyers is not tested by trying a case, as in finding grounds of appeal. There is no reason to believe that the Darul Quza will be any different. While Malakand Division continues to operate in a British system, the legal professionals will do their best to make the system correspond to the rest of the country.

Another aspect of orthodoxy is the refusal to accept democracy as an Islamic system. As already explained, this was part of the modernising project, and democracy really has no place in Islam. Islam does not accept the undoubtedly democratic right of an assembly to make laws that, let alone not according with Islam, are in contradiction to it. Islam claims to be a complete code of life, while so does capitalism, with democracy as its political manifestation.

Therefore, to expect the TNSM cadres to be satisfied with what they have got and not to regard the whole Swat experience as a victory for their brand of orthodoxy, and, more important, not to want to spread it to the rest of the country, would be crying for the moon. At the same time, those in government might want to think whether the USA regards Swat as a defeat just as much as the Taliban regard it as a victory. To expect the rest of the country to fall to them is to accept their critique, particularly of the justice system - not just that it is slow and expensive, but not Islamic in the bargain. However, there is enough truth in their sayings to appeal to the orthodox. The presence of these followers of orthodoxy does not mesh well with the claims of those who claim that Pakistan is not an orthodox land, but one of people whose Islam makes them primarily qualified to be part of the capitalist experiment.

M. A. Niazi, *Nation*, April 24, 2009

<http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Opinions/Columns/24-Apr-2009/The-Swat-controversy/>

TNSM SUSPENDS TALKS WITH GOVT

The Tehrik-e-Nifaz-e-Shariat-e-Muhammadi on Monday suspended talks with the government unless the newly-launched military operation in Dir Lower is stopped. TNSM spokesman Ameer Izzat Khan said that no further talks would be held with the government until and unless it stopped the military operation in the Lower Dir district. Declining an offer from NWFP Information Minister Mian Iftikhar Hussain for a meeting with TNSM leaders, the spokesman accused the government of violating the peace deal, holding it responsible for any adverse consequence.

Sources told The News that Mian Iftikhar had contacted the TNSM leaders but they refused to meet him due to the ongoing military offensive in Lower Dir. He demanded immediate halt to the action to pave the way for a negotiated settlement of the issue.

“We have no contact with TNSM chief Maulana Sufi Muhammad because of the intense military operation in his hometown,” Izzat Khan told the media after a meeting with 20-member Ulema delegation in Amandara. Meanwhile, Mufti Azam Pakistan Muhammad Rafi Usmani has said the day is not far off when the whole country would be under the sway of Shariah. He was talking to the media after a meeting with the Tanzim Nifaz Shariat-e-Muhammadi (TNSM) Naib Ameer Maulana Muhammad Alam and others here in Amandara. He said due to the flawed policies of the rulers, security forces were fighting against their own countrymen and thousands of people had been displaced. “The US occupied Afghanistan and is now trying to take control of Pakistan’s nuclear assets which will be foiled at all costs,” Usmani, head of a 20-member Ulema delegation, which is on a visit to the area, said. The delegation includes Maulana Yousuf Shah, MPA Mufti Kifayatullah, former MNA Maulana Muhammad Qasim and others. The Mufti praised the sacrifices rendered by TNSM chief Maulana Sufi Muhammad and others for the enforcement of Shariah in the Malakand Division. Usmani said the government should enforce Shariah in the whole country so that the people could get easy and speedy justice. On the occasion, TNSM Naib Ameer Maulana Muhammad Alam said they would not accept any system other than Shariah. He said if Shariah was not implemented in letter and spirit, the people would have to face violence and uncertainty.

News, April 28, 2009

http://www.thenews.com.pk/arc_default.asp

WHY MILITARY ACTION IS NOT THE ANSWER

The chaos following the Swat deal and the Nizam-e-Adl Regulation have been reflections of the failure of the writ of the state to actually enforce these arrangements. This has allowed the Taliban to go beyond the terms of their deal and assert a 'give-more' mantra similar to the US 'do-more' mantra we have been afflicted with in the face of an increasingly weak state and government that shows absolutely no signs of wanting to govern. The net result is an expansion of the Taliban efforts to seize power in the surrounding areas of Swat and the renewal of military operations with all the chaotic fallout of displaced persons fleeing the fighting. Clearly, such desperate military action is not a desirable or valid long-term solution to the threat of extremist violence confronting us today. Already, we have seen the military-centric approach cause more chaos and suffering for our people – not to mention the deaths of thousands of innocent people caught in the crossfire of the Taliban, the security forces and the US drones. We have also seen the growth of the suicide bomber and as has been pointed out in earlier columns the Pakistani suicide bomber comes from the marginalised population with no hope or opportunity to improve his family's lot.

Many solutions have also been discussed not only in these columns but also by a wide-ranging and divergent group of people to deal with our multi-dimensional threats from terrorism – ranging from the religious extremist variety to the sub-nationalist. While the latter really is a matter of righting political wrongs, in the context of the former, the urgency of the situation requires a quick but long-term strategy to deny space to more extremist militants. A beginning has to be made by altering the operational environment in the state's favour and that can only be done by distancing ourselves from the US, for it has now become part of our own terrorism problem. That is why US dollars are not the answer but an aggravation of the problem given the perception of the US within all levels of Pakistani society. There is no middle-class Pakistani majority that wants drone attacks – regardless of the claims made by a few Pakistani 'advisers' to the US who say what the US wants to hear. Beyond that, we need to focus on the sleeper cells for the obscurantist militants. These are the madressahs spread across the country. Already, a move has begun by the militants to take over madressahs in southern Punjab, but one has to actually see the scope of the problem in numbers to realise why military or other violent action by the state is not even the

beginning of a solution. Just take the case of southern Punjab and the madressahs that operate there. Some are large with adequate resources, but there are also the small ones with barely any resources and these are highly susceptible to being taken over by the militants who have the resources. The data discussed below is part of the data collected for three districts of southern Punjab during 2006-2007 and details sought ranged from the sect, number of students (and their age groups) and teachers, the level of mainstream education in addition to Islamic education, the political affiliations, funding sources and general reputation – for instance, jihadi, non-jihadi etc.

In Dera Ghazi Khan (DGK), taking both its tehsils, there are 185 registered madressahs of which 90 are Deobandi (with a total of 324 teachers), 84 are Barelvi (with a total of 212 teachers), six are Ahl-e-Hadith (107 teachers) and five are Fiqah-e-Jafria (10 teachers). Of the Deobandi madressahs, only the Jamia Atta-ul-Uloom in DGK, with 200 boarders and 20 day students ranging from 5-25 years and eight teachers, which receives donations from Kuwait as well as from private local and religious trusts and is affiliated to the JUI with a reputation of belonging to the Hezbul Mujahideen, offers education up to matric. Another madressah, Jamia Darul Rehmania in DGK tehsil, with the same credentials, offers education up to middle and has 350 boarders plus 230 day students and 28 teachers. Four Deobandi madressahs of DGK offer primary education but the bulk only offers what is termed 'Islamic' education. The bulk of this sect's madressahs are locally funded, are regarded as non-jihadi and are medium to large, with only a few containing less than 50 students. The total number of Deobandi madressah students in DGK district is 11,535. Interestingly, in this category, it is the large madressahs linked to the JUI and the Hezbul Mujahideen that receive foreign funding which in the case of DGK district is almost solely from Kuwait. In fact, funding from Kuwait also goes to non-jihadi Deobandi madressahs.

Of the 84 Barelvi madressahs of DGK district with a total of 7,335 students ranging from 5-25 years, only the Madressah Alia Mehmooda Mehmoodia receives foreign funding from Saudi Arabia and is the only one with a fair number of teachers (18) offering education up to matric. Of the rest, only one offers middle level mainstream education while six offer primary education. None of the Barelvi madressahs are known to have political party or jihadi affiliations. Also, barring the madressah mentioned above, all of the rest have two to three teachers while the

Deobandi teacher average is around four per institution with some exceptions for the larger ones.

All the six Ahl-e-Hadith madressahs, which seem to be only in DGK tehsil (none in Taunsa tehsil), with a total of 1,610 students, receive funding from Saudi Arabia, the UAE and Kuwait. Three of them are linked to a political party, Jamiat Ulmae Ahl-e-Hadith while four are regarded as non-jihadi. Two are reputed to be part of Lashkar-e-Taiba and Jamaat-ud-Dawa and they are part of the three that are funded entirely from donations from Saudi Arabia, the UAE and Kuwait. These three have a large number of teachers (60 in one, 30 in another and 11 in the smallest one) and offer the most mainstream education including computer and vocational training, with one of them offering education up to BA while the other two offer up to matriculation. One other madressah in this sect offers matriculation also while the remaining two offer only Islamic education.

The five Fiqah-e-Jafria madressahs have a total of 300 students (from 5-20 years). They are all funded locally and only offer Islamic education. The data for Rajanpur and Rahim Yar Khan is equally interesting and almost on the same patterns – with a few local variations but paucity of space prevents a detailed discussion on that data. However, certain patterns can be deduced – that most of the madressahs are poorly equipped for any form of education at all given the terrible student-teacher ratio and the vast age range of the students – who come from the marginalised poor of the area. The foreign funding may not be as ominous as it looks but it needs to be established whether it comes from private zakat or other charitable donations or official sources. In some cases, like three of the four non-jihadi-reputed Ahl-e-Hadith madressahs, Anjuman Markaz Al Touheed, Markaz Umer Ibne Khatab and Markaz Umer Bin Khitab, the main donor is transparent and identified as being Abdullah Salfi, Kulyat ul Banat.

The main point that has been raised for some time in these columns now is that in order to remove the three main issues of madressahs in Pakistan – that is, the marginalised poor students, the lack of mainstream education and therefore lack of any future prospects and problem of transparency of funding – can only be removed by bringing in the private sector to pump in funds, provide mainstream education alongside the religious education which the various madressah boards can continue to supervise, and offer employment opportunities so that the very poor do not need to offer their children as suicide bombers and cannon fodder for

violence. Let the Pakistani nation take up the challenge because the state has failed miserably and time is running out. All the state can do is to offer incentives for what I refer to as the 'adopt-a-madrasah' scheme alongside the necessary legislation.

When one sees the human figures involved the massive scale of the problem becomes all too evident for it is these deprived youth that will keep the extremist violence continuing within Pakistan just as the marginalised Muslim youth of Britain are the future terrorist threat for that country despite the British leaders' inability to do introspection rather than indulge in a convenient blame game. Military action can never resolve this issue – how many of our people will we kill? The solution lies in justice and restoration of dignity alongside a future of hope for the dispossessed.

Shireen M Mazari, *News*, April 29, 2009
http://www.thenews.com.pk/daily_detail.asp?id=174878

MILITARY GUNS SWIRL INTO ACTION IN BUNER

The Director General ISPR, Major General Ather Abbas, has said that the Frontier Corps (FC) with the help of Pakistan Army on Tuesday evening launched a full-fledged operation to eliminate and expel militants from Buner District.

In a media briefing, the Army spokesman said that the operation that may last for around one week was meant to deal with the militants who were around 450 to 500 in number. He said that the Inspector General Frontier Corps was heading the operation with the support of jet fighters of PAF and gunship helicopters of Pakistan Army Aviation besides heavy weaponry of Pakistan Army as backup support in the operation. He said that the operation in Buner had been launched after finding that the whole process of peaceful means proved to be a complete failure.

Giving the background details of the operation, he said that kidnapping for ransom of civilians and forces personnel, killing of police and other law and order personnel, barring the routine activities and forcefully taking over the public and private property whereby challenging the writ of the state had become the order of the day in the area. The militants also attacked the military convoys in the area, he added. He said that on April 2 and 3, some 400 to 500 armed militants entered the area in violation of the agreement and despite repeated

warnings by the local civil administration during the course, the militants did not stop their unlawful activities. General Ather said that despite all that the government showed maximum restraint and did not go for any operation with the aim of fully exposing the aims of the militants in the area, he maintained. “Finally, seeing the worsening situation the government was left with no other option than to launch an operation”, he said.

Also various tele-conversations (intercepted and recorded earlier through intelligence means and stated to be having material veracity) between various militant commanders including that of Maulvi Fazal Ullah, were played. The tele-conversations proved that the militants had no plans to leave the area but for the sake of media coverage only a few of the militants had to move out of the place. The spokesman said that the operation in Lower Dir area, launched a couple of days ago, had been successfully accomplished where around 70 to 75 militants had been killed, while 10 FC personnel embraced martyrdom. He said no foreign militant was found in Dir operation.

Maqbool Malik and Nader Buner, *Nation*, April 29, 2009
<http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Politics/29-Apr-2009/Military-guns-swirl-into-action-in-Buner>

INTERNATIONAL

FAUSTIAN PACT

After 18 months of an on-again off-again war between the Taliban and the Pakistan Army, the guns fell silent in the once picturesque Swat valley in the North West Frontier Province (NWFP) on February 16 when the militants declared a truce in exchange for a controversial agreement, called the Nizam-e-Adl Regulation (NAR) 2009, with the government to set up Sharia courts.

The people of Swat celebrated. They had been battered for too long. On the one hand were the Taliban, who had set up a parallel government in the district, disbursing summary justice in kangaroo courts and instilling in people a fear of committing any act that might be remotely interpreted as anti-Islamic. On the other was the constant fear of being hit in the crossfire between the Taliban and the security forces. When the militants declared the truce, people distributed sweets and markets and schools reopened.

But even as government spokesmen hailed the victory of negotiations over a military solution, many voices in the country and outside it questioned the long-term objectives and wisdom of the government in concluding the agreement, which has seemed more or less an outright surrender to the Taliban. There is no hiding the fact that the provincial NWFP government, led by the secular Awami National Party (ANP), an ally of the federal government, was forced to make this agreement following the failure of the Pakistan Army to wrest back control of the district. In its defence, the military said an all-out anti-militant operation in Swat would have led to intolerably high collateral damage.

The government says it has not made a deal with the Taliban directly. But even that sounds like an acknowledgement of the reality of Taliban control in the district of 1.7 million people.

The NAR agreement is between the NWFP government and a militant group allied to the Swat Taliban, called the Tehrik-e-Nifaz-e-Shariat-Muhammadi (TNSM). Under it, the government must set up Sharia courts in the Malakand division of the NWFP, which covers seven districts in all, including Swat. What this actually means is clothed in ambiguity. The government says the courts will administer “speedy

justice” as demanded by the people, using a mixture of laws prevalent in other parts of Pakistan and *rewaj*, or customary laws – a popular form of Sharia – that was in force in the pre-1969 princely state of Malakand.

The TNSM chief, Sufi Mohammed, is a septuagenarian admirer of the Taliban regime in Afghanistan. He even took a thousand militants with him to fight the Americans in 2001. They were so badly equipped that many of them were killed. Sufi Mohammed was arrested on his return and released only last year by the newly elected ANP-led government. His interpretation of the Sharia courts is likely to be different from the government’s, and this is evident from his first pronouncement after the deal, denouncing democracy as anti-Islamic.

The Friday Times put it: “There is bitter controversy over what is Islamic and what is not, what is vice and what is virtue, what punishments can be legitimately prescribed, the speed at which this ‘justice’ can be delivered without abandoning the whole notion of due process, and the process of appeal to constitutional higher authorities outside Malakand. Indeed, it is unclear whether the regulation is even constitutional or not.”

The first glimpses of the coming battles over interpretation are already surfacing, with Sufi Mohammed demanding that he should vet the appointments of qazis, or judges, to these courts. But the more immediate concern is the nature of the peace the government has bought in Swat through this agreement. Sufi Mohammed’s side of the deal was to convince the Swat Taliban, led by his son-in-law, Mullah Fazlullah, to allow the government to re-establish its writ in the district. In response to his appeal, Fazlullah called an “indefinite truce”.

But he gave the government no other guarantee. While the government has pledged not to initiate military operations, the Taliban has not made any similar pledge. They have said nothing about giving up weapons either. There is no indication that Fazlullah will abandon his daily broadcasts, which challenge the government, from an illegal FM station. He earned his *nom de guerre* Mullah Radio as a result of these broadcasts, in which he and his cohorts preach Talibanic Islam.

Fazlullah made no commitment about allowing girls’ education, which has effectively ended in Swat following a Taliban edict. It is obvious that the Taliban, which is responsible for the killing of hundreds of innocent people in Swat, the destruction and looting of property, and the displacement of over 300,000 people in the past few months, will not submit to the Sharia courts. “[The Taliban] have won the freedom to

operate freely, enlarge their network and to deal with the population as they wish, short of blood-letting,” observed I.A. Rehman, eminent political thinker and the director of the Human Rights Commission of Pakistan, a non-governmental organisation, writing in the daily *Dawn*. The people of Swat may welcome the deal now as it has silenced the guns, he wrote, but they may not understand the full implications of rule by the Taliban.

Just days after the truce was declared, the Taliban kidnapped a government official who was on his way to Swat to take up his assignment, thus mocking at government notions of re-establishing the “writ of the state” in the district. Point proved, the Taliban released their hostage after a few hours in exchange for the release of two imprisoned militants.

Earlier, a Geo Television journalist, Musa Khankhel, was killed when he was covering Sufi Mohammed’s “peace caravan” through Swat in an effort to convince Fazlullah to accept the offer. Since then, the Swat Taliban have also kidnapped paramilitary personnel. Even more disquieting, the senior-most government official in Malakand, the Divisional Commissioner, has signed a 17-point agreement with the TNSM, which is to come into force once the NAR is implemented. It includes a ban on music centres and “vulgar” CDs, a campaign against “obscenity and vulgarity”, the closure of markets at prayer times, and the creation of awareness about “social evils”. Supporters of the deal say the peace it has brought to Swat cannot be underestimated. The popular wisdom is that given the choice between having a son or husband killed in crossfire and wearing a *burqa*, a woman would not mind wearing two *burqas*.

Political Strategy

They also say that as a political strategy, an agreement to provide quick justice is the best way to marginalise Fazlullah and his radical Islam, as it may wean away the less doctrinaire of his followers to Sufi Mohammed’s side and make them as manageable as the TNSM leader. Or, it could even wean Fazlullah away from his super-boss, Baitullah Mehsud, the Taliban warlord in South Waziristan. The Swat Taliban owes allegiance to the Tehrik-e-Taliban Pakistan, which Mehsud heads.

The thinking is that if Fazlullah breaks the truce or acts against the government or continues with his parallel system of justice and governance, the people of Swat, who voted for a secular party and

rejected religious forces in the February 2008 elections, will no more oppose an all-out military action against the Taliban even if the collateral costs are high. Hence, if the agreement was surrender, it was only a “tactical” move.

But critics of the deal point out that if the Army was not able to deal with the Taliban in the first instance, there is no guarantee that it would be able to take on a force that would be rested and rejuvenated after the ceasefire. In Pakistan, there is real concern that the Taliban will use its victory in Swat to spread its wings further into the “settled” districts of the NWFP.

The provincial capital, Peshawar, is already awash with militants. The blowing up of the shrine of Rahman Baba, a Sufi saint revered by Pashtuns and across Pakistan, is seen as a wake-up call. Militants blew up the shrine because women visited it in large numbers. In Islamabad, which is located only a 100 kilometres from Swat, drawing room conversation has for days centred on fears that the Taliban will soon be knocking at the door of the capital. There is also concern that the agreement will embolden militants in other parts of the province, and the country, to resort to a similar strategy in order to have their way with the government.

“If the [government’s] idea is to use the period of this truce to improve security, strengthen, provide equipment and train security personnel, to prepare for the eventuality of taking on the Taliban, then it’s acceptable,” said Rehman. “But if that is not the idea, then we are done for.” International worries about the deal have centred on the safe haven that Swat could become for the Taliban and allied militant groups, preparatory to a spring offensive in Afghanistan. Swat is not a tribal area in the Federally Administered Tribal Areas (FATA) and, as such, is not yet in the line of drone operations by U.S. forces. The district is also said to be awash with cadres of the Jaish-e-Mohammed (JeM), a militant group based in Punjab and led by Maulana Masood Azhar.

Although the Pakistani establishment goes to great lengths to draw distinctions between the Taliban and the Punjab-based militants, who have traditionally targeted Kashmir and India, evidence suggests that the JeM has deep links with Baitullah Mehsud. With more questions than answers about the Swat deal, the only thing is to hope, quite perversely, that this most flawed of pacts that the Pakistan government has made with militancy, fails. Already there are signs that it may. Sufi Mohammed has set March 15 as the deadline for the government to set up the Sharia

courts. The NWFP government has said it will do so as soon as President Asif Ali Zardari signs into existence an enabling law. Despite his declared support for it, Zardari has puzzlingly not put his stamp on this yet, perhaps under diplomatic pressure.

Nirupama Subramanian, *Frontline*, March 14-27, 2009
<http://www.hinduonnet.com/fline/fl2606/stories/20090327260601000.htm>

PAKISTANI PEACE DEAL GIVES NEW CLOUT TO TALIBAN REBELS

Thousands of Islamist militants are pouring into Pakistan's Swat Valley and setting up training camps here, quickly making it one of the main bases for Taliban fighters and raising their threat to the government in the wake of a controversial peace deal.

President Asif Ali Zardari effectively ratified the government's deal with the Taliban Monday by signing a bill that imposes Islamic law in Swat, a key plank of the accord, hours after legislators overwhelmingly approved a resolution urging it. Pakistani officials have touted the deal, reached in February, as a way to restore peaceful order in the bloodied region -- which lies just a few hours' drive from the capital -- and halt the Taliban's advance.

Yet a visit to the Taliban-controlled valley here found mounting evidence that the deal already is strengthening the militants as a base for war. U.S. officials contend the pact has given the Taliban and its allies in al Qaeda and other Islamist groups an advantage in their long-running battle against Pakistan's military. The number of militants in the valley swelled in the months before the deal with the Taliban was struck, and they continue to move in, say Pakistani and U.S. officials. They now estimate there are between 6,000 and 8,000 fighters in Swat, nearly double the number at the end of last year.

Taliban leaders here make no secret of their ultimate aim. "Our objective is to drive out Americans and their lackeys" from Pakistan and Afghanistan, said Muslim Khan, a spokesman for the group, in an interview here. "They are not Muslims and we have to throw them out." Militant training camps are springing up across the valley's thickly forested mountainsides. "Young men with no prospect of employment and lack of education facilities are joining the militants," said Abdur Rehman, a schoolteacher in Swat. Until the fighting began nearly two years ago in the valley, it was a popular weekend getaway for well-heeled

Pakistanis, known for its alpine ridges, fruit orchards and trout-filled streams. With the Taliban now imposing its harsh version of Islamic law, floggings and even executions are fast becoming commonplace. Residents said many young men are joining the militants to ensure the safety of their families, who they hope will be left in peace if one of their own is fighting the government.

"We are all frightened by this brutality. No one can dare to challenge them," said Fazle Rabbi, who owns a cloth shop in Mingora, Swat's main town. The shop sits on a square that has become known among residents as "Slaughter Square" because the Taliban have begun using it to dump bodies after executions. Since the new peace deal was made, the militants are beginning to push into neighboring areas. Last week they overpowered a village militia in the adjacent Buner district. The attack was a violation of the peace accord. But the Taliban faction that controls Swat says it has no intention of withdrawing. "We want Islamic sharia [law] also to be enforced in Buner," said Mr. Khan. "No one can force us out from any part of the province."

Many of the longer-term jihadist fighters are loyal to groups with ties to al Qaeda, such as Jaish-e-Mohammed. They have been hardened on battlefields in neighboring Afghanistan and the Kashmir region claimed by India and Pakistan -- underlining the growing confluence between the various Islamist groups fighting on either side of the Afghan-Pakistani border, the officials say. The Taliban and al Qaeda were once largely confined to a mountainous ribbon that runs along the Afghan border and has long existed in a semiautonomous limbo, technically part of Pakistan but never fully under the control of its government.

In the past two years, however, the Taliban and its allies have pushed into areas where Pakistan's state had held sway, such as Swat, about 100 miles from Islamabad. Striking peace deals with some Taliban factions is part of Pakistan's broader strategy to counter the militants. The government's logic is that such accords can exploit the groups' fractious nature; one enemy can be neutralized with a peace deal while another is defeated on the battlefield. The deals also have been struck when the army has struggled to overcome militants. In Swat, about 3,000 militants pushed four times as many soldiers out of the valley in 18 months of fighting, leaving some 1,500 people dead.

Nearly all the peace accords reached in the past few years in areas near the Afghan border, where the Taliban are strongest, have collapsed. Often they have left the militants more powerful. A similar deal in Swat

fell apart last year after the Taliban renewed attacks on Pakistani forces. The Taliban's actions since the new peace deal was unveiled have alarmed Washington, where officials fear that Swat will become an effective launching pad for expansion into Pakistan's more densely populated plains. "This is a rest stop for the Taliban, it's nothing more," said a U.S. official in Washington.

Swat now offers a glimpse of the Taliban's vision for Pakistan. They have taken control of the local government and the police, who have been ordered to shed their uniforms in favor of the traditional Shalwar Kameez, an outfit comprising a long shirt and loose trousers. They also have seized Swat's emerald mines, which extract millions of dollars a year in gemstones. At barbershops, notices warn men not to shave their beards. Women are no longer allowed to leave their homes without their husbands or male blood relatives. Girls' schools have been reopened after initially being closed but the students must be covered from head to toe, and Taliban officials routinely inspect classrooms for violators.

"We used to have lots of cultural and extracurricular activities in the school, but all that has been stopped," said Ziaullah Yousaf Zai, a principal of a private girls' school in Mingora. "We do not want to give any pretext to the Taliban to shut the school again." Mr. Khan, the Taliban spokesman, predicted there would soon be more executions, showing off a list of people whom the Taliban want to try in Islamic courts for what he called their "anti-Islamic" ways. The list includes senior government officials, a woman whose husband is in the U.S. military, and others. Many of them have fled or are in areas outside Taliban control.

"These kinds of people should not live," said Mr. Khan, who also is a commander in the Tehrik-e-Taliban, a broader Taliban alliance focused on battling the Pakistani government. Islamic courts haven't yet been set up in Swat because Pakistani President Zardari had delayed signing the bill to impose sharia, as the peace deal stipulates. Until Monday, he had maintained there first must be complete peace in the valley, though he didn't explain how he would determine that, nor did he address it Monday. Mr. Zardari's delay was widely viewed as an attempt to save face with opponents of the deal in his own government and Washington. He relented after the Parliament vote established support from almost every national political party, said a senior official close to the president. One party walked out in opposition.

Mr. Khan had warned of more bloodshed if Islamic law was not formally imposed. "It does not matter to us whether the peace deal stays or not. No one can stop us from setting up our own courts," he said. The Taliban were already imposing their own version of sharia, which has been interpreted with wide variations by Islamic scholars for centuries. Pakistani television stations recently broadcast a video of a woman being flogged by black-turbaned Taliban in Swat. Most official accounts say she was alleged to have left her house without a male blood relative. While Mr. Khan insisted the video was a fake, he acknowledged that such an incident did happen. "As a Muslim, we cannot allow a woman to violate Islamic values," he said.

Zahid Hussain and Matthew Rosenberg, *Wall Street Journal*, April 14, 2009
<http://online.wsj.com/article/SB123963706622913745.html>

U.S. CONDEMNS PAKISTAN DEAL

The Obama administration said Pakistan's imposition of Islamic law in a northwest valley to quell a Taliban insurgency undermines human rights, while a visiting U.S. senator urged the country to "ratchet up" its urgency in the terror fight.

White House spokesman Robert Gibbs' comments Tuesday were the United States' most pointed criticisms of Pakistan's peace efforts in the Swat Valley to date. They came hours after a hard-line cleric who mediated the deal indicated it will protect militants accused of brutal killings in the one-time tourist haven from prosecution.

"The administration believes solutions involving security in Pakistan don't include less democracy and less human rights," Mr. Gibbs said. "The signing of that denoting strict Islamic law in the Swat Valley .. goes against both of those principles." Sen. John Kerry, chairman of the Senate Foreign Relations Committee, was visiting Pakistan this week ahead of a donors conference for the country in Tokyo. Mr. Kerry is spearheading a bill to increase U.S. nonmilitary aid to Pakistan, a multibillion dollar effort to strengthen sectors such as education to help lessen the allure of extremism in the Muslim-majority nation of 170 million.

The senator said the Pakistani government must make some "basic decisions," including where and how much of its army it will deploy against al-Qaeda and Taliban fighters, who are primarily based along its northwest border with Afghanistan. The army has tens of thousands of

troops in the northwest, but has long devoted far more resources to its eastern border with longtime rival India. "I don't think that the effort has been resourced the way that it needs to be either in the personnel or the strategy," Mr. Kerry said, adding later, "The government has to ratchet up the urgency."

Pakistan's beleaguered, U.S.-allied government has tried both carrots and sticks in dealing with the insurgency, even as it has been distracted by a host of issues, including a faltering economy and political feuds. In the scenic Swat Valley, 18 months of bloodshed prompted the provincial government in February to agree to impose Islamic law there and in surrounding areas to achieve peace. The Taliban agreed to a cease-fire. After weeks of foot-dragging, Pakistani President Asif Ali Zardari approved the regulation late Monday only after Parliament voted unanimously to adopt a resolution urging him to sign it.

The deal covers the Malakand division of Pakistan's North West Frontier Province, a largely conservative region which stretches north along the Afghan border for hundreds of miles. The Swat Valley section lies less than 100 miles from the capital, Islamabad, and is believed to be largely under Taliban control. Defenders say the deal will drain public support for extremists who have hijacked long-standing calls in Swat for reform of Pakistan's snail-paced justice system. But critics worry it rewards hard-liners who have beheaded political opponents and burned scores of schools for girls in the name of Islam - and that it will encourage similar demands in other parts of the nuclear-armed country. Hard-line cleric Sufi Muhammad brokered the deal, whose terms remain murky. Asked Tuesday in a television interview if the new courts would hear complaints from Swat residents about the militants, Mr. Muhammad strongly suggested they could not. "Past things will be left behind and we will go for a new life in peace," Mr. Muhammad told the ARY channel, sitting off-screen because he considers photographic or TV images to be against Islam. Asked if the Taliban would enjoy such immunity, a provincial government minister only pleaded for calm so that peace could take hold.

"Everyone should understand what we have gone through and what kind of hardship people in Swat have suffered," Wajid Ali Khan said. "We can look into any disputes and controversy at some later stage." Federal Information Minister Qamar Zaman Kaira said Tuesday that the pact was little more than a tactical maneuver in the country's "long war" with extremists. "Those people who want to hijack Pakistan and

destabilize Pakistan, they used (the demand for speedy justice) as a propaganda tool," Mr. Kaira said. "We have taken that idea out of the hand of the exploiters." He insisted the deal would not lead to a version of Islamic law like that upheld by the former Taliban regime in Afghanistan.

A spokesman for the Taliban said the militants would cooperate. If the law is quickly implemented, "the world will see how much peace and prosperity comes to this region," said Muslim Khan. He announced late Tuesday that the militants would observe a ban on the "unnecessary" display of arms in Swat. Many observers, however, doubt the Swat Taliban's ambitions end at the valley's borders. The militants recently made a violent push into the neighboring Buner region, and Mr. Muhammad has repeatedly denounced Pakistan's democratic system as being against Islam – a view shared by the extremist groups blamed for the country's rising violence.

Wall Street Journal, April 15, 2009

<http://online.wsj.com/article/SB123976907984720123.html>

TALIBAN EXPLOIT CLASS RIFTS IN PAKISTAN

The Taliban have advanced deeper into Pakistan by engineering a class revolt that exploits profound fissures between a small group of wealthy landlords and their landless tenants, according to government officials and analysts here. The strategy cleared a path to power for the Taliban in the Swat Valley, where the government allowed Islamic law to be imposed this week, and it carries broad dangers for the rest of Pakistan, particularly the militants' main goal, the populous heartland of Punjab Province.

In Swat, accounts from those who have fled now make clear that the Taliban seized control by pushing out about four dozen landlords who held the most power. To do so, the militants organized peasants into armed gangs that became their shock troops, the residents, government officials and analysts said. The approach allowed the Taliban to offer economic spoils to people frustrated with lax and corrupt government even as the militants imposed a strict form of Islam through terror and intimidation. "This was a bloody revolution in Swat," said a senior Pakistani official who oversees Swat, speaking on the condition of anonymity for fear of retaliation by the Taliban. "I wouldn't be surprised if it sweeps the established order of Pakistan."

The Taliban's ability to exploit class divisions adds a new dimension to the insurgency and is raising alarm about the risks to Pakistan, which remains largely feudal. Unlike India after independence in 1947, Pakistan maintained a narrow landed upper class that kept its vast holdings while its workers remained subservient, the officials and analysts said. Successive Pakistani governments have since failed to provide land reform and even the most basic forms of education and health care. Avenues to advancement for the vast majority of rural poor do not exist. Analysts and other government officials warn that the strategy executed in Swat is easily transferable to Punjab, saying that the province, where militant groups are already showing strength, is ripe for the same social upheavals that have convulsed Swat and the tribal areas. Mahboob Mahmood, a Pakistani-American lawyer and former classmate of President Obama, said, "The people of Pakistan are psychologically ready for a revolution." Sunni militancy is taking advantage of deep class divisions that have long festered in Pakistan, he said. "The militants, for their part, are promising more than just proscriptions on music and schooling," he said. "They are also promising Islamic justice, effective government and economic redistribution." The Taliban strategy in Swat, an area of 1.3 million people with fertile orchards, vast plots of timber and valuable emerald mines, unfolded in stages over five years, analysts said.

The momentum of the insurgency built in the past two years, when the Taliban, reinforced by seasoned fighters from the tribal areas with links to Al Qaeda, fought the Pakistani Army to a standstill, said a Pakistani intelligence agent who works in the Swat region. The insurgents struck at any competing point of power: landlords and elected leaders — who were usually the same people — and an underpaid and unmotivated police force, said Khadim Hussain, a linguistics and communications professor at Bahria University in Islamabad, the capital. At the same time, the Taliban exploited the resentments of the landless tenants, particularly the fact that they had many unresolved cases against their bosses in a slow-moving and corrupt justice system, Mr. Hussain and residents who fled the area said. Their grievances were stoked by a young militant, Maulana Fazlullah, who set up an FM radio station in 2004 to appeal to the disenfranchised. The broadcasts featured easy-to-understand examples using goats, cows, milk and grass. By 2006, Mr. Fazlullah had formed a ragtag force of landless peasants armed by the Taliban, said Mr. Hussain and former residents of Swat.

At first, the pressure on the landlords was subtle. One landowner was pressed to take his son out of an English-speaking school offensive to the Taliban. Others were forced to make donations to the Taliban. Then, in late 2007, Shujaat Ali Khan, the richest of the landowners, his brothers and his son, Jamal Nasir, the mayor of Swat, became targets. After Shujaat Ali Khan, a senior politician in the Pakistan Muslim League-Q, narrowly missed being killed by a roadside bomb, he fled to London. A brother, Fateh Ali Mohammed, a former senator, left, too, and now lives in Islamabad. Mr. Nasir also fled.

Later, the Taliban published a “most wanted” list of 43 prominent names, said Muhammad Sher Khan, a landlord who is a politician with the Pakistan Peoples Party, and whose name was on the list. All those named were ordered to present themselves to the Taliban courts or risk being killed, he said. “When you know that they will hang and kill you, how will you dare go back there?” Mr. Khan, hiding in Punjab, said in a telephone interview. “Being on the list meant ‘Don’t come back to Swat.’”

One of the main enforcers of the new order was Ibn-e-Amin, a Taliban commander from the same area as the landowners, called Matta. The fact that Mr. Amin came from Matta, and knew who was who there, put even more pressure on the landowners, Mr. Hussain said. According to Pakistani news reports, Mr. Amin was arrested in August 2004 on suspicion of having links to Al Qaeda and was released in November 2006. Another Pakistani intelligence agent said Mr. Amin often visited a madrasa in North Waziristan, the stronghold of Al Qaeda in the tribal areas, where he apparently received guidance.

Each time the landlords fled, their tenants were rewarded. They were encouraged to cut down the orchard trees and sell the wood for their own profit, the former residents said. Or they were told to pay the rent to the Taliban instead of their now absentee bosses. Two dormant emerald mines have reopened under Taliban control. The militants have announced that they will receive one-third of the revenues. Since the Taliban fought the military to a truce in Swat in February, the militants have deepened their approach and made clear who is in charge.

When provincial bureaucrats visit Mingora, Swat’s capital, they must now follow the Taliban’s orders and sit on the floor, surrounded by Taliban bearing weapons, and in some cases wearing suicide bomber vests, the senior provincial official said. In many areas of Swat the Taliban have demanded that each family give up one son for training as a Taliban

fighter, said Mohammad Amad, executive director of a nongovernmental group, the Initiative for Development and Empowerment Axis.

A landlord who fled with his family last year said he received a chilling message last week. His tenants called him in Peshawar, the capital of North-West Frontier Province, which includes Swat, to tell him his huge house was being demolished, he said in an interview here. The most crushing news was about his finances. He had sold his fruit crop in advance, though at a quarter of last year's price. But even that smaller yield would not be his, his tenants said, relaying the Taliban message. The buyer had been ordered to give the money to the Taliban instead.

Jane Perlez and Pir Zubair Shah, *New York Times*, April 16, 2009
<http://www.nytimes.com/2009/04/17/world/asia/17pstan.html?scp=1&sq=&st=nyt>

COMING TO GRIPS WITH AN EXPANDING EXTREMIST THREAT IN PAKISTAN

Pakistan is in the midst of rapid political shifts that are challenging the leadership's ability to maintain cohesion within the country and even raising questions about the potential for an Islamic revolution by year's end. Pakistan has long suffered from ethnic and sectarian divisions in different parts of the country. But the recent threat from a well-armed and well-organized Islamist insurgency pushing for the establishment of strict Islamic law in parts of the North West Frontier Province (NWFP) adds a new and more dangerous dimension to the country's challenges.

Last week Pakistani President Asif Ali Zardari conceded to the Taliban's demand for a comprehensive parallel Islamic courts system in part of the NWFP after the Pakistani parliament passed a resolution urging him to do so, and the Supreme Court released a radical religious leader who advocates turning the country into a theocratic state. These developments signal that Pakistan's leadership is more interested in appeasing--rather than challenging--extremists, which will likely further embolden them to seek their ultimate goal of overthrowing the Pakistani state.

To counter this growing threat, Pakistani leaders must highlight the brutality of the pro-Taliban militants and demonstrate that these radicals are forcing a way of life on Pakistani citizens that is alien to their own historical and religious traditions and aspirations for constitutional democracy. The struggle is Pakistan's to fight, but the U.S. should do

what it can to shore up the civilian leadership and bolster Pakistan's military with the expectation that it will hold the line against Taliban extremists if they seek to impose their violent and destructive agenda in other parts of Pakistan.

The Costs of Surrendering Swat

The government's surrender of the Swat Valley to pro-Taliban militants is a major victory for Islamist extremists seeking to carve out pockets of influence within the country. The government's concessions to the militants not only undercut the Pakistani state and its claim of sovereignty over the region—they allow the area to develop into a terrorist safe haven that will likely become a threat to the rest of the world. The establishment of a parallel Islamic courts system in the Malakand region of the NWFP (including the Swat Valley) will also have dire human rights consequences for average Pakistanis—especially women and girls—in the region. The pro-Taliban militants have already destroyed numerous girls' schools and engaged in brutal public punishments to instill fear in the population and quell dissent from their harsh interpretation of Islam.

The recent closing of the civil courts in Swat Valley belies the Pakistan government's claims that the establishment of Islamic courts in the region would not usurp state authority. Tehrik-e-Nifaz-e-Shariat-e-Muhammadi (TNSM) Chief Sufi Mohammad declared that the civil courts were against Shari'a and asked civil judges not to hold proceedings. Mohammad also declared in a recent interview that democracy is not permissible under Shari'a law. The government's deal with the pro-Taliban militants in Swat amounts to a bargaining away of the people's basic rights embodied within the Pakistani constitution. In early April, Pakistani Chief Justice Iftikhar Ali Chaudhry raised several questions regarding a public flogging of a young woman in Swat (recorded on video), but public discussion of the issue was muddied by Taliban statements saying the government should worry more about drone missile strikes.

The contrast between the Taliban's brand of justice and that for which so many Pakistanis recently protested in the streets to defend is striking. Pakistanis were jubilant last month when Chief Justice Chaudhry was reinstated after having been unceremoniously removed two years ago by former President Pervez Musharraf. But the independence of the judiciary Pakistanis fought so hard to restore is again

at risk--this time from the threat of terrorist violence and intimidation. TNSM leader Sufi Mohammed's recent criticism of the Pakistani Supreme Court and high courts for not operating under strict Shari'a reveals the militants' broader goal: undermining Pakistan's democratic institutions.

Radical Gets Released

The Supreme Court's release on bail of Maulana Abdul Aziz, one of the ringleaders of the 2007 Red Mosque stand-off, reinforces the impression that the government is either unwilling or unable to confront anti-state radicals. Aziz had fled the Red Mosque disguised in a burqa shortly before the Pakistan military operation began in July 2007, while his brother remained inside the mosque to die with about 100 other militants. The Supreme Court's decision last week to release Aziz and allow him to rally his supporters in the heart of Islamabad defies logic and is further indication of the fluidity and unpredictability of current developments inside Pakistan. Many now wonder whether Aziz will again send groups of Islamist vigilantes into Islamabad's markets to intimidate shopkeepers and women. Western media reports indicate that barber shops, music stores, and Internet cafes are receiving threats from extremists in some towns in southern and western Punjab.

A Role for the U.S.

Pakistanis themselves will have to muster the will to stand up to the extremists threatening the stability of the state. U.S. actions and statements, while not the determining factors for Pakistan's future, will have an impact, whether positive or negative. Thus, the U.S. must tread carefully. Given the high level of anti-American sentiment in the country, Washington will need to work closely with other countries interested in seeing stability in Pakistan. The Tokyo donors' conference last week that succeeded in raising pledges of over \$5 billion for Pakistan was helpful in demonstrating broad international support for the country. The international community must remain focused on Pakistan, demonstrating to Pakistan the benefits of remaining on the democratic path and engaged internationally.

The U.S. should quietly encourage Pakistan to develop a comprehensive plan of action to counter extremist trends in the country. Such a plan would require Pakistan's federal and provincial civilian

leaders and the army to work together. The U.S. must be careful with its public statements, expressing support for the principles of democracy and importance of respect for human rights while seeking to ensure such statements are not interpreted as interference in Pakistan's domestic affairs. This will be difficult at a time when the U.S. Congress is debating legislation aimed at both vastly increasing economic aid to Pakistan while at the same time adding to this aid necessary standards of accountability and transparency and setting conditions for uprooting terrorism.

The United States is in a tough position. Given the current uncertainty in Pakistan, it may be a bad time to emphasize the need to place conditions on aid. But it would be unrealistic for Islamabad to expect Washington to continue to provide such large sums of aid (especially in light of the global economic climate) without any strings attached. While U.S. commanders, namely Central Commander General David Petraeus, need flexibility and discretion to provide counterinsurgency assistance to the Pakistani military in a rapidly evolving battlefield environment, the U.S. also needs to develop some leverage in order to coax greater cooperation from Pakistan in combating terrorism while setting realistic expectations for results in both Washington and Islamabad.

A Pluralist Tradition

The Pakistani people have a deep culture of pluralist traditions dating back centuries that their founding leader sought to preserve in order to strengthen Pakistan as a nation-state while retaining the country's Muslim identity. In order to stabilize and develop the country, Pakistanis need to nurture this pluralist, tolerant tradition.

Lisa Curtis, *Heritage Foundation*, April 22, 2009
<http://www.heritage.org/Research/AsiaandthePacific/wm2403.cfm>

SHARIF VOICES CONCERN OVER SWAT PEACE DEAL

Former Prime Minister Nawaz Sharif yesterday expressed his concern over the lately introduced peace deal in the volatile northwestern Swat Valley.

In an interview with USA Today, the Pakistan Muslim League-Nawaz party chief said that those militants were now threatening to

spread their reach beyond Swat to other regions of the country, adding that such a situation needs to be avoided.

However, Sharif once again opposed US drone attacks in the tribal areas as “counterproductive,” saying that he wanted dialogue with some moderate groups.

Sharif also rubbished international doubts that the nuclear assets of the country could fall into the hands of the Taliban militants. Sharif said that, with sufficient economic development, the insurgency in Swat and the adjoining tribal areas could be defused in just two years.

The PML-N chief stressed that any deal with militants should include commitments that “democracy would not be allowed to deteriorate and the writ of the government would be honored.” Sharif also told the US media that women’s schools and universities must be allowed to stay open. Sharif avoided criticizing Pakistan President Asif Ali Zardari directly in the interview, insisting that he wanted to work with the Pakistan People’s Party (PPP) but also wanted the president to give up some of his presidential powers, and this matter should be resolved in Parliament, not on the streets.

He said that his party wanted to get the country back on the rails of democracy, strengthen institutions like the judiciary and the media and take necessary steps to prevent anyone from abrogating or suspending the constitution.

Sharif said politicians must set aside their differences and work together to find solutions to the Taliban insurgency plaguing the country and focus on other pressing needs.

Arab News, April 22, 2009

<http://www.arabnews.com/?page=4§ion=0&article=121780>

PAKISTAN MOVES TO HALT ADVANCE OF TALIBAN JUST 60 MILES FROM CAPITAL

Eight platoons of the paramilitary Frontier Constabulary were dispatched to a district in the North West Frontier Province after Hillary Clinton, US secretary of state, warned Pakistan it must confront the militant fighters. The troops were deployed to reinforce the Pakistan government's crumbling authority in Malakand region where Sharia law is being introduced under a peace deal between Islamabad and the militants. In exchange for new 'Qazi courts' the militants have agreed to end their insurgency.

But since the deal was agreed last month, Taliban fighters have advanced into neighbouring Buner district, where they have been mounting checkpoints, and intimidating local police and officials. Western diplomats said the area could become a terrorist safe haven as it was now effectively an "ungoverned space" and district government officials and police officers had "run away".

The new Frontier Constabulary force immediately came under attack as it arrived in the district yesterday. A police convoy it was guarding came under sniper fire, which killed one police officer and injured another. Officials fear that from their new base in Buner, the Taliban could cut the motorway which links Islamabad with Peshawar, the regional capital of the North West Frontier Province. Some members of parliament yesterday suggested the Taliban could soon appear on the hills overlooking the western edge of Islamabad.

Army chief spokesman Major General Athar Abbas said reports of a Taliban takeover in the area were false. He said: "Eight platoons of Frontier Constabulary have been dispatched to reinforce the police. They are to guard the government installations. They (Taliban) are in different parts of the district but reports that the whole district has fallen are completely exaggerated."

Telegraph, April 23, 2009

<http://www.telegraph.co.uk/news/worldnews/asia/pakistan/5209328/Pakistan-moves-to-halt-advance-of-Taliban-just-60-miles-from-capital.html>

CLINTON: PAKISTANI GOVERNMENT 'ABDICATING' TO EXTREMIST FORCES

The Pakistani government "is basically abdicating to the Taliban and to the extremists," Secretary of State Hillary Rodham Clinton told Congress yesterday in an unusually blunt statement that reflects the unease within the Obama administration about an agreement authorized by President Asif Ali Zardari last week. The agreement would permit sharia, or Islamic law, in the Swat Valley -- just 100 miles west of the capital, Islamabad -- and was reached after the Pakistani military failed to rout Taliban fighters there.

Clinton, appearing before the House Foreign Affairs Committee, tempered her remarks by saying that the Pakistani government needs to improve its delivery of justice and services -- precisely what leaders there aim to do with billions of dollars in new U.S. assistance. "Look at why

this is happening," Clinton said, referring to the Swat Valley agreement. "If you talk to people in Pakistan, especially in the ungoverned territories, which are increasing in number, they don't believe the state has a judiciary system that works. It's corrupt. It doesn't extend its power into the countryside." Saying Taliban and extremist advances posed "an existential threat" to Pakistan, Clinton urged Pakistanis worldwide to speak out against the government's ceding of ground to insurgents who she said intended to overthrow the government of a nuclear-armed country.

Responding to Clinton's comments, Husain Haqqani, the Pakistani ambassador to the United States, told CNN: "Yes, we have a challenge. But no, we do not have a situation in which the government or the country of Pakistan is about to fall to the Taliban." Clinton's testimony before the committee marked the former senator's first appearance on Capitol Hill since her confirmation hearings. She answered questions for four hours, charming even skeptical Republicans with offers to work together but brushing aside tough questions on abortion rights and interrogation practices with sharply worded answers.

At one point, Rep. Dana Rohrabacher (R-Calif.) cited former vice president Richard B. Cheney, who has claimed that the administration is suppressing documents that show a more positive picture of the effectiveness of interrogation techniques and also that the Bush administration tried to correct problems as they arose. "It won't surprise you that I don't consider him a particularly reliable source of information," Clinton shot back.

Rep. Mike Pence (R-Ind.) challenged Clinton on President Obama's handshake with Venezuelan President Hugo Chávez, noting that during the presidential primaries, she had knocked Obama for expressing a willingness to consider such meetings. "President Obama won the election. He beat me in a primary in which he put forth a different approach," she replied. "And he is now our president and we all want our president, no matter of which party, to succeed, especially in such a perilous time."

On Pakistan, the dilemma for the administration is that the more the Zardari government makes deals like the Swat agreement, the more difficult it becomes for Congress to do what the administration wants on Pakistan. Rep. Howard L. Berman (D-Calif.), the committee chairman, has introduced legislation authorizing \$7.5 billion in economic and development aid and \$3 billion in military assistance over the next five

years -- exactly what the administration wants. But the bill includes a list of conditions and reporting benchmarks that both the administration and the Pakistanis consider onerous. The administration would prefer a Senate version that would contain fewer and vaguer conditions.

Glenn Kessler, *Washington Post*, April 23, 2009
<http://www.washingtonpost.com/wp-dyn/content/article/2009/04/22/AR2009042203913.html>

TALIBAN ADVANCE, PAKISTAN'S WAVERING WORRY OBAMA TEAM

The Obama administration reacted with increasing alarm yesterday to ongoing Taliban advances in Pakistan, warning the Pakistani government that failure to take action against the extremists could endanger its partnership with the United States as well as American strategy in neighboring Afghanistan. "The news over the past several days is very disturbing," White House press secretary Robert Gibbs said, adding that the administration "is extremely concerned" and that the issue was taking "a lot" of President Obama's time.

Obama held a White House meeting on the subject with Vice President Biden, Secretary of State Hillary Rodham Clinton and Richard C. Holbrooke, the administration's special representative to the region, officials said, and also brought it up in a separate session with congressional leaders. Holbrooke spoke by telephone to Pakistani President Asif Ali Zardari and with Foreign Minister Shah Mahmood Qureshi. Clinton and Defense Secretary Robert M. Gates publicly expressed frustration with reports that Taliban forces had moved eastward into two new districts of the country this week with no apparent resistance from government forces, bringing them within 60 miles of the Pakistani capital.

While "some" Pakistani leaders recognize the threat, Gates told reporters during a visit to Camp Lejeune, N.C., "it is important that they not only recognize it, but take the appropriate actions to deal with it." Pakistani stability is central to U.S. efforts in neighboring Afghanistan, Gates said, "and it is also central to our future partnership with the government in Islamabad." During a second day of congressional testimony, Clinton tried to calm anxious lawmakers while acknowledging she shares their worries. "We have made these concerns abundantly clear" to Pakistan's civilian and military leadership, she said.

For the past several months, Zardari's government has been enmeshed in other domestic political turmoil; his popularity has dropped to the low double digits while ratings for his principal political opponent, former prime minister Nawaz Sharif, rose to 83 percent in recent polls. The administration has urged the resolution of those problems so that more attention can be paid to the rising extremist threat. It has called on Zardari to come up with his own strategic plan, with integrated economic and military components, to match Obama's, and is pressing the Pakistani military to refocus the bulk of its attention away from the eastern border with India, its traditional adversary, toward the Taliban and al-Qaeda sanctuaries in the west.

But there is little direct action the administration can take beyond exhorting the Pakistanis and redoubling efforts to quickly implement key elements of the Afghanistan-Pakistan strategy Obama announced late last month. Holbrooke and Jacob J. "Jack" Lew, deputy secretary of state for management and resources, spent much of yesterday meeting with members of Congress to build support for the plan to quickly and significantly increase development and military assistance to Pakistan, and to reassure them the administration is on top of the fast-moving situation.

The president is also "pressing" his national security team, "making sure we're updating our policy and strategy to reflect the changing situation," one senior administration official said. The administration is recalibrating the schedule drawn up for a May 6 and 7 meeting here among Obama and the presidents of Pakistan and Afghanistan. The trilateral summit, Holbrooke said yesterday, "was conceived in an atmosphere that has now changed significantly, and the focus is increasingly on Pakistan." Another administration official acknowledged some concern over Zardari's planned week-long absence from home for his visit here, given Pakistan's history of military coups and government overthrows while the head of state was outside the country.

"We inquired twice" whether Zardari was concerned about leaving Pakistan, this official said. "Both times we were told no." Prime Minister Yousaf Raza Gillani and the army chief of staff, Gen. Ashfaq Kiyani, will remain in Pakistan during Zardari's trip, the official said. The Pakistan government has downplayed U.S. concerns that the situation is spinning out of control. "In any counterinsurgency effort, there are changing ground realities," said Pakistan's ambassador to Washington, Husain Haqqani. "The important thing is the overall picture, and in Pakistan, as

a whole, the government remains firmly in control and Pakistan continues to have the military capability of dealing with the threat."

When Zardari arrives in Washington early next month, Haqqani said, "he will share Pakistan's national counterterrorism strategy and will also list the areas where Pakistan looks forward to American support and cooperation in implementing that strategy." Included in the expected support is U.S. provision of helicopters, night-combat equipment and communications gear with which Pakistan says it can better fight the extremists. In a visit to Marine units preparing to depart for Afghanistan from Camp Lejeune, Gates emphasized the urgent need for congressional support for a defense budget that shifts billions in spending toward equipment designed for counterinsurgencies. He repeated his call for cuts in weapons systems as part of the Pentagon's proposed \$534 billion 2010 defense budget.

Karen DeYoung, *Washington Post*, April 24, 2009

<http://www.washingtonpost.com/wp-dyn/content/article/2009/04/23/AR2009042304114.html?hpid=topnews>

NUCLEAR FEARS PROMPT PAKISTAN TO PREPARE ATTACK ON TALIBAN

Thousands of Pakistani troops were massing for an assault on Taliban positions 65 miles from the country's capital last night after giving the insurgents 24 hours to withdraw from their advanced positions or face attack. The threat of force follows a stern warning from American policymakers that Islamabad was doing too little to stem a growing militant insurgency. Richard Holbrooke, the special US envoy for the region, called Pakistan's President Zardari on Thursday to convey Washington's concern. Hillary Clinton, the US Secretary of State, accused Pakistan this week of "abdicating to the Taliban", which "poses a mortal threat to the security and safety of our country and the world".

The US considers rooting out militant sanctuaries in Pakistan critical to success in the Afghan war. Washington is also worried about the security of Pakistan's nuclear weapons Mrs Clinton's remarks followed a recent deal between Mr Zardari and the Taliban in the Swat Valley, allowing them to establish a fundamentalist enclave in the former tourist area in exchange for laying down their arms.

The Taliban have not disarmed, and this week its fighters poured out of Swat into the neighbouring district of Buner, taking control of

government buildings and digging in at strategic positions around the major towns. The threat from the army has so far been enough to encourage some insurgents to start pulling out of Buner, but other fighters were holding positions in the hills.

Local government officials said that militants were seen leaving a high-walled villa that served as their headquarters in Buner, in the foothill of the Karakoram mountains. The black-turbaned fighters carrying automatic weapons and rocket-propelled grenades clambered into several trucks and minibuses before driving away. Taliban commanders insisted that their fighters had been preaching peacefully for Islamic law. Muslim Khan, a spokesman for the Taliban, said the fighters were leaving “of their own accord, not under any pressure”.

There was no indication that the insurgents were willing to give up control of the mosques and seminaries that they have been using to recruit local youths. A senior officer said that troops had been ordered to eliminate insurgents who refused to surrender. In an unusually tough statement General Ashfaq Kayani, the head of the army, declared that the military was determined to root out the menace of terrorism and would not allow the militants to dictate terms to the Government or impose their way of life on the civil society of Pakistan. “The army will fight to eliminate the militants who endanger the security of the country,” he said, addressing senior commanders in Rawalpindi.

Zahid Hussain, *Times*, April 25, 2009

<http://www.timesonline.co.uk/tol/news/world/asia/article6164687.ece>

BOYCOTT SWAT'S BLOOD EMERALDS

“Never buy emeralds,” I was once told by a millionaire: “They're so easy to fake you might just as well go for green glass.” Being spectacularly impecunious at the time, I just thought how right F.Scott Fitzgerald was that “the rich are different from you and me, they have more money”. But here is a deadly serious reason not to buy emeralds now. Your necklace or cufflinks could be paying for the Taliban mortars, roadside bombs and suicide belts used against British troops in Helmand and in the Taliban's “holy war” for nuclear-armed Pakistan that saw its thuggish militias move heavy weapons last week to within 60 miles of Islamabad. The “blood emeralds” of Swat, a mountain valley in Pakistan, have joined Afghan opium as a source of Taliban lucre in the months since Pakistan's Government struck its “peace deal”, the Malakand Accord that effectively

surrendered this large swath of North-West Frontier Province to the Taliban.

Swat is rich in orchards, timber - and gems. Armed Taliban have seized two of Swat's emerald mines, declared them the property of Allah, and set gangs to mine them round the clock. The profits are split between the Taliban and the miners, making these coveted jobs in an area where fighting has destroyed the tourist industry and much else. That, say Taliban leaders, is why they have opened up the mines - to provide the locals with employment and a better life. Rubbish: these heavily guarded mines are Taliban cash cows where, as the Taliban admit, only those with strong Taliban sympathies get work.

Estimates differ as to the quality of Swat emeralds. Some Pakistanis claim they are magnificent. Jean Claude Michelou, the emerald dealer who advises the World Bank on developing Pakistan's gemstone sector, says that most are tiny and used mostly for what jewellers call "baguette accents" to ornament rings or watches. The smaller they are, the harder it is to trace their origin. But the bottom line is that Swat emeralds net the Taliban about £2 million a year. Their journey to Dubai and the German, Thai and Indian markets must be blocked.

It can be done, and fast, by extending to emeralds the international Kimberley Process of verification, which successfully and swiftly curbed Africa's diamonds-for-guns trade. It helps that, after the "blood diamonds" campaign, jewellers have united to shun tainted gems. In 2006 industry leaders formed the Responsible Jewellery Council; it boycotts Burmese rubies and jade and has just finalised a code of practice for gem mining. But what we buy matters too. Going for green glass right now would deprive the Taliban of money for murder.

Rosemary Righter, *Times*, April 27, 2009

http://www.timesonline.co.uk/tol/comment/columnists/rosemary_righter/article6175411.ece

IN ISLAMABAD, A SENSE OF FOREBODING

Every spring, the Margalla Hills overlooking this capital city burst into life. Evening thunderstorms send torrents of water down the slopes, scenic paths attract hikers and picnickers, and bands of monkeys scramble down from the trees to watch the weekend visitors. But this season, the forested ridges have taken on a new, ominous significance for jittery residents. Suddenly, the hills are being depicted as the last barrier to

hordes of Islamist insurgents sweeping south from the Afghan border and as perfect places for suicide bombers to lurk.

"If the Taliban continue to move at this pace, they will soon be knocking at the doors of Islamabad. The Margalla Hills seem to be the only hurdle in their march toward the federal capital," Maulana Fazlur Rehman, a religious party leader, warned last week in a speech to Parliament. He was exaggerating for effect, but the image struck home. Islamabad, a placid, park-filled city of 1.5 million people, was built in the 1960s as a symbol of Pakistan's modern and democratic aspirations. Its boulevards are lined with grandiose federal buildings, and its shady side streets are home to an elite class of politicians and professionals. Until several years ago, the orderly capital seemed immune to the religious violence that bedeviled the country's wilder rural fringes.

But now, a psychosis of fear has gripped the Pakistani capital, driven partly by recent televised images of turbaned Taliban fighters occupying town after town in the northwest districts of Swat, Shangla and Buner -- as close as 60 miles from Islamabad -- and partly by a rash of bombings and threats in the quiet, heavily policed federal district. Private schools that cater to international and wealthy families have installed security cameras and gun turrets; many are losing foreign students as embassies and agencies send families home. The local World Bank office just moved into the heavily guarded Serena Hotel.

Police barricades, detours and checkpoints are sprouting so fast that drivers barely have time to learn the new traffic patterns. Without a foreign passport or a VIP license plate, it is almost impossible to enter the federal district that includes the Supreme Court, the Parliament and the diplomatic enclave. "We're not going to let anyone come and capture Islamabad, but we have too few resources to secure the city," said Nasir Aftab, the superintendent of police, his eyes red after a night of little sleep. "We need more weapons and men. We need explosive detectors and vehicle scanners on the highway entrances. If a mullah tells a boy of 15 to blow himself up, how do you stop him? This is the capital, and we don't even have a sniffer dog."

It is the insidiousness of suicide bombers, more than the bravado of gun-toting Taliban troops, that keeps officials such as Aftab up at night. The biggest bombing yet here was in September, when a truck full of explosives rammed into the luxury Marriott Hotel, killing 52 people. The hotel has since reopened, and the lobby has been restored to its former elegance. But the inviting scene is hidden behind blast walls, and the

doormen who once swept open wide glass portals guard a narrow opening with a huge metal detector. "Sometimes I think we've overdone it. The hotel looks like a fortress, but security has to be our top priority," said Zulfikar Ahmed, the Marriott's general manager. He said hotel occupancy had plunged to 40 percent of what it once was. "We maintain a calm atmosphere, but if something happens tomorrow, it will drop again," he said.

A less spectacular but equally worrisome attack occurred last month, when a young man approached an open camp for off-duty paramilitary guards, located in a small park in an upper-class residential area. The man blew himself up, killing himself and five guards. The blast sent shoppers fleeing in panic from the exclusive Jinnah Market a few blocks away. Now, the market is half-empty, waiters stand idle and merchants sit behind sale racks on the sidewalk. The future looks very bleak. Fear chases us everywhere, from the moment we leave home to the moment we return at night," said Mohammed Ismael, 46, who sells fabric for party dresses. "These blasts and attacks don't hurt the ruling class, but they destroy our business. . . . The tension is everywhere."

The tension is relatively new to Islamabad, which until 2007 had been tranquil. But that summer, the calm was shattered by a violent face-off between the government and radical leaders of the Red Mosque, who had turned their compound in central Islamabad into an armed camp. After a standoff, security forces stormed the mosque, killing at least 100 people, and the leaders vowed revenge. Since then, terrorist assaults, bombings and kidnappings have become regular occurrences across the country. The targets included former prime minister Benazir Bhutto, U.N. officials, NATO supply convoys, police checkpoints, video shops, mosques of minority sects, an Italian eatery in Islamabad and a Sri Lankan cricket team in Lahore.

There was also a growth in the number of religious schools, or madrassas, some of which espoused radical visions of Islam. This month, the former chief cleric at the Red Mosque was released from detention and appeared there, nearly two years after the deadly siege. More than 5,000 people gathered to hear Maulana Abdul Aziz urge his excited followers to bring a "true Islamic system" to the nation. "We know very little about some of these madrassas, and where their funding comes from is a mystery," said a police intelligence official. Islamabad is far better known for its top-quality academic schools and colleges, including private institutions tailored for foreign students. Several weeks ago, police

learned of terrorist threats to attack such schools and recommended that they take security measures.

The capital also houses a well-regarded national university. The student body includes thousands of women, and though more of them wear Islamic garb than before, many make clear they have no sympathy for fundamentalists. "We've been discussing what would happen to us if the Taliban come here. Would I have to wear a burqa?" demanded Fatima Tanvir, 21, in reference to an all-covering garment. Like several of her classmates, she said she resented the negative impression many foreigners now have of her country. "People see the TV images and think we are a rogue, barbarian society. It makes us really sad," she said.

With extra contingents of paramilitary police being sent to beef up security, it seems unlikely that militant hordes will swarm down from the Margalla Hills anytime soon. But the recent attacks, and the calls to arms ringing from dozens of mosques, suggest there is more religious violence ahead. "If they come again, we'll be ready," said an off-duty paramilitary guard in the camp that was bombed in March. Since then, the survivors have dug a trench around their tents and piled the earth into a perimeter wall. On one side are wreaths from well-wishers, and a hand-lettered sign that says, "Resist or Die."

Pamela Constable, *Washington Post*, April 27, 2009
<http://www.washingtonpost.com/wp-dyn/content/article/2009/04/26/AR2009042602646.html>

FIGHT ESCALATES BETWEEN PAKISTAN MILITARY, TALIBAN

The Taliban controlling Pakistan's Swat Valley declared a peace deal with the government there "worthless" Monday amid a second day of clashes with troops in a neighboring district seen as a possible route for militants to Afghanistan. But government officials gave mixed signals on whether they would abandon the truce in Swat, as the military made its first sustained response to militants' move out of the valley over the past week, which has stoked fears of an Islamist push to dominate the nuclear-armed nation. Pakistan faces intense pressure from U.S. officials to abandon the pact and take stronger action against the Taliban, including in Swat. The truce, which allowed the Taliban group that controls Swat to impose Islamic law there, was supposed to end fighting and lead to the militants laying down their arms.

Instead, Swat has become a major militant base since the accord was struck in February, and Pakistani officials estimate there are now 8,000 militants in the valley. In the neighboring Lower Dir district, the scene of the fighting Sunday and Monday, the military said that at least 47 people, mostly militants, had been killed. A Taliban spokesman said nine troops and two militants had been killed, the Associated Press reported.

The fighting pits militants against the Frontier Corps paramilitary police unit backed by army helicopter gunships and artillery. Interior Ministry chief Rehman Malik said the district had been cleared of militants, but residents said clashes were still taking place. Lower Dir bridges the mountains between Swat and the Afghan border. U.S. officials say that Taliban domination of Lower Dir could create a pipeline for fighters from Swat to reach the battlefields of Afghanistan. Pakistani officials fear the same route could be used in reverse, to move Taliban fighters from bases in the mountains near the Afghan border to within striking distance of Pakistan's plains, where most of its 170 million people live and its industry is concentrated.

Pakistani media reported that as many as 20,000 people had fled the fighting in Lower Dir. A senior official said only women, children and elderly men were being allowed to leave the district to keep Taliban fighters from slipping out with the refugees. It remained unclear whether Pakistan's military was engaged in a limited operation or preparing for a broader campaign to battle the Taliban in Swat, where 1.5 million people reside. It has already failed once to dislodge the Taliban from the valley before the peace deal was signed.

On Monday, both Taliban and government officials insisted they were committed to the peace accord. But both sides also said they were ready to fight. President Asif Ali Zardari, speaking to reporters, called for Pakistan's allies to provide more aid on top of the more than \$5 billion pledged at a donor conference earlier this month, saying the country needs money to safeguard its nuclear arsenal. Top Pakistani officials have insisted in recent days that the nuclear arsenal is secure, despite U.S. concerns that some weapons could be at risk if the Taliban pushes deeper into the country.

British Prime Minister Gordon Brown, visiting Afghanistan and Pakistan, said Monday the U.K. would give Pakistan a £10 million (\$14.6 million) package of counterterrorism support. Aid, he said, would focus on education in the border areas, which he called a "crucible of terrorism," the AP reported. The Taliban, meanwhile, decried Pakistan's

reliance on the U.S. and other Western allies. "We can have no agreements with the government because it is not a government for Pakistani people. It is a government for the Americans," Muslim Khan, a spokesman for the Taliban in Swat, said in a telephone interview. The agreement, he declared, was "worthless if we are being attacked." Mr. Khan said his forces were on alert and waiting for word from a hard-line cleric who negotiated the deal, Sufi Mohammed. "If he says the deal is finished, it is finished," Mr. Khan said. That decision could lead the militants to fully engage Pakistani forces in and around Swat.

A spokesman for Mr. Mohammed said the cleric was trapped in Lower Dir, where he lives, and couldn't be reached. "We will not hold any talks until the operation ends," the spokesman said, according to the AP. The government agreed to the introduction of Islamic law in Swat and the surrounding areas in the hope it would undercut support for the Taliban, who have rallied the poor in rural areas by promising to upend Pakistan's often corrupt courts. The Taliban rose to power in Afghanistan in the 1990s making a similar commitment to impose rule of law. But the details of the Swat pact have been murky. Taliban forces in the past week began pushing into adjacent areas, such as the Buner and Shangla districts, saying those too fell under the accord's terms.

Matthew Rosenberg and Zahid Hussain, *Wall Street Journal*, April 28, 2009
<http://online.wsj.com/article/SB124085342758159927.html>

A TACTICAL RESPONSE TO TALIBAN EXPANSION

Pakistan's Frontier Corps paramilitary unit and army sent troops, backed by fixed-wing aircraft, into Buner district in the North-West Frontier Province to flush out Taliban fighters, military spokesman Maj. Gen. Athar Abbas announced April 28. Abbas added that the army had completed another operation launched a day earlier in southern parts of the Dir district. Both these offensives come in the wake of the Taliban move to project power beyond Swat, especially into Buner, within days of the ratification of the Swat peace agreement.

Islamabad has oscillated between military operations and peace agreements with jihadist groups in the Pashtun northwest ever since the army first began operations in the Waziristan region in March 2004. Since then, the Talibanization has spread from the autonomous Federally Administered Tribal Areas along the Afghan border deeper into the NWFP, with Swat becoming a major stronghold for Pakistani Taliban.

After failing to defuse the insurgency in Swat with military operations, the state negotiated a “Shariah for peace” deal in hopes that it will help keep the Swat-based Taliban within the confines of the district.

Islamabad’s objective was bound to fail, however; not only do the Taliban have larger national and transnational ambitions, but the agreement itself was applicable to the greater Swat region, including the adjoining districts of Dir, Malakand, Buner, and Shangla. The vague nature of the implementation of the “Shariah” system in the area gave the Taliban the perfect opening to send militiamen into regions such as Dir and Buner.

Another problem with the deal is that it was made with the founder of the local Taliban group Tehrik-e-Nifaz-e-Shariat-e-Muhammadi, Maulana Sufi Muhammad, who shares control of the Swat-based jihadists with his son-in-law Maulana Fazlullah. There are other Taliban factions, such as the Tehrik-e-Taliban, in Swat. Furthermore, the Swat deal has encouraged the rise of other more localized Taliban commanders in the various parts of the greater Swat region who are not necessarily accountable to those with whom the NWFP provincial government cut a deal.

Meanwhile, there is a growing realization within the army and the government that while Islamabad lacks the capability and the comprehensive national strategy to deal with jihadists, the Taliban cannot be allowed to expand their operational sphere in the NWFP. Therefore, the short-term strategy is to keep the Pashtun jihadists boxed into Swat — hence the move to flush the Taliban out from those areas before they set up shop in the adjacent districts. The problem is that this approach jeopardizes the peace agreement, which will widen the scope of the counter-insurgency offensive beyond Islamabad’s current wishes. Tactical-level operations devoid of any coherent strategic plan are unlikely to help in the long run, and Islamabad could soon find itself fighting jihadists for control of the province.

Stratfor, April 28, 2009

http://www.stratfor.com/analysis/20090428_pakistan_tactical_response_taliban_expansion

PAKISTANI MILITARY MOVES TO FLUSH OUT TALIBAN

After a week of strong criticism here and abroad over its inaction, the Pakistani military deployed fighter jets and helicopter gunships to flush

out hundreds of Taliban militants who overran the strategic district of Buner last week, the military said Tuesday.

Pakistan also agreed to move 6,000 troops from its Indian border to fight militants on its western border with Afghanistan, according to a Pakistani official who did not want to be identified discussing troop movements in advance. But American officials, who welcomed the redeployment, said Pakistan was still not doing enough to fight the insurgents, who are tightening their hold on the country. The Americans expressed frustration that Pakistan was still rebuffing their offers to train more Pakistanis to fight Al Qaeda and the Taliban.

The campaign in Buner began Tuesday after government forces completed a two-day operation against Taliban militants in Dir, a neighboring district, said a military spokesman, Maj. Gen. Ather Abbas. The Taliban advance into Buner, just 60 miles from Islamabad, the capital, has brought heavy pressure on the military from the United States and other Western countries. It has also fortified a growing consensus among Pakistani politicians and the public that the Taliban have gone too far and that the military should act to contain the spread of the insurgency. Under threat of military action, the Taliban staged a show withdrawal from Buner at the end of last week, General Abbas said. But he said the militants were trying to expand the space they controlled beyond the Swat Valley, which borders Dir and Buner.

At a news conference, he played three tapes of what were described as telephone intercepts of the main Taliban leader, Mullah Fazlullah, talking to one of his commanders about making a show withdrawal for the news media while telling the fighters to put away their weapons and lie low. "In Buner, people are living under coercion and in fear," General Abbas said. "There was no reason to intimidate people in Buner, and the militants started intimidating people and forcibly recruiting young people to take them back to Swat for military training." "The government acted with patience," he added, "but eventually there was no other way except to launch an operation." Earlier in the day, the new interior minister, Rehman Malik, said the Taliban had ignored repeated requests from the government of President Asif Ali Zardari to leave Buner. "I warn them to vacate the area," Mr. Malik told reporters. "We are not going to spare them. Action will be taken if anyone tries to block our efforts to re-establish the writ of the government in Buner and other areas."

Several events contributed to the shift among politicians and the public. Video of the flogging of a 17-year-old woman in Swat by the

Taliban several weeks ago shocked many in the country. A radical cleric who helped negotiate the peace deal in Swat, Maulana Sufi Muhammad, said recently that Pakistani institutions like Parliament and the high courts were un-Islamic, a comment that angered politicians from all parties. Finally, the militants' move into new districts last week impelled the Pakistani Army to move against the Taliban.

The 6,000 troops to be shifted had originally been on Pakistan's western border but were sent to the Indian border in December, after the terrorists' attack in Mumbai in which 163 people were killed the previous month. India had responded to the attack, which Indian and American officials concluded was planned in Pakistan and carried out by Pakistanis, by massing troops on the Pakistani border. The promised redeployment, which will essentially return Pakistan's military presence in the northwest to pre-Mumbai levels, comes as American and Pakistani officials are preparing for what are likely to be tense meetings in Washington next week between President Obama, President Zardari and President Hamid Karzai of Afghanistan.

American officials have alternately criticized and praised Pakistan, in the hope of goading it into taking tougher action against the Taliban, and on Tuesday they engaged in both strategies. Early in the day, a senior military official, one of several American officials who spoke on condition of anonymity in order to discuss the security strategy of an ally, expressed anger about what he saw as Pakistan's fecklessness in trying to combat militants within its borders.

"It is reasonable for Pakistanis and Americans alike to ask why there has not been a more robust, sustained and serious response to elements that assassinated Benazir Bhutto, blew up the Marriott Hotel, attacked a visiting cricket team and assaulted a police academy," the official said, ticking off a series of violent events that began with the killing of the former prime minister. He said it was "inexplicable" that the incidents had not "galvanized the Pakistani military and civilian leaders to link arms in a comprehensive, sustained campaign to fight back." But later in the day, after the United States received word of the troop movement, the official took a different tone. "It's too soon to say how it's going to turn out," the official said. "But it's a promising sign that they finally recognize the existential threat to their country."

American officials said they were continuing to press Pakistan to accept more American trainers, an issue likely to come up in the meetings next week. More than 70 American military advisers and technical

specialists are already working in Pakistan to help its armed forces battle militants in the lawless tribal areas, but the United States would like to expand the effort. Pakistan has balked, American officials said, because it does not want a large American presence in its country. “There’s a red line about our advisers and any foreign boots on the ground in Pakistan right now,” a senior administration official said. He said that the United States was “doing everything we can within the constraints that are currently placed on our engagement to be as helpful as we can.” The Pakistani military may have a difficult fight ahead. The Taliban have already been digging trenches and fortified positions, General Abbas said.

There are indications that the fighting in Dir has been heavier than Pakistani officials have acknowledged, and that the civilian cost has been high. The military said some 70 militants had been killed in three days of fighting. But more than 30,000 civilians have fled their homes in the region, and some of them reported seeing bodies lying in the streets and the fields as they fled, Amnesty International said Tuesday. “Neither the Taliban nor the government forces seem to care about the well-being of the residents of Lower Dir,” Sam Zarifi, Amnesty International’s Asia-Pacific director, said in a statement.

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<http://www.nytimes.com/2009/04/29/world/asia/29pstan.html?ref=asia>