

Federally Administered Tribal Areas of Pakistan

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Northwest Tribal Belt of Pakistan
 PART ONE: 550 B.C. - 1947 A.D.

The Territory

The northwest tribal belt of Pakistan is the nucleus of the "region between Oxus and Jumna [which] has been the theatre of decisive events in mankind's history."^[1] Professor Arnold J. Toynbee characterizes the region as the "cross-roads" of civilizations. Besides being one of the most important areas of the country mainly owing to its strategic location, it is also one of "the most sensitive areas in Pakistan and indeed in South Asia."^[2] It stretches like a rampart from northwest to southwest of North-West Frontier Province (NWFP) of Pakistan along the borders with Afghanistan. It lies from 32°-58' to 35°-00' north latitudes and 69°-15' to 71°-50' east longitude between the Durand Line (i.e., Pakistan's border with Afghanistan) and the administered districts of NWFP. It is spread over an area of 27220 square kilometers and forms about three percent of the territory of Pakistan.

The tribal belt is "a tangle of difficult mountains intersected by long narrow valleys, innumerable gorges and torrent beds interspersed with patches of cultivable land." There are rugged mountains with barren slopes as in Mohmand and Khyber agencies and rugged and complex hills and ridges as in South Waziristan. The mountain ranges are generally 1500 to 3500 metres high and the highest is the Sikaram peak 4755 metres above sea level on the Pak-Afghan border. Numerous dry and arid watercourses dissect these mountainous tracts.^[3]

There are a number of border passes^[4] between Pakistan and Afghanistan but seven routes are well-known which run through its territory, i.e., Malakand, Khyber, Gandab route through Mohmand territory, Kohat route through Parachinar, Bangash or Paiwar route by Kurram, Gomal and Tochi routes through Waziristan. To its south there is the famous Bolan route to Quetta in Balochistan province. These are "corridors of invasion and commerce between the Indus plains and Central Asia."^[5] There are five rivers—Swat, Kabul, Kurram, Tochi and Gomal—running through this area. (See map of tribal area at appendix I).

The territory has an extreme climate. It is hot and sultry in the plains to extreme cold in the snow-clad mountains. The months of May, June and July are hottest and December, January and February are coldest. The summers are warm and winters are very cold, but at places the summers are pleasant and winters extremely cold as in Orakzai agency. The climate is generally dry in both summer and winter especially in Mohmand agency. It is a low rainfall area and varies from about 60 inches in the hills to 15 inches or even less in the plains in a year.^[6] The mountains, which attract rain, are rich in forest wealth.

The People

The people living in the tribal belt are called Pashtuns, Pakhtuns or Pathans. There is little written evidence available about their ancient past. The earliest record about them is given by Herodotus (b.484 BC), Book 3, p.102, which says that "their way of life is almost the same as that of Baktrians [people of Balkh]. They are the most warlike of all the Indians..."^[7] The people around Paktuik (Peshawar) are "the bravest of all the people in those parts."^[8]

The first authentic reference about Pashtuns is available in *Tarikh-al-Hind* written by Alberuni (973-1048), an eminent scholar who resided in Ghazni and northwestern region (now Pakistan) in South Asia during 1016-1048. He speaks of these tribes as "rebellious, savage races occupying the frontiers of India towards the west".^[9] He also tells us: "In the western frontier mountains of India, there live various tribes of the Afghans and extend up to the neighbourhood of the Sind valley."^[10]

The old records make no distinction between Pashtun and Afghan. The distinction between them, though not clear-cut did exist "long

before the British came to draw most of the tribes east of the Sulaiman watershed within the orbit of their dominion.”^[11] Whereas Afghans are generally under Persian influence being part of Safawi Empire of Persia and speak Darri (Afghani Persian) language, the Pashtuns or Pathans have lesser Persian influence because of their interaction with the Mughal Empire of Delhi, which ruled over them from Peshawar, Kabul or Qandhar.

The Pathans are:

...proud to a degree, self-reliant only as their life can make them, hardy beyond measure and absolutely tireless. Their physical fitness would be incomprehensible if one did not consider the climate and country they live in, which allows no weaklings to survive. ... Taken as a whole, the frontier tribes are unquestionably among the hardest men on earth, and so much the more redoubtable foes when war is afoot.^[12]

The origin of Pathans is not clearly known. Different hypotheses have been propounded. Some view them as the descendents of “Afghana, the son of Jeremiah, the son of Saul, who was Solomon’s Commander-in-Chief and builder of his temple.”^[13] Some think that they are one of the lost tribes of Jews. According to others they are of Aryan origin. Some other think they are of “Turko-Iranian type with a considerable mixture of other physical types found beyond the Indus.”^[14] To some others they are closer to Arabs:

If the origin of a race can be determined on the basis of customs and traditions then Pukhtoon would be closer to Arabs. The study of Arabian and Pakhtoon society presents a remarkable resemblance particularly in their tribal organization and social usages. To both hospitality is one of the finest virtues, retribution a sacred duty and bravery an essential pre-requisite for a honourable life. Love of independence, courage, endurance, hospitality and revenge were the supreme virtues of pre-Islamic Arabs. ... these attributes are considered as pillars of the Pukhtoon code of honour or *Pukhtoonwali*.^[15]

The code which guides them has several unwritten laws and traditions but its main “maxims are those of mediation or protection (*Nanawati*), retaliation (*Badal*), and hospitality (*Mailmastia*).”^[16]

Nanawati is the law of asylum, according to which asylum must be given to all fugitives, and even to bitter enemies if they come as supplicants. According to *mailmastia* he should show hospitality and protection to every guest. The *badal* imposes upon him the responsibility of wiping out insult with insult: i.e. ‘an eye for an eye and a tooth for a tooth’. The last element in the Pathan code of honour is the main cause of feuds and vendettas which may last for generations.^[17]

The tribesmen generally wear loose shirt and trousers and a large turban on their head. They carry a chaddar and a rifle on their shoulders. Their women generally wear printed cloth. Their staple food is wheat, maize, barley, rice with meat and vegetable. Their residential houses are in the shape of fortresses. They are not generally literate but they are practising Muslims and could be easily excited by their religious leaders. They are fierce fighters and freedom loving.^[18]

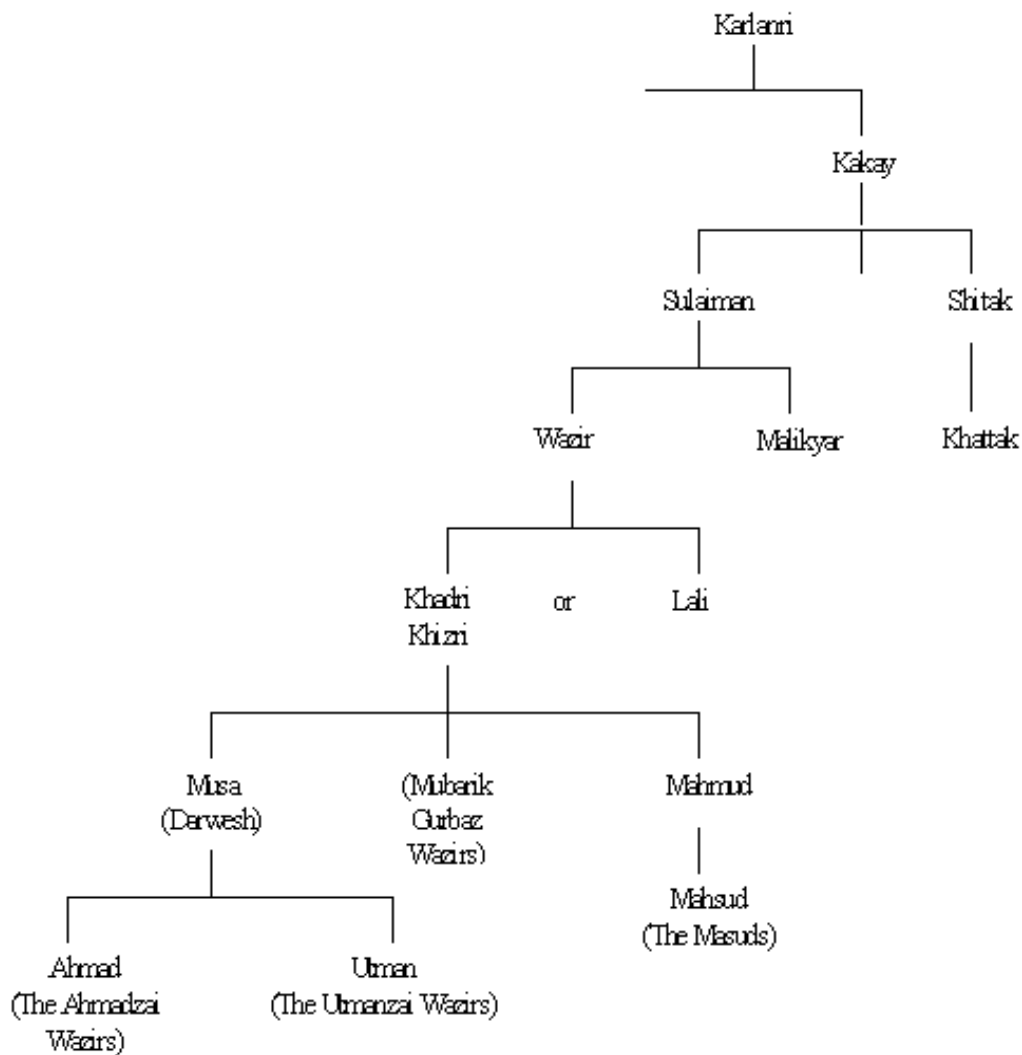
All invaders who conquered South Asia failed to subdue them. They have defied Persians, Greeks, Turks, Mughals, Afghans, Sikhs, British, etc. These tribes and sub-tribes and clans defended their territories and honour religiously and persistently.

Tribes

Among Pashtuns, there is a clear distinction between those who inhabit plains and those who live in mountains. The highlanders live in general area east of the plateau of Afghanistan and west of the plains of Pakistan. They conform to “patriarchal society where concepts of modern law and liberty find no place.”^[19] There are a number of tribes^[20] but the more famous ones are Yusufzais in Malakand and Bajaur Agency; Mohmands in Mohmand Agency; Afridis and Shinwaris in Khyber Agency, Peshawar and Kohat; Orakzais in Orakzai Agency; Turis and Bangash in Kurram Agency; Khattaks in east and southeast of Kohat; Wazirs in North Waziristan Agency; and Mahsuds in South Waziristan Agency. (See map at appendix II)

... most of the famous names of the North-West Frontier, Afridi, Khatak, Orakzai, Bangash, Wazir, Mahsud, Turi – all these strike a chord in countless memories. The dialects of these tribes have something in common [the change of a to rounded o], and all are presented in genealogical legend as descended from a founding common ancestor named Karlanri, not in the true Afghan line. These are preeminently the Pakhtuns, or Pashtuns [or Pathans]. They are the tribes who never fell under the effective sway of any recorded imperial authority and now form the backbone of the so-called tribal belt.”^[21]

See the following genealogy:^[22]



These tribes “have always traded with the cities and towns towards the

Indus [i.e., towards the east], and not with Kabul or Ghazni to the west. ... In a broad way, and with some local exceptions, all live east of the Durand Line [i.e., Pak-Afghan international border] within Pakistan.” [23]

The authority of the various empires which claimed in the past to rule the Frontier actually only extended control over the plains and one or two of the passages through the mountains. Only the greater Mughals [1526-1707] seem to have thought it worthwhile to make a serious attempt to bring the hill tribes under domination as subjects, and ... they failed. Even passage by a main route through the mountains had often to be asserted by force and with difficulty against the refractory tribes, which held the road in use at the time. An understanding of this fact explains the exclusion of this tribal belt as a whole from subjection to any external power - a freedom symbolized by the failure to impose on it any taxation. This, too, is the reason why a tribal form of society has persisted in a country which lay across the passage of countless invaders, including Alexander [356 BC -310/309] Chingiz Khan [1162-1227] and Tamerlane (Amir Taimur) [1336-1405], the most famous conquerors in all history. [24]

Ancient Period

Except for the tribal annals the ancient history of the tribal belt is not known. Successive invaders have passed through this area or incorporated it within their empire, i.e., the Aryans (before 500 BC), thereafter the Achaemenians (i.e. Persians), Graeco-Scythian invasions (324-320 BC), Maurians (313-232 BC), Graeco-Bactrians (185-90 BC), and Sakas (i.e., Central Asians) invasion started from 97 BC. During the first millennium AD, Parthians, Yue-chi (i.e. Kushans), Sassanians, White Huns and Turks followed in succession. [25] They have the admixture of various warriors who passed through this area. For instance, the Afridis have “an admixture of Greek blood.” [26] Khurasani culture is visible in Pakistan west of Indus besides Central Asia and Afghanistan. [27]

During five hundred years before the birth of the Christ and for about two centuries, Gandhara [i.e., the general area from Islamabad to Kabul] was Iranianized by the Achaemenians, for a century it was Indianised by the Maurians, and for another century it had been Hellenized by Graeco-Bactrians, thereafter Saka nomadic invaders entered Gandhara. [28] Pushto is probably a Saka dialect

introduced from the north. [29]

The period of over one thousand years after Alexander's death till the spread of Islam in these parts is one of many invasions by swarm after swarm from the north, a period during which the mastery over the frontier between India and Iran changed hands in a continual see-saw, in which sometimes the Iranian power and sometimes the ruler of the Indus valley prevailed. [30]

The region which includes "Afghanistan and the North-West Frontier of Pakistan have seen perhaps more invasions in the course of history than any other country in Asia, or indeed in the world." [31] During all this period the plains had been dominated by great powers, the hill tracts and tribes continued to value and protect their independence.

Turko-Pathan Supremacy

The era of spread of Islam in the tribal belt dates back to the rise of the Turkish dynasty in Ghazni about 960 AD. Mahmud of Ghazni conquered and incorporated areas of the subcontinent up to Lahore. Ghorid Sultan Muizzuddin Muhammad with his headquarters in Ghor subdued the north part of the subcontinent and was the founder of Muslim supremacy in Delhi in 1206. The fall of Ghorids was followed by successive incursions of various forces from Central Asia. The most notable of these were those of world conquerors Chingis or Ghengis Khan in 1221 and of Taimur or Tamerlane in 1398.

The tribesmen formed the "spearhead of the Muslim penetration and conquest of India, first as soldiers of fortune and later as powerful kings, even as sultans and emperors." [32] "The Turks were a small band of chosen favourites; the soldiers, and later the rulers, were Ghaljis or Pathans." [33] Apart from the Turks, i.e. Ghaznavids (1001-1186), Ghorids (1186-1290), and Tughlaqs (1321-1451), three Pathan dynasties, i.e., Khaljis (1290-1321), Lodis (1451-1526) and Suris (1539-55), had sat on the throne of Delhi. But their authority did not extend over the tribal belt. Babur, the conqueror of India and founder of the Mughal dynasty, tells us about the empire of Lodis that "its writ did not run effectively west of the Indus, and it had no control over the Afghan or Pathan homelands from which its rulers had originally come." [34]

The Pathan dynasties who ruled in India "attracted many frontiersmen to their banners." [35] According to the *firman* [royal edict] of Bahlol Lodhi (1451-1489), the ruler of Delhi, encouraging frontier tribes of the northwest to take service in Delhi stated:

Hindustan can best be held by somebody who rules over a nation with tribes. Let every Afghan tribesman bring his relatives leading a life of indigence, let them come and take up estates in Hind, relieving themselves from straitened circumstances, and supporting the State against powerful enemies. [36]

The declining flow of Pathan warriors from the tribal belt may be one of the important causes of their downfall. The lack of support became obvious after the death of Sher Shah in 1555. This incidentally reveals the political behaviour of these tribes.

A leader arises, great enough to gather men around him and make them forget their personal factiousness for one crowded hour of glory. He dies, and with him dies his inspiration. In the absence of the man who commanded trust, tribal jealousies are reasserted, everything that was gained falls away. [37]

Mughal Supremacy

Babur (1526-1530), a descendent of Taimur, came down from Central Asia to Kabul in 1504. He is the founder of the Mughal dynasty (1526-1857) in the subcontinent. The support of the tribesmen helped him in his conquest of India. "In all these expeditions there is no doubt that Babur's armies were greatly strengthened by tribal contingents supplied by the Yusufzais and other tribes". [38] Not only Babur, but also the remaining Mughal rulers greatly "depended on Afghan mercenaries". [39] At the same time Babur's main

adversaries were the tribesmen on their own home ground. These stood on the lines of communication which a prospective conqueror of Hindustan, who starts from Central Asia, must secure and maintain through the hill country intervening between Kabul and the Jihlam [Jhelum] River. Many years were to elapse before Babur could do this, and reading between the lines of his story, we can see very clearly that he was in a continual state of anxiety and annoyance over difficulties that in fact he was never able entirely to resolve. Later emperors of his line were no more successful in achieving enduring solutions." [40]

It was in Babur's time that "the darkness has broken and the light is flooding in" on the tribal belt. For the first time there "appear the familiar names of tribes". [41] The prominent ones mentioned by Babur are Yusufzais (and Babur married Yusufzai girl), Afridis, Orakzais, Bangash, Turis, Dilazaks, Mohmands, Gigianis, Muhammadzais, Lohanis, Niazis, Isa Khels, Ghaljis and Wazirs. The Afridis live in Khybar, the Yusufzais in Swat and the Samah, the Muhammadzais in Hashtnagar, the Bangashes around Hangu, the Lohanis in the Daman, the Ghaljis around Ghazni. The Khattaks, who are not mentioned by Babur with this name, live in the neighbourhood of Bannu.

Babur could not master the territory bounded on the north by the Koh-i-Sufaid down as far as Bannu, where Bangash, Turis, Wazirs

live, as is clear from his comments:

The tribes of Bangash lie out of the way, and do not willingly pay taxes. Being occupied by many affairs of superior importance, such as the conquest of Kandahar, Balkh, Badakhshan and Hindustan, I never found leisure to apply myself to the settlement of Bangash. But if Almighty God prosper my wishes, my first moment of leisure shall be devoted to the settlement of that district, and of its plundering neighbours." [42]

He writes in a similar tone about Wazirs, but his hope of dominating them was never fulfilled. Similarly, the mighty Akbar the Great (1556-1605) could not prevail "in any decisive fashion against any of the tribes except those who found it to their interest, in return for consideration, to guard the King's highway." Thereafter "no serious endeavour was made by any of his successors, or indeed by the Durrani who followed to bring ... any of the ... mountain regions under administrative subjection..." [43]

During the reign of Jehangir (1608-1627) and Shah Jahan (1628-1658), the wars against the Yousufzais and hillmen continued. The Mughal rulers were also fighting for the possession of Kandhar. The struggle for Kandhar did not absolve the Mughals from the troubles in the tribal area. Jehangir in the third year of his reign, in 1607, visited Kabul. The most successful Mughal General Shah Beg who had taken possession of Kandhar some twelve years back was given governance over "the whole and troublous Sarkar of Kabul, Tirah, Bangash, Swat and Bajaur, with entire control over the Afghans of these regions, an assignment of their territories in jagir, and the title of *Khan-i-Dauran* (Chief of the Age)". [44]

Shah Jahan appointed one brave General Said Khan from Kohat as Governor of Kabul and raised him to the rank of commander of 5000 horse. [45] The NWFP in general, especially Khattaks along with a number of other tribes, were under revolt against the last powerful Mughal Emperor Aurangzeb (1658-1707). [46] Thereafter the Mughal emperors were too weak to think of an adventurous course of controlling the tribes.

Durrani Supremacy

When Nadir Shah, the King of Persia, invaded India in 1739, the Afghan/Pathan contingent became the *corps d'elite of his army*. The Afghan/Pashtun corps of horse numbering between 4000 and 16000 was commanded by Nur Muhammad Khan, an Abdali of Alizai clan. They accompanied the king to India and "participated in all the dangers and successes of that campaign." [47]

Ahmad Khan was the Commander of the Abdali contingent from Afghanistan. He was the bodyguard of King Nadir Shah of Iran. When Nadir Shah, after his successful invasion of India, was returning to Persia, the tribes had closed the defiles and besieged him. His forces could not win against them in spite of loyal support of Afghan Abdalis, and "had paid a heavy toll in cash to the mountaineers" to get a passage.

Nadir's support to Abdalis led to the jealousies of other ethnic groups in Persia and he was murdered in 1747 by Muhammad Khan Qajar, the founder of Qajar dynasty who succeeded him on the throne of Persia. The commander of Abdali contingent Ahmed Khan, aged 24, forced his way to the royal tent only to find Nadir dead. Ahmed Khan finding his patron dead made his way to Kandhar and then to Kabul along with his Abdali contingent. He is the founder of the independent kingdom of Afghanistan in that year. He was a "born leader ... he had himself crowned as Ahmad Shah in Kandhar. He assumed the title *Durr-i-Durrani*, Pearl of Pearls... From that time his tribe, the Abdalis [which is a branch of Sadozai clan] have been known as the Durrani." [48] Later he conquered and incorporated West Punjab and Kashmir in his empire and thus under him Afghanistan and most of the present day Pakistan were formed as one state.

Ahmad Shah Abdali (1747-1773) is the hero of the most important battle of Panipat north of Delhi in 1761, which he obviously fought with the help of Pathan tribesmen. He defeated the great army of Maratha confederacy. It was "one of the decisive battles of the world", for it eliminated the prospects of Maratha domination over north India, it hastened the disintegration of the Mughal Empire, facilitated the rise of Sikhs in the Punjab, and finally paved the way for "the gradual extension of British authority to Delhi and later to the Panjab." [49]

However, the tribal belt "remained a welter of warlike tribes ... it was the inexhaustible spring from which mercenary armies could be drawn". [50] Throughout history they have enjoyed independence or a semi-independent status. The powerful rulers tried to subdue them but eventually they had to compromise to give them a semi-independent status. Even the Pathan dynasties ruling over India depended on manpower from the tribal territories but their writ did not extend to these territories.

Sikh Supremacy

The Durrani ruler of Lahore, Shah Zaman (1793-1800), the grandson of Ahmad Shah under compulsion of infighting at Kabul withdrew from Lahore in 1799 and appointed a Sikh leader, Ranjit Singh as his Viceroy. Maharaja Ranjit Singh (1799-1839) was an ambitious and capable ruler. He established Sikh rule in the Punjab. When he could not expand his empire towards east and south due to the

presence of English, he decided to move towards the west. He was able to overrun the trans-Indus plains including Peshawar and Bannu.

When he decided to pass through the tribal belt and establish his rule in Jalalabad and Kabul, several battles were fought. Finally, the Sikhs were stopped in the hills around Jamrud where the tribes gave them fierce battle. The Sikhs were defeated and retreated in 1837. It was here that they lost their renowned General Hari Singh Nalwa, who had earlier captured Balahissar (the citadel of Peshawar) in 1834.

The Sikhs' rule around Peshawar was not stable. They "possessed but little influence in the trans-Indus tracts, and what influence they had was confined to the plains. Even here they were obeyed only in the immediate vicinity of their forts which studded the country". [51] The tribesmen checked the advance of Sikhs and safeguarded their independence as always in the past.

British Supremacy

During early 19th century, the British had established their supremacy over the subcontinent except Balochistan, Sindh and the northwest tribal belt. All of these areas are now part of Pakistan. These were practically independent but theoretically under Kabul. The NWFP west of the tribal belt and the Punjab had become independent of Kabul under Sikh ruler Ranjit Singh.

It was the period when Russia was advancing southwards in Central Asia. The British Government in England was perturbed and thought it an "imminent peril to the security and tranquility" of the Indian Empire and asked the Government of India to checkmate them. Thus began British involvement with NWFP, its tribal belt and Afghanistan.

First Anglo-Afghan War (1839-42). It was understood both in London and Calcutta, which was then the headquarters of the East India Company, that the Amir of Afghanistan was entering into secret negotiations with Russia. Accordingly, in 1838, the Government of India declared war against Afghanistan. Since Ranjit Singh, the ruler of the Punjab would not give passage to the English army through his territory, Auckland, the British Governor-General of India (1838-42), decided to dispatch his forces through Sindh. Earlier, Governor-General Lord Minto (1807-13), as a precaution against the threat of French invasion, had concluded a treaty of "eternal friendship" with the Amir of Sindh in 1809. Now, Auckland forced the Amir to agree to give passage to the English army and to contribute money towards the Afghan war and threatened him with "power to crush and annihilate them," and that they "will not hesitate to call it into action, should it appear requisite, however remotely, for either the integrity or safety" of the British empire. [52]

In 1839, the British-led Indian Army passed through Sindh and Balochistan and conquered Kandhar and Kabul, the capital city of Afghanistan. The Army of occupation decided to stay back in Kabul. During the winter of 1841-42, there was a mass uprising against foreign forces and the Indian army comprising twelve thousand soldiers left the city of Kabul along with their followers and marched eastward in the direction of Jalalabad for safety. The tribesmen gradually destroyed the entire Indian forces while on retreat. By January 1842, only one Dr. Brydon was able to reach Jalalabad to narrate the tragic story of the massacre of their comrades. "A large British-led army had not been wiped out so completely in living memory." [53]

Annexation of Sindh and the Punjab (1843-49). As a consequence of the defeat in Afghanistan, to rehabilitate their prestige, the English unjustly forced a war on Sindh, defeated the Baloch forces at the battles of Miani and Dabo and annexed the province of Sindh in 1843. After the death of Ranjit Singh, there were a series of revolutions in the Punjab. The English fought two wars in the Punjab against Sikhs in 1846 and 1848-49 and after successively defeating them annexed the province of the Punjab in 1849. Beyond the plains of Sindh and the Punjab which the English forces had conquered, there lived the Pathan and Baloch tribes in the hills.

Baloch Tribes. The British were able to consolidate themselves in Balochistan with comparative ease as compared to the tribal belt in the NWFP. Their problem of dealing with the Baloch tribes was comparatively easier because they were not well armed as compared to, for instance, the Waziris in NWFP. Secondly, they would normally follow their chiefs or maliks known as 'tumandars'. Lastly they had a common overall head, the Khan of Kalat. In 1854 an agreement was concluded between the British and the Khan who promised not to have relations with any foreign power without the approval of the English; to receive British troops when necessary; to protect merchants passing through his territory; and to prevent his followers from raiding British territory. In return for all this he was to receive an annual subsidy of Rs 150,000.

As the control of the Khan was of a loose type these arrangements did not suit the British. With a view to further consolidate their hold on Balochistan, negotiations were conducted with the Khan of Kalat and a fresh treaty was signed at Jacobabad in 1876. The British succeeded in getting Quetta and surrounding area together with Bolan Pass on lease. The agreement required the area to remain under nominal sovereignty of Kalat but to be administered by the British. A British Indian force was stationed at Quetta and Sir Robert Sandeman was appointed the first Agent to the Governor-General in Balochistan. He tactfully established contacts with the tribal chiefs and succeeded in maintaining peace in the area.

Sandeman System. The arrangement made by Sandeman is known as the Sandeman System. It

rested on the occupation of central points in Kalat and tribal territory in considerable force, linking them together by fair-weather roads, and leaving the tribes to manage their own affairs according to their own customs and working through their

chiefs and maliks. The maliks were required to enlist levies paid by government but regarded as tribal servants.^[54]

It is also known as the *Khassadar* system. For sometime there was no interference with the tribes. Sandeman adopted a policy in which he used the local tribes for purposes of policing the tribal area. He recruited tribesmen and formed *khasadar* Regiments. These Regiments took the place of the British Army in tribal area. Large subsidies were paid to the tribal maliks. These maliks had to perform certain difficult duties such as protecting merchants, keeping roads open and in case of trouble, finding out the troublemakers. The system of *khassadars*, or tribal police was somewhat successful in Balochistan. It was to give monetary benefits to the tribesmen under the supervision of maliks, in return for maintaining order in the tribe.

Since these areas nominally acknowledged the sovereignty of Kabul, the British according to a treaty with Amir Sher Ali, the King of Afghanistan, signed in 1879 took over Pishin and Sibi, apart from Kurram, and Khyber. Thus the British were able to reach Chaman, which is at a short distance from Kandhar in Afghanistan.

Pathan Tribes. The British faced a serious problem in dealing with Pathan tribes. These tribes had no central authority and each tribe had its own jirga (assembly of elders) to manage its affairs. Before the arrival of the British, they were engaged in a continuous fight against the Sikhs. Although the Amir of Afghanistan claimed jurisdiction over them, they would not allow his forces to enter their territory. Sandeman system could not be repeated successfully in NWFP especially in Waziristan. For Britain, these tribes were "much too hard a nut to crack."

Policy of Masterly Inactivity or Close Border Policy. The Punjab Government under the overall direction of the British Government in India followed a policy that required guarding the frontier to minimize the tribal raids and, in case of raids, send military expeditions for reprisals. "Non-aggression on tribal territory and non-interference in tribal affairs" were the objectives of this policy.^[55] Owing to their terrible defeat in the First Anglo-Afghan War (1838-42) the British had realized that the task of ruling over the tribal territory in NWFP and Afghanistan was beyond their resources in India. Thus they followed the policy of "masterly inactivity" or "close door policy" and their interest in the affairs of the tribal area in NWFP and Afghanistan remained minimal.

For purposes of defence, a paramilitary force under the Government of the Punjab called the Punjab Frontier Force was raised and later it was merged with the regular Indian Army in 1886.^[56] The defence was organized by creating a line of forts along the administrative boundary. Roads were built to connect these forts and facilitate inter-communication.

Simultaneously conciliatory measures were adopted. Agreements were concluded with the tribes to maintain peace and order for which they were paid monetary benefits in the shape of subsidies and allowances. The tribesmen were allowed to enter British administered territory for purposes of trade and commerce, but British officers were not allowed to enter the tribal territory. According to British sources the tribesmen broke the agreements very often. As a consequence the government had to stop allowances, impose fines, enforce blockades and if these did not work they had to resort to military operations. "Between 1849 and 1899, the Punjab Government undertook as many as sixty-two expeditions."^[57]

From the annexation of the Punjab in 1849 till the outbreak of the Second Anglo-Afghan War in 1878 the British followed the "so-called close-border policy" but abandoned it thereafter.

Forward Policy and Second Anglo-Afghan War (1878-79). There was a change in British policy after 1876. The encouragement due to increase of British resources owing to the conquest of Sindh (1843) and the Punjab (1849) as well as the concern among British strategists in England due to the advance of the Russian armies in Turkestan close to the borders of Afghanistan made them to review their policy. The policy of Disraeli who became the Prime Minister in U.K. in 1874 was to build a strategic line of defence against Russian advance in Central Asia.^[58] It was felt that sooner or later the British and the Russian forces would confront each other in Central Asia. This thinking led the British to increase their sphere of influence in Afghanistan. In 1876 Lord Lytton, the Viceroy of India wrote to the Secretary of State for India that:

The more I think over the geographical facts of our position the stronger becomes my impression that the real key to it is at Kabul...from Herat to the north-east extremity of Cashmere [Kashmir] one great continuous watershed [of Hindu Kush mountain] seems to indicate the natural defensive bulwark of India. I am inclined to think that, if we took our stand along this line, with a sufficient margin north of it to leave us in command of the passes on both sides, our position would be a sufficiently strong one for all defensive purposes.^[59]

In 1878, when Amir Sher Ali of Afghanistan refused to allow an English envoy at Kabul, Lord Lytton declared war on 20th November 1878 and British troops invaded Afghanistan and Sher Ali ran away and later died. His son Yakub concluded the Treaty of Gandamak on 26 May 1879 agreeing to British terms including ceding of Pishin and Sibi (now part of Balochistan), besides Khyber and Kurram, The war had encouraged the British to formally occupy most of the tribal belt. It included a permanent advance and control of the famous Khyber Pass but Kurram valley was occupied some years later.

Scientific Frontier and Durand Line (1893). Lord Lytton (1876-80) put forward the idea of a scientific frontier. Military experts came to be divided into two groups - the forward and the backward. The backward group advocated that Indus should be the frontier line because the tribesmen were troublesome and fanatic and would not tolerate interference; it was difficult to fight in the mountains;

and it was very expensive to have British Cantonments in the tribal territory.

The forward group advocated that the frontier should be from Kabul through Ghazni to Kandhar because unless the tribal country was occupied tribesmen would continue to give trouble; river frontier was not a frontier at all; tribal area could pay the expenses of military occupation if its mineral resources were developed; and even if the policy was expensive it must be adopted for the sake of India's security.

For sometime the British policy oscillated between the backward and the forward schools. In the time of Lord Lansdowne (1888-94) a compromise was arrived at. The boundary between Afghanistan and India was drawn on scientific lines keeping in view the requirements of defence. The dividing line came to be known as the Durand Line. Accordingly, in 1893, Sir Mortimer Durand concluded an agreement with Amir Abdul Rehman of Afghanistan fixing the boundary line from Wakhan in the north to the Iranian border in the south (i.e. the junction of Iran, Afghanistan and Balochistan). There was also some adjustment of territories. For instance, the British Government agreed to Amir of Afghanistan retaining Asmar and the Amir in turn agreed that "he will at no time exercise interference in Swat, Bajaur and Chitral". Similarly, the British Government agreed to leave to the Amir a portion of Waziristan (i.e. Birmal) and Amir relinquished his claim to the rest of the Waziristan. A clause in the agreement stated:

The Government of India will at no time exercise interference in the territories lying beyond this line on the side of Afghanistan, and His Highness the Amir will at no time exercise interference in the territories lying beyond this line on the side of India.^[60]

Hit and Run Policy and War with Tribes 1897-98. In the beginning the English had adopted an attitude of conciliation. Frontier duties were abolished, free trade was established, medical facilities were provided and tribesmen were recruited in the army and the police. Since this policy could not remove the basic cause of the trouble—the economic needs of the area—it failed. The tribesmen continued to plunder the British territory. To check this, the policy of reprisals—fines, blockades and expeditions—was adopted. These methods were used to force the tribesmen to come to terms. This was called the "Hit and Run Policy". It also did not succeed, as it was unjust because the whole tribe suffered for the mischief of some individuals.

The unjust policies and the intrusion of British forces, especially in Waziristan was seen by tribesmen as a "menace" to their independence. When in June 1897, the Political Agent had gone with a military escort to select a site for a levy post in Maizar, a Waziri village, in North Waziristan, they were "at first hospitably received, but suddenly attacked. All their officers [who were British] were killed or wounded..." This was followed by an attack by tribes of Malakand against the garrisons in the pass and in Chakdara. By August, Mohmands attacked at Shabqadr, and later Afridi and Orakzai attacked at Tirah and the Khyber post was lost by the British. The Samana forts were attacked and "the garrison in one case wiped out to a man."^[61] Later Khyber was reoccupied and Khyber Rifles were re-established and new roads and more forts were built.

This uprising involved bulk of the tribes, i.e., Darwesh Khel Waziris, the Swatis, the Mohmands, the Afridis and the Orakzais.^[62] But fortunately for the British the Mohmands "the most formidable of all the tribes" did not rise in 1897.

Withdrawal and Concentration Policy. After the 1897-98 war with tribes, the controversy between the backward and the forward schools assumed a new meaning. Now the controversy was whether the tribal territory up to the Durand Line should be occupied or should the British fall back upon Indus. The tribes who had neither been consulted nor considered did not like this change and interference in their affairs. They resented the loss of their independence and uprisings continued.

To meet the situation Lord Curzon (1899-1905) adopted a policy of "withdrawal and concentration"—withdrawal from the advanced posts, employment of the tribal forces for the defence of the tribal country, concentrations of British forces in British territory as the second line of defence and the improvement of the means of transport and communication. This policy continued up to 1919.

By January 1899, about 10,000 British troops had been stationed on the northwest frontier. Lord Curzon gradually withdrew large number of troops from certain areas including the Khyber Pass (except Jamrud) and the Kurram valley (except Thal) and Waziristan but concentrated troops in British lines and also deployed in lieu levies commanded by British officers and retained troops at Chakdara, Malakand and Dargai.^[63]

Waziristan

Waziristan needs special emphasis because it is here that the British forces met with the greatest resistance. Waziristan territory roughly comprises area between the Kurram and Gomal Rivers. (See sketch map of Waziristan at Appendix III) The region is bound to its western side by the Afghan districts of Birmal and Khost and the Bannu district of NWFP to its east. Although Mughal and Durranian rulers did include the hill-tribes of Swat, Bajaur and Tirah, but "no empire of which we have any record has ever succeeded in making subjects of the tribes of Waziristan."^[64]

For the British Government, Waziristan was a "running sore" since their annexation of the Punjab in 1849. From the very beginning the policy of the Indian Government was of non-interference with the tribes. The Government of India had an understanding with the Amir of Kabul that the "various Wazir and Mahsud tribes should look to Simla [winter capital of India] and not to Kabul [capital of Afghanistan] for their political guidance,"^[65] There are several tribes living in Waziristan but two-Wazirs and Mahsuds-need to be

described.

Wazirs. Sir Herbert Edwardes who was the administrator of Bannu and later became the Commissioner of Peshawar in 1853, describes about his first meeting with the chief of the "redoubtable" Waziri tribe. It is interesting to read his account as mentioned in his diary:

"Mullick Swahan Khan, chief man among the neighbouring tribes of the Vizeerees (waziris), came into camp by invitation to see me. He is a powerful chief, and his country boasts that it has never paid tribute to any sovereign, but exacted it in the shape of plunder from all tribes alike. Swahan Khan is just what one might picture the leader of such a people: an enormous man, with a head like a lion, and a hand like a polar bear. He had on thick boots laced with thongs and rings, and trod my carpets like a lord. The Hindostanee servants were struck dumb and expected the earth to open. With his dirty cotton clothes, half redeemed by a pink *loongee* over his broad breast, and a rich dark shawl intertwined into locks that had never known a comb, a more splendid specimen of human nature in the rough I never saw. He made no bow, but with a simple "*Salaam aleikoom*" took his seat." [66]

A Muslim source about the year 1780 states:

The Wazir Afghans are a great and powerful tribe numbering nearly 100,000 families, and they dwell in an extensive tract of difficult country. They are not much better than the animals, for save for eating and drinking, moving about their hills, seeking their prey on the highways, and dying, they know naught besides.... This great tribe is wholly independent, and they have neither tax nor tribute to pay, and owe allegiance to no one. [67]

Mahsuds. The Mahsuds living in Waziristan were no less dangerous for the British. Olaf Caroe, the British Governor of NWFP, likens the Mahsud to a wolf and the Wazir to a panther. [68] "The Mahsud is as redoubtable in council as he is in battle, as difficult to deal with on planes other than that of force as in the field." [69] Geneologically "they are all Karlanris and, therefore, by our classification Pashtuns rather than Afghans". [70] (See geneological table at page 5).

British Operations in Waziristan. Because of their superior firepower and later on the air power, "the British penetrated their every valley many times and established roads and forts in all directions; but none of these disarmed the inhabitants, or administered the country, or succeeded in imposing taxation." [71] In 1860, the Mahsud country was first penetrated by a British military column in retaliation for their attack on Tank by a 3000 strong lashkar. Again, in 1894/95, the British penetrated their country in retaliation of night attack by 2000 Mahsuds on the Wana camp. [72]

By 1899, these militia forces were 3000 men strong and "officered by British military officers, equipped and maintained after a regular military pattern." [73] In addition the "Frontier Constabulary was raised with a strength of 2000 local men but officered by British Police officers. These forces were supported by regular armed forces stationed at Bannu and D.I.Khan. [74]

During the 20th century the tribal resentment against the British occupation resulted in recurrent uprisings: e.g., Wazirs in 1919; Mahsuds in 1925; Wazirs, Mohmands and Afridis in 1930-31; Mohmands in 1933 and Tori Khels in 1936-37. [75] The British also responded with several operations in Waziristan of which two are of great significance, one during 1919-20 immediately after the First World War and second during 1936-37 shortly before the Second World War.

Third Anglo-Afghan War (1919) and British Operations in Waziristan (1919-20). Lord Curzon, Governor-General of India (1899-1905) could not succeed in pacifying the tribes and continued to face difficulties in the tribal areas. The British were relieved of the fear of advance of Russia towards India when the 'Great-Game' ended by the signing of the Anglo-Russian Convention of 1907 recognizing Afghanistan and the Persian Gulf as part of British sphere of influence.

The First World War (1914-18) finally altered the situation. The British were obliged to maintain military pickets and posts at important points, the regular troops were given the duties of militia for policing the tribal areas. At the same time attempts were made to open up the tribal area by building roads and opening schools. There was, therefore, restlessness in the tribes.

In April 1919, Amir Amanullah, the ruler of Afghanistan, under the pressure of anti-British sentiments of his own people decided to fight a war with the British but the use of "aeroplanes, wireless and high explosives" enabled the British Indian Army to defeat the Afghan army and a peace treaty was concluded. [76] During the war the British forces had occupied the tribal country, which continued till the British left in 1947, but Wazir-Mahsud insurgency persisted between the two World Wars.

In 1919, on the outbreak of Third Anglo-Afghan War, the British officers withdrew from Wana and other posts. The local elements deserted and turned against the British officers. "Following the virtual collapse of these forces, Wazir and Mahsud raiding parties went so far to invade the border districts of Derajat and Zhob, and even penetrated in the Punjab." [77] This led to a full-fledged military campaign resulting in a military occupation in a great part of Waziristan. In August 1920, the Viceroy of India stated:

As the result of hard fighting we have occupied a central and dominating position in Waziristan [hardly substantiated by subsequent events] ... For many years ... we followed the policy of non-interference with its inhabitants. ... We hoped that if we left them alone, they would leave us alone. This hope, has, I regret to say, proved fallacious, and the time has now come when we can no longer shut our eyes to the fact. We have had a campaign, more or less important, against Waziristan on an average every four years. Since 1852 we have had seventeen of these military operations, and since 1911 we have had four, including that just concluded. [\[78\]](#)

The war of 1919-20 in Waziristan was different from nineteenth century operations. It was a twentieth century warfare in which latest weapons of the Great War (1914-18) such as mountain howitzers and aeroplanes were used. It will be interesting to read the comments of the Commander-in-Chief of the Indian Army in his official dispatch of 1 August 1920 referring to the operations as

...of unparalleled hard fighting and severity. The enemy fought with a determination and courage which has rarely, if ever, been met with by our troops in similar operations. The character of the terrain, combined with trying and arduous climatic conditions, [\[79\]](#)
alone presented difficulties before which the most hardened troops might well have hesitated.

Thereafter the British faced constant trouble with the tribes such as in 1930, 1933 and again from 1937 to 1940.

The tribes would not spare the Government of Afghanistan either. In 1933, during the reign of Nadir Shah, the King of Afghanistan, a strong lashkar of both Wazir and Mahsud tribes crossed the Durand Line and invaded Matun in Khost province of Afghanistan. The British Government of India had taken air action against them to break up the lashkar.

British Policy Options and Modified Forward Policy. After the operation of 1919-20, the British Government considered following policy options:

- (i) Withdrawal of troops from areas west of River Indus and peaceful penetration by giving responsibility to the tribes for maintenance of law and order.
- (ii) The 'close border' policy that would content itself with the establishment of a strong military and police cordon, following the junction of the foothills and of the plain.
- (iii) The "forward" policy that advocates a sufficiently firm occupation of the mountainous country as far west as the Durand Line, with a view to securing thereby the tranquility of the lowlands of the Indus Valley. [\[80\]](#)

Finally, complete occupation of the territory "was formally accepted by the Government of India as a part of a fixed policy declared in September 1922." [\[81\]](#)

Modified Forward Policy. The policy adopted by the Government after 1919-20 Waziristan campaign was called "Modified Forward Policy." [\[82\]](#) It required to build roads, maintain about 4600 khassadars and 5000 troops at Wana and Razmak. [\[83\]](#) The khassadars were mainly local tribesmen. They were required to perform watch and ward duties.

They patrolled and picketed roads, furnished escorts and intercepted raiders. They fed, clothed, housed and armed themselves on a monthly Government salary, which in 1922 amounted to between Rs. 20 and 30. As Denys Bray, the Secretary to the Foreign Department, maintained, this was 'a forward policy in a very real sense of the word' [\[84\]](#)

British Operations (1936-37). Again, during 1936-37, there was intense uprising and fighting in the Waziristan belt. The disturbances began with the conviction of a Muslim by the court for kidnapping a Hindu girl. The Faqir of Ipi (a place in the Tochi valley) of Tori Khel tribe, which was one of the sections of Utmanzai Wazirs of North Waziristan, led the revolt. He alleged that the girl was converted to Islam "accusing the government of interference with religion". [\[85\]](#) Both the Wazirs and Mahsuds supported his cause. The tribes [\[86\]](#)
raided British administered areas about 29 times, in which 31 persons were kidnapped.

According to official figures approximately 32,000 regular troops and 5000 irregulars (Tochi and South Waziristan Scouts) took part in the battle. The estimated number of casualties amongst tribes cannot be ascertained. The Indian air action against villages could and did destroy the houses of the affected tribes as a "penalty for specific outrages". The number of casualties sustained by [\[87\]](#)
British Indian army during six months was officially given as 163 killed and 440 wounded as under:

	Killed	Wounded
British Officers	13	15

British Other Ranks	17	55
Indian Officers	4	11
Indian Other Ranks	129	359

All British efforts to apply the Sandeman system in Waziristan failed. To pacify Wazirs and Mahsuds, money was being freely doled out either as "tribal allowances" or military pay or wages for the work done for construction of roads etc. or for goods sold and services rendered to the regular troops. "Still the wild population remained untamed" but the intensity of raids by Wazirs and Mahsuds was reduced from four hundred to two hundred per year. [88] The intensity of raids can be visualized by tribal raids across the Waziristan border in only two adjacent districts, i.e. Bannu and Dera Ismail Khan as given in Appendix IV. The records in the India Office Library and Records are silent after 1942, perhaps due to heavy involvement of the British in the war up to 1945 and thereafter in transfer of power in the subcontinent.

It would be no exaggeration to say that the revolts in Waziristan between the World Wars, and their suppression were the most important military events to take place within the Indian Empire between the First War of Independence [1857] and World War II [1939-45]. [89] Lastly, the rising of Faqir of Ipi was the last major revolt in the region before British left in 1947. In short, the British attempt to pacify Waziristan resulted in

...several major incursions into tribal territory during the hundred years of British presence in north-west India. On each occasion the tribes and the mountains won a strategic victory, despite local tactical reverses, and the bulk of the Indian Army's troops were forced to withdraw back on the plains of the Indus Valley. Periodically, the British forgot that you can annex land but not people. [90]

British Administration of the Tribal Belt

The conquest of Sindh (1843) and the Punjab (1849) brought the English to the natural limits of the plains of the subcontinent towards the northwest. The administration of the plains of the region was entrusted to the British Government of the Punjab Province. Five districts, i.e., Peshawar, Kohat, Bannu, Dera Ismail Khan and Dera Ghazi Khan, were created as frontier districts and were designated as settled areas/districts as distinct from the tribal territories. The Punjab Government had to perform dual function of administering these districts as well as the management of the tribes to the west of these districts to ensure security from frequent tribal raids.

Since the tribal area was too wide to be defended by the available armed forces, the British had to depend on the political management of the tribes. In 1877, Lord Lytton, the British Viceroy, instead of depending on the provincial government of the Punjab, devised a system whereby the central government itself would have direct control over frontier administration and policy. To achieve this purpose the system of political agencies was started in the tribal belt. [91] As districts were the administrative units in the rest of India, agencies were created in the tribal area. The administrative control of an agency was entrusted to a Political Agent who was a counterpart of the Deputy Commissioner in a district. The Agent was required to liaise with the tribes in the area of his jurisdiction.

Tribal levies and tribal militias recruited from local tribesmen were raised to assist the Political Agent for policing the area to establish peace and security. Gradually pickets, posts and forts were built where the militia was to be stationed.

The first agency, i.e. the Khyber Agency was established in 1879. In 1889, Gilgit Agency was formed. In 1890, with the agreement of Shiranis, Mahsuds and Darwesh Khel, Gomal Pass in South Waziristan was opened for traffic. Tribal levies were raised and levy posts were built. Accordingly,

"...in 1890, when the trade route along the River Gumal [Gomal] was opened on the south borders of Waziristan, a system of Government subsidies or "allowance" was inaugurated, by which the tribes, in return for a fixed annual payment, pledged themselves to take that particular route under their protection, to abstain from raiding British-Indian territory and to perform certain minor services. ... The system of tribal allowances was proving an insufficient safeguard against sporadic acts of violence. To secure the trade routes, (and to repress organized brigandage,) several military expeditions of varying importance had been undertaken into Waziristan. [92]

In 1891, the Samanah range was occupied to dominate Miranzai Valley and Southern Tirah. For this purpose posts and pickets were built at suitable points and occupied by tribal militia.

In 1892, Turis, who were Ahl-e-Tashae (Shias) and were in conflict with neighbouring Sunni tribe, allowed the British to exercise control over their territory. Kurram agency was soon set up in the area bringing it under British control.

In 1893, Kurram militia was raised. Posts and pickets were built for them. This gave the British control over the Kurram route leading to Peiwar Kotal Pass to Ghazni and Kabul. This expansion alarmed the Amir of Kabul and is one of the reasons that the Amir signed the Durand Line agreement in 1893 so as to check further British advance.

In 1895, Daur and Wazirs of Tochi Valley allowed the government to occupy their territory and North Waziristan Agency was established. In 1896, South Waziristan Political Agency was created. This was followed by construction of militia posts and pickets and also increases in the allowance of Mahsud tribe.

In 1895, Malakand Agency consisting of Dir, Bajaur, Swat and Chitral was created.^[93] The territories of Swat resisted for about 30 years till “*pardah*” of these areas were lifted and a political agency established there for the British forces.^[94] *Purdah* (i.e. curtain) means that they would not let the foreign forces enter their territory. “The phrase is a graphic one, constantly used by the tribes to emphasize the value they set on the inviolability of their country, to be preserved behind a veil as jealously as the modesty of a woman.”^[95]

Province of North-West Frontier Province (NWFP). In 1901, the North-West Frontier Province was established. The four trans-Indus districts of Peshawar, Kohat, Bannu and Dera Ismail Khan, along with Hazara east of Indus were separated from the Punjab to form a separate province.^[96]

But for purposes of administration, the tribal belt was dealt with separately under the central government as before. It was divided into Khyber, Kurram, North Waziristan and South Waziristan agencies.^[97] Each Agency had a Political Agent. He would normally move under an armed escort in the area of his jurisdiction. The same practice is prevalent in Waziristan up till now. In short, the tribal area continually enjoyed autonomy under British and even thereafter.

Judicial and the Jirga System. The unwritten law is that the Jirga (i.e. Council of Elders) takes decisions in civil and criminal cases of the tribe, which in the end overbear opposition, and is accepted as a unanimous decision. Jirga is a traditional institution for administration of justice. The British Government modified it and enforced it both in the tribal as well as in the settled areas of the respective Political Agencies. Under the revised version, a Jirga was to consist of not less than three persons. The Deputy Commissioner or the Political Agent would normally refer the case to a Jirga if he considers that there was likely to be a breach of peace, etc. If the Deputy Commissioner or the Political Agent did not agree with the recommendations of the Jirga, he would refer the case back to the same Jirga or appoint another Jirga.

A separate feature of judicial system of the province including the tribal territory from the rest of the country was the Frontier Crimes Regulation (FCR). It was described as “an exceptional and primitive” regulation.^[98] It was enacted by the British Punjab Government in 1872 and revised in 1887 and 1901. These regulations authorize the Deputy Commissioner or the Political Agent to refer all criminal and civil cases to a Jirga.

Contribution in History. All said and done, the tribes have had a great impact on the course of history of the region. In the ancient period when Alexander had entered territories in the present-day Pakistan, Chandra Gupta Maurya (324-300 BC) was present at Taxila (near Islamabad). Taking “advantage of the political turmoil and uncertainty caused by Alexander’s invasion [he] might have used the tribes to his own advantage.”^[99] His metropolis was Peshawar. His empire extended in the west to include Afghanistan and northern India to the east. Similarly, Raja Jaipal of Hindu Shahiya dynasty, who was ruling the subcontinent with his headquarters at Waihind (near Attock about 50 miles west of Islamabad), took a preemptive action, organized a coalition of forces of Hindu Rajas of northern India and invaded Subuktigin (977-997) of Ghazni. The Ghaznavids with the likely support of the tribes defeated Jaipal in the Kurram valley. Subuktigin’s son Mahmud annexed Peshawar in 1001 and thus founded the Muslim state in the region now forming northern Pakistan.

Mahmud of Ghazni (998-1030) and Ahmad Shah Durrani (1747-1773), the founder of Afghanistan, may have used Wazir and Mahsud tribes as mercenaries in their conquest of parts of subcontinent. In 1929, Nadir Khan took Kabul with their aid, ousted Bacha-i-Saqo and established himself as the first ruler of a new dynasty in Afghanistan.

These tribes also had their latent contribution towards the making of Pakistan in 1947. This was demonstrated when President of the Indian National Congress, Jawaharlal Nehru, on becoming Foreign Minister in the Interim Government of India, had visited tribal areas in October 1946. The tribesmen would not tolerate a Hindu ruler placed over them. His convoy was stoned at several places and he was injured. Governor of NWFP, Sir Olaf Caroe

“...had feared that Nehru might be killed in spite of heavy guards which were arranged. I think we are fortunate in having avoided that tragedy.... And I must reiterate the warning that the retention of Nehru, or any other Hindu, in charge of Tribal Affairs will prolong disorder and probably lead to tribal risings.”^[100]

When the British decided to leave the subcontinent, they wanted to transfer power to a united government of India with its armed forces intact so that the defence of the region against any possible Soviet adventure is not jeopardized and the British lines of communications to its colonies in the Far East are not threatened. In March 1947, i.e., just five months before the partition, Prime Minister of Britain, Clement Richard Attlee had mandated to his Viceroy in India, Lord Louis Mountbatten, that the definite objective of the British Government was: “A unitary Government for British India and the Indian States, if possible, within the British Commonwealth, through the medium of a Constituent Assembly, set up and run in accordance with the Cabinet Mission’s Plan.”^[101]

The British objective did not materialize because a month later, in April 1947,

Brigadier B.P.T. O'Brien, the Director Intelligence, GHQ, India, appreciated that the failure of the AIML-INC [All-India Muslim League and Indian National Congress] agreement, which had already caused Hindu-Muslim fighting in the Punjab and the NWFP, would make large-scale Frontier trouble a certainty and might result in the calling of a Jihad. And, regardless of any political settlement, the potentiality of tribal unrest was greater than for many years in the past and dangerous months were June-September. He, therefore suggested that, under the circumstances, a settlement in India which placed 'a Muslim State between Hindustan and the tribes would avert for an indefinite period the threat of a general frontier rising.' The conversion of the NWFP to the idea of Pakistan and the fear of a revolt by the Muslim tribes against the Hindu dominated INC [Indian National Congress] government, therefore, turned to be another catalyst leading to the British decision to divide the Subcontinent. ^[102]

Conclusion

The British imperial authority in the NWFP lasted for a century from 1849 till 1947 when Pakistan was established. It was extended gradually from "influence to sway to ascendancy to control and finally to domination." ^[103] But their domination was restricted to settled areas and was always challenged and resisted in the tribal belt. There were almost continuous uprisings, especially in Waziristan, and in consequence continuous military operations to contain them throughout the period of British supremacy in the subcontinent.

The northwest frontier tribal belt presented a difficult problem for the British. It had two aspects-local and foreign. The local problem was how to prevent the tribesmen from plundering British territory. The foreign problem was how to defend India against the possible Russian aggression through the northwest. They attempted to solve it through diplomatic relations with Afghanistan, Persia and Russia. The local problem was tackled by adopting different attitudes and policies towards the tribesmen from time to time.

During war with tribes, the British had taken offensive to punish them but had fallen back time and again. During the later half of the nineteenth century the bulk of the campaigns against them took place in the northern and southern sections of the tribal belt. But during the twentieth century between the two world wars military operations "shifted southwards to the wilds of Waziristan lying between the Kurram valley and Balochistan." ^[104]

On the whole the British adopted a "carrot and stick" policy. The standing object of the general policy of their Government of India in regard to the frontier was "to preserve the peace of the border and to foster good relations with the tribes with a view to their gradual pacification, civilization and economic betterment." ^[105] But in reality the British failed, as they made no attempt to educate the people and to industrialize the region. Fortunately this problem has been taken up by Pakistan.

FATA after Independence: 1947-2001

A

According to Mian Jaffar Shah, a former Education Minister of NWFP and a close associate of Quaid-e-Azam, who had arranged a meeting between the Quaid and Ghaffar Khan in June 1947 in Delhi, the latter had put three conditions before the former for extending cooperation on Pakistan. One of the three conditions was the merger of Tribal Areas of Pakistan with the settled areas of NWFP. In response the Quaid had shown his willingness; but he asked Ghaffar Khan to mould public opinion in the Tribal Area so that the proposal could be implemented through voluntary consent. ^[106] Democrat and constitutionalist as he was, the Father of the Nation wanted to bring any political and administrative changes in the country only through a democratic process based on the exercise of the free will of the people. He did not want to impose his views on the people of any region of Pakistan. His response to the condition laid down by Ghaffar Khan clearly showed that he realized the need for changing the *status quo* in the tribal areas created by the British to serve their colonial interests, but he wanted to do so with the consent of the tribal people and consult them before introducing any reforms.

The policy that the new state of Pakistan planned to follow towards the Tribal Areas was clearly outlined in the address the Quaid delivered to the tribal elders in Peshawar during his first visit to the areas in April 1948. In his address the Quaid assured the tribal chiefs that "Pakistan would not hesitate to go out of the way to give every possible help-financial and otherwise to build up the life of our tribal brethren across the border." He made it clear that Pakistan "had no desire to interfere in their internal freedom; rather it wanted to put them on their legs through educational, economic and social uplift as self-respecting citizens, who have the opportunities of fully developing and producing what is best in you and your land." In his address, the Quaid also reaffirmed "the policy of continuing allowances", and said that the "existing arrangements would not be modified except in consultation with them and so long as they remained loyal and faithful to Pakistan." ^[107]

However, the Quaid was in favour of changing the status quo for the better. This was evident from what he said in the same address. While reaffirming that the new state of Pakistan would not resort to interfering in the internal affairs of the tribal people, the Quaid-e-Azam also made it clear that Pakistan did not want the tribal people to remain permanently dependent on "annual doles as has been the practice hitherto, which meant that at the end of the year you were no better off than the beggars, asking for allowances, if possible a little more." ^[108]

The desire of the Quaid, however, was not translated into reality. The political leadership that succeeded him preferred to continue the policy that was shaped by the British to serve their colonial interests. The British policy towards the Tribal Areas was dictated by the imperative of containing Russia and after the Socialist Revolution of 1917, the Soviet Union, beyond the British Empire in India. Under this policy, which was called 'The Close Border Policy', the British established direct rule in the settled areas of North West Frontier Region while the tribes in the Tribal Areas were left to administer their own affairs. The tribesmen were allowed entry into British territory and to trade freely while the British officers were instructed not to cross into tribal territory. Agreements were made with the tribes obliging them to maintain peaceful and friendly relations with the Government. According to British writers, "the tribesmen frequently broke these agreements and the Government had to stop the allowances, impose fines or blockades; and when all these proved unavailing, to send expeditions into the tribal territory. Between 1849 and 1889, the British Government undertook as many as sixty two expeditions." [\[109\]](#)

The British were successful in containing the tribes through friendly agreements, grants of allowances and subsidies and use of force. Almost all the military expeditions resulted in the signing of new agreements with the tribes, which inter-alia made them responsible for keeping peace in the areas. In return the government was committed to pay them allowances. [\[110\]](#)

For the purpose of a more comprehensive discussion and analysis of Pakistan' policy towards the Tribal Areas, this chapter is divided into the following two parts:

- (1) 1947-1979
- (2) 1979-2001

1947-1979

The year 1947 marked a turning point in the history of the Tribal Areas, as a new and independent state of Pakistan replaced the alien rule of the British colonialists. With the termination of the British rule in India in 1947, all those agreements and treaties which bound the Tribal Areas with the British Government in Delhi were abrogated under the Indian Independence Act, 1947. [\[111\]](#) Constitutionally, the Tribal Areas became independent and it was up to the new state of Pakistan to enter into fresh agreements and treaties with the tribal chiefs. The tribal chiefs (maliks) were also cognizant of the fact that they would have to enter into new arrangements with Pakistan under terms and conditions that would guarantee the rights and privileges they enjoyed under the British. For this purpose, the new state of Pakistan secured through its political agents in the tribal agencies an agreement with the tribal chiefs (*maliks*) in 1947. Under this agreement the *maliks* declared the Tribal Areas a part of Pakistan and pledged to provide any help to the new country whenever the need arose. They also made a commitment "to be peaceful and law abiding and to maintain friendly relations with the people of the settled districts." In return and "on the foregoing conditions the Government of Pakistan pledged to continue the existing benefits." The Government of Pakistan also made a commitment to maintain the existing internal arrangements in the tribal areas. [\[112\]](#) To provide a legal and constitutional cover to these agreements, the Governor General of Pakistan issued a series of orders and notifications. Under these orders and notifications, the Tribal Areas were declared part of Pakistan with effect from 15 August 1947. The Governor-General of Pakistan assumed direct jurisdiction of the tribal Areas. [\[113\]](#)

In a subsequent development, the Government of Pakistan entered into revised agreements with the tribal chiefs in 1951-52 acquiring greater control and authority in the Tribal Areas. These agreements were concluded with the willing cooperation and the goodwill of the Tribal people, and were meant to enlarge the scope of the existing agreements. [\[114\]](#)

From 1947 till the formation of One Unit in 1955, the NWFP Governor acted as agent to the Governor-General of Pakistan in relation to the administration of the Tribal Areas, and exercised immediate authority in those areas. His Secretariat, known as the "Local Administration of NWFP", headed by the Chief Secretary, dealt with all matters in respect of the Tribal Areas. All policy directives from the Federal Government were communicated to the Chief Secretary, who furnished the compliance reports to the Federal Government. Since there were no Divisional Commissioners in those days, the Political Agents and the Deputy Commissioners used to correspond directly with the local administration.

On the formation of West Pakistan (One Unit) in 1955, the administration of the Tribal Areas was taken over by the Governor of West Pakistan; and the Federal Government was left only with policy control. Under new set up, the West Pakistan Governor, acted as Agent to the President of Pakistan. These arrangements continued till 1958.

In October 1958, the administrative set up of the Tribal Areas was reviewed; and it was considered imperative that the system of administration on the spot should have centripetal quality. Consequently, administration of all the Tribal Areas was vested in the Resident Commissioner from November 1959 to August 1960, thereafter, these areas continued to be administered directly by the West Pakistan Government. The post of Resident Commissioner, however, was abolished in 1960 as an economy measure, but evidently, the real cause of the change over was the dual control of the Resident Commissioner by the Federal Government and the Provincial Government.

Although the 1956 Constitution was based on the integration of West Pakistan into One Unit, the political parties with their support

base in the former provinces, especially Sindh, NWFP and Balochistan did not accept the merger of these provinces into One Unit. They continued to demand the dissolution of One Unit and the revival of the former provinces. National Awami Party (NAP), which was supported by the Pashtun and Baloch nationalists, was in the forefront of the struggle for the revival of the former provinces. The mass movement against Ayub Khan, which forced Pakistan's first military ruler to step down in 1969, had incorporated the dissolution of One Unit as one of the main items on its agenda. Thus, General Yahya Khan, who took over from General Ayub Khan accepted the demand for the dissolution of One Unit. On July 1, 1970, One Unit was dissolved and the former provinces of West Pakistan, namely Punjab, Sindh, NWFP and Balochistan were revived.

With the dissolution of One Unit, the Tribal Areas of Dir, Swat, Chitral, Malakand Protected Areas, and the Hazara Territory, were included in the NWFP. Similarly, the tribal Areas of Balochistan, namely the Districts of Zhob, Sibi, Loralai and Chagai were made part of Balochistan. The rest of the Tribal Areas, namely the Agencies of Mohmand, Kurram, Khyber, Bajaur, Orakzai, North Waziristan, South Waziristan, and the adjoining areas of Kohat, Peshawar, Bannu and Dera Ismail Khan Districts were declared as Federally Administered Areas (FATA). [\[115\]](#)

The Tribal Areas of Pakistan could, therefore, be divided into the following three categories:

- (a) Federally Administered Tribal Areas (FATA)
- (b) Provincially Administered Tribal Areas (PATA) of NWFP
- (c) Provincially Administered Tribal Areas (PATA) of Balochistan

The administration of PATA of NWFP and Balochistan is the direct responsibility of these two provinces; while the responsibility of administering FATA rests with the Federal Government through the Governor of NWFP in his capacity as an Agent to the President of Pakistan. [\[116\]](#)

There are two reasons why control over FATA has been entrusted directly to the Federal Government.

One: in view of the sensitive nature of Durand Line as an international border between Pakistan and Afghanistan, the Federal Government wanted to look after the issues of security in these areas. The issue of Durand Line will be discussed later in this chapter, but at this moment, it would suffice to mention that because of the tenuous nature of Pakistan-Afghanistan relations, the Pashtunistan issue and the ethnic based nationalist politics in NWFP, the Federal Government recognized the imperative of taking over the control of FATA, which are located along the Durand Line.

Two: The Tribal Areas are the most under-developed and poor region of Pakistan. The British Government deliberately kept these areas underdeveloped in order to keep the people of these areas dependent upon the allowances and subsidies from the British Government. Unfortunately, no government of Pakistan from 1947 to 1972, made any serious effort to undertake development of these areas. In order to bring the Tribal Areas at par with the settled areas of NWFP, a gigantic effort for initiating development work was needed, which could only be undertaken by the Federal Government.

FATA

Administratively, FATA is divided into seven political agencies viz Bajaur, Mohmand, Khyber, Orakzai, Kurram, North and South Waziristan, and six Frontier Regions: Peshawar FR, Kohat FR, Bannu FR, D I Khan FR, Tank FR and Lakki Marwat FR.

So far as the political agencies of Khyber, Kurram, North and South Waziristan are concerned, there has been little change in the administrative set up since their creation more than a century and a quarter ago. The other three agencies were created after the establishment of Pakistan in 1947. [\[117\]](#)

As has already been mentioned, Pakistan accepted the autonomous character of FATA through the famous Instrument of Accession signed by the Father of the Nation Quaid-e-Azam Mohammad Ali Jinnah, at the Bannu Tribal Jirga in January 1948.

The accession of the Tribal Areas to the new state of Pakistan made a big difference in the lives of the tribal people. They were no longer the subjects of a foreign power; rather they were accepted as equal citizens of an independent state. The British were concerned more with the enforcement of tribal responsibility, instead of tackling social problems, like education, health, communication, and economic development. But with the coming into being of Pakistan in 1947, things took a drastic turn. Although Pakistan, through agreement with the Tribal Chiefs, maintained the same administrative system as was established by the British and brought no change in the status of the Tribal Areas, there was definitely a change in the orientation. The role of the Political Agent was totally changed with a change in the outlook. His role became more development oriented. He emerged as the main force behind the development works in the Tribal Areas. During this period, successive governments of Pakistan initiated a number of development projects in the health, education, water and communication.

But it must be said that there was no fundamental change in the policy of the government so far as administrative and political structure of the Tribal Areas was concerned. The Government of Pakistan continued to deal with local tribal chiefs (Maliks) through the Political Agents instead of establishing contacts with the people at grass-root levels. The system of allowances and subsidies continued.

Although as mentioned earlier, Quaid-e-Azam had expressed his dislike for the system based on allowances and subsidies. He wanted to do away with that system as soon as possible and bring the people of the Tribal Areas at par with the people of the other parts of Pakistan. But no effort was made to change the humiliating system introduced by the British for their colonial interests.

In 1950, a prominent politician and close associate of Quaid-e-Azam, Qazi Isa made a strong plea to the then Prime Minister of Pakistan, Mr. Liaqat Ali Khan that the policy of the Government of Pakistan towards the Tribal Areas should be changed. The Government should establish direct contact with the people of the Tribal Areas, instead of dealing with the Maliks, whom he called corrupt and dishonest. In a letter from Quetta in February 1950, while discussing the situation in the Provincially Administered Tribal Areas (PATA) of Balochistan, he told the Prime Minister of Pakistan:

“The only means of contact that our officials have got with the tribesmen is through so-called tribal leaders—a very discredited lot imposed upon the tribesmen by the former alien government. In the past, the practice had always been to blackmail the government through large and unreasonable demands by these so-called leaders with the backing and connivance of local political authorities, who were always shareholders in what they secured from the government. This technique under the changed circumstances can never succeed and what is required is to win over the masses, which can be done very easily without any cost to the government. I for one am quite prepared to shoulder this responsibility and prove to you that through direct contact we can achieve a lot.” [\[118\]](#)

However, the Ministry of States and Frontier Affairs, which was responsible for FATA also, disagreed with Qazi Mohammad Isa. In a note on the letter of Qazi Isa, the Secretary Ministry of States and Frontier Affairs wrote:

“If the Sardars (Maliks) were really a spent force as Mr. Qazi Mohammad Isa would have us to believe, then the Afghan Government would not be working through them and use them as vehicles for enforcing their authority on the other side of Durand Line.” [\[119\]](#)

From the note of the Secretary to the Ministry of States and Frontier Regions, it was obvious that Pakistan’s relations with Afghanistan were a major factor in determining its policy towards the Tribal Areas. Afghanistan had adopted a hostile attitude towards Pakistan right from the beginning, refusing to recognize the Durand line and stirring trouble in the Tribal Areas across the Durand Line. For this purpose the then Afghan Government was using the tribal leaders to create trouble. Since Pakistan’s policy towards the Tribal Areas was closely linked with its relations with Afghanistan it would be useful to have a brief discussion on the state of Pak-Afghan relations during the period from 1947 to 1972. This would put Pakistan’s policy towards the Tribal Areas in a proper and broader perspective.

Pak-Afghan Relations (1947-1979)

The relations between Pakistan and Afghanistan were marked with hostility from the very beginning. Afghanistan was the only country to oppose Pakistan’s entry into the United Nations in 1947. While speaking in the United Nations General Assembly on 30th September 1947, the Afghan delegation stated:

“The Afghanistan delegation does not wish to oppose the membership of Pakistan in this great organization, but it is with the deepest regret that we are at this time unable to vote for Pakistan. This unhappy instance is due to the fact that we cannot recognize the North West Frontier as part of Pakistan so long as the people of the North West Frontier have not been given an opportunity free from any kind of influence and I repeat free from any kind of influence to determine for themselves, whether they wish to be independent or to become a part of Pakistan.” [\[120\]](#)

Afghanistan thus became the first and the only country in the world to lay claim to a part of Pakistan. This was done in the name of Pashtunistan issue. According to the stand taken by the Government of Afghanistan, all the Pashtuns whether they lived in Afghanistan or Pakistan constituted one nation and they should be united under the leadership of Afghanistan. For that purpose the Afghan Government demanded the right of self-determination for the Pashtun population living in the North Western Frontier Province and Balochistan province of Pakistan.

Afghanistan raised this issue immediately after the announcement by the British of the June 3 plan for the partition of India. On 21 June 1947, the then Prime Minister of Afghanistan, Mohammad Hashim Khan in an interview with an Indian paper said that if Pashtunistan could not be created then NWFP of Pakistan should be included into Afghanistan so that it could get an access to the sea. [\[121\]](#)

Afghanistan had adopted a hostile attitude towards Pakistan even before the country had come into being. After the establishment of Pakistan, this hostility not only continued, it intensified. This continued hostility, as Professor S M Burke has remarked was one of ‘the most painful experiences of Pakistan’ in view of the perpetual Indian threat looming from the east and north west of West Pakistan. [\[122\]](#)

The basis of Pakistan’s troubled relations with Afghanistan was the latter’s ambitions in respect of certain areas in the two western provinces of Pakistan. The rulers of Afghanistan based their claim on historical ground, citing the conquest of these areas by the founder king of Afghanistan, Ahmad Shah (1747-1773). His successors, who ruled over Afghanistan have since cherished the dream of

recovering these territories, lost in the subsequent wars to the Sikhs and then to the British.

When the British were preparing to relinquish their control over India in the middle of the 1940s, the rulers of Afghanistan thought that it was an opportune time to try their luck and get these territories back. For this purpose, the Government of Afghanistan approached the British with a representation asking for the people of the frontier lands a choice of becoming independent or reuniting with their motherland (Afghanistan). But the Government of Afghanistan soon realized that the people of the northwest and west of Pakistan had no desire to join Afghanistan. This led to a change in the tactics of the Afghan Government. Instead of striving for the merger of northwestern areas of Pakistan into Afghanistan, the Afghan rulers raised the bogey of Pashtunistan, which advocated the establishment of an independent state of ethnic Pashtuns living in the frontier states of Dir, Swat, Chitral and Amb; Balochistan and Balochistan states of Kalat, Kharan, Mekran and Las Bela. [\[123\]](#)

The demand for a separate and independent state of Pashtunistan as raised by the successive governments of Afghanistan is based on the claim that Pashtuns form one nation on the basis of common ethnicity, language, geographical proximity, culture and traditions. Afghanistan has been contending that Durand Line, which formed the international border between Pakistan and Afghanistan and divided Pashtuns into two parts, was forcibly thrust upon them and they accepted it under duress. President Daud of Afghanistan had once remarked that the "British did a wrong many years ago and we have been fighting to rectify it. Until that is done the struggle will continue." [\[124\]](#)

When the partition of India took place in 1947, a Congress Ministry led by Dr. Khan Sahib was ruling over NWFP. This was an anomalous situation as more than 90 per cent of the population of the province was Muslim. The vast majority of the population had turned towards the Muslim League and had accepted Pakistan as the homeland of the Muslims, whereas the provincial government was supporting the Congress. The future of the province was, therefore, decided by a referendum in which the majority of the population opted for Pakistan. In this referendum, which was held in the five settled districts of NWFP from 6 July to 17 July 1947, Pakistan secured 289,244 votes out of a total electorate of 572,798; while India received 2874 votes. Pakistan thus secured an absolute majority of the total number of votes cast. [\[125\]](#)

Such an exercise to ascertain the will of the people of the Tribal Areas could not be held for the simple reason that the Tribal Areas had no legislature, and no electoral role. The representative institution in the Tribal Areas was the *jirga* of each tribe and it was through their *jirgas* that the tribes governed themselves and expressed their preferences. The partition plan of 3 June 1947 laid down that fresh agreements with the tribes of North West Frontier of India would have to be negotiated with the appropriate successor authority. This was done on behalf of the Government of Pakistan, in November 1947, by Sir George Cunningham, then Governor of North Western Frontier Province, in the only manner known to the tribes. After ascertaining the wishes of the tribes through their *jirgas*, Sir Cunningham reported: "I interviewed the *jirgas* of all the tribes from end to end of the frontier, and 'without exception', he said, 'they (tribes) stated and confirmed in written statements that they were part of Pakistan, and wished to preserve the same relations with Pakistan as they had with the British. This agreement was ratified by the Government of Pakistan'" [\[126\]](#)

The rulers of the four frontier states of Pakistan, Dir, Swat, Chitral and Amb also joined Pakistan by executing Instruments of Accession with new Dominion of Pakistan.

Balochistan's constitutional position was similar to that of the tribal Areas of North-West. The ties with the ruling power there, too, consisted of agreements with the tribes. In the 3 June official announcement, it was stipulated that the province would be given an opportunity to choose between Pakistan and India, and it was stated that the Governor-General was examining how this could most appropriately be done. Ultimately it was decided by the British Government to entrust the responsibility for the decision to the Shahi *jirga* and the non-official members of the Quetta Municipality, who unanimously opted for Pakistan. This was followed by accession to Pakistan by the Balochistan states of Kharan, Mekran and Las Bela. The Khan of Kalat was misled by some elements to harbour the idea of independence, but in the end he too joined Pakistan.

Afghanistan intensified its efforts to stake its claim on the territories lying between the Durand Line and the River Indus after the announcement of the 3 June Plan. The Government of Afghanistan demanded that all tribes living in these areas be given an opportunity to decide whether they wished to re-join Afghanistan or become independent. In order to achieve this objective the Afghan Government mounted a vigorous public and diplomatic campaign. But the British Government made it clear that all the territories claimed by Afghanistan were integral part of British India, recognized as such by the Anglo-Afghan treaty of 1921, and that Afghanistan had no *locus standi* to interfere in the arrangements concerning their future. [\[127\]](#)

After it became clear to Afghan rulers that the tribal people had no desire to join their country, they, along with Khan brothers, decided to raise the issue of Pashtunistan. Every Afghan government made continuous attempts to exploit this issue through developing links with the tribal people. They did every thing to incite the tribes against Pakistan raising the slogan of an independent Pashtun state. This Pashtun state or Pashtunistan as they preferred to call it, was to comprise the existing six settled districts of NWFP and all such other contiguous areas inhabited by Pathans or Pashtuns, which wished to join the new state of their own free will. This state was to be based on the freedom for the Pathans to manage their internal affairs as a unit within the State of Pakistan. The new state will enter into agreement on defence, foreign affairs and communications with the Dominion of Pakistan. [\[128\]](#)

The pressure from Afghanistan on the new state of Pakistan had been continuous; and, as a result, the relations between the two countries were marked by a high state of tension, even border clashes. For example, in July 1949, Pakistan Air Force aircraft bombed

an Afghan village near the border. Later a joint inquiry found the incident to be the result of some misunderstanding. Pakistan paid the damages and the matter was peacefully settled. However, King Zahir Shah, while inaugurating the seventh session of Afghan National Assembly on 30 June 1949, delivered an anti-Pakistan speech and the Assembly itself proceeded to pass a resolution repudiating all treaties, conventions and agreements signed between the Afghan Government and the British Government before the birth of Pakistan. The resolution also rejected the Durand Line as the international border between Pakistan and Afghanistan. In the resolution the Afghan government also referred to the alleged repression of the 'Afghan Provinces' and states from Chitral to Balochistan and promised support of the Afghan Government in their efforts to achieve freedom for the inhabitants of these areas and places. [\[129\]](#)

Meanwhile Afghan sources began to churn out 'reports' about the activities of some of the tribes in the Tribal Areas against the sovereignty and territorial integrity of Pakistan. The Afghan sources claimed that in August 1949, a number of Afridi tribesmen met at Tirah and inaugurated the National Assembly of Pashtunistan. Another jirga was stated to have met at Razmak and elected the Faqir of Ippi as the President of 'southern' Pashtunistan. In response to this provocative and hostile propaganda, Pakistan showed maximum restraint and even withdrew troops from the frontier regions. During this period, Pakistan also initiated various projects and works aimed at improving the socio-economic conditions in the Tribal Areas. According to *The Times*, London, (29 June 1949), the tribesmen continued to draw from the Pakistan exchequer some 50 million rupees a year in subsidies, just as they did in British days. According to the paper, this amount exceeded the total budget of Afghanistan. The Government of Pakistan also embarked upon large-scale hydroelectric and irrigation projects to bring greater prosperity to the tribesmen. [\[130\]](#)

Because of incessant interference by Afghanistan in the internal affairs of Pakistan though raising the bogey of Pashtunistan and instigating the tribes of NWFP, Pak-Afghan relations became extremely tense during the decade of 1960s and early 1970s. In 1969 Afghan Tourist Department issued maps showing the whole Tribal Area as Pashtunistan. The map was on display in the Karachi office of Afghan Ariana Airlines. [\[131\]](#) The representative of Afghanistan once again raised the issue of Pashtunistan in the annual session of the United Nations General Assembly in October 1972, demanding the right of self-determination for the people of Pashtunistan and Balochistan. [\[132\]](#)

The Government of Afghanistan apparently wished to take advantage of the political crisis in Pakistan caused by the secession of East Pakistan and the defeat of Pakistan armed forces at the hands India in 1971 War. However, Pakistan soon returned to normality and stability under the Pakistan People's Party government of Prime Minister Zulfikar Ali Bhutto. He showed urgent and keen interest in making Pakistan's western frontier secure. For this purpose, he on the one hand, took immediate steps for mending relations with Afghanistan through establishing bilateral diplomatic contacts, and on the other, launched ambitious development projects in the Tribal Areas to win the hearts and minds of the tribal people. Afghanistan was the first Muslim country; Mr. Zulfikar Ali Bhutto visited on becoming Prime Minister after the 1971 debacle.

The development projects launched in the Tribal Areas during the period between 1972 and 1977 included schemes for developing water resources, construction of new schools and colleges for boys and girls, roads, hydroelectric units for the generation of electricity, small, medium-size and cottage industries and textile mills. The Government of Pakistan made a budgetary allocation of Rs.25,153,100 for the tribal agencies for the year 1972-73, Political and Administrative charges, including allowances, honorarium etc. [\[133\]](#) Important functionaries of the State of Pakistan, including Prime Minister Zulfikar Ali Bhutto, Governor NWFP and Interior Minister undertook repeated visits to the Tribal Areas to be apprised of the execution of development projects. Due to the keen interest and effort shown in the development of Tribal Areas, the people and the region and their leaders renewed their support for Pakistan's unity, territorial integrity and sovereignty and condemned Afghanistan for raising the issue of Pashtunistan. [\[134\]](#)

The diplomatic efforts of Prime Minister Bhutto had also borne fruit, and according to the British paper, *Guardian*, reported by the *Daily Nawa-e-Waqt*, the Pakistani leader had succeeded in persuading King Zahir Shah of Afghanistan to give up the Pashtunistan issue. [\[135\]](#)

But after King Zahir Shah was overthrown by his cousin Sardar Mohammad Daud in 1976, the problem returned to square one. Sardar Daud pursued the issue more vigorously, raising the temperature of Pakistan-Afghanistan relations further. On the occasion of officially celebrated Pashtunistan Day, the state owned newspaper, *The Kabul Times* wrote:

'The people of this country have unbreakable and age old bonds of proximity with the Pashtuns and Baloches, who thirty years after the departure of the British from the Indian sub-continent are still struggling for the right to determine their own destiny.' [\[136\]](#)

Despite extreme hostility shown by Daud against Pakistan on the Pashtunistan issue, Bhutto paid a visit to Kabul and held talks with Daud in June 1976. The talks were held in an environment of relaxation of tension and optimism; but no tangible progress was achieved on the contentious issues. Further talks between the two leaders were held in August 1976, when President Daud came to Pakistan on an official visit. General Ziaul Haq, who overthrew the Government of Zulfikar Ali Bhutto in a military coup in July 1977 pursued these talks and visited Kabul in October 1977. In their meeting the two leaders decided to hold formal talks on their bilateral relations in March 1978. The series of talks between Pakistan and Afghanistan helped reduce tension between the two countries and the way was cleared for improvement in bilateral relations between Pakistan and Afghanistan. But this process was suddenly disrupted by a violent (Saur) revolution in Afghanistan in which President Daud was killed and the Communist Party of Afghanistan captured power.

The new leaders of Afghanistan revived the Pashtunistan issue and declared their support for the right of self-determination of the

Pashtun and Baloch nationalities of Pakistan.

The post-Saur Revolution political leadership of Afghanistan continued to harp the theme of Pashtunistan for three main reasons: One, the Saur Revolution was welcomed by the Pashtun nationalists and the new leaders of Afghanistan wanted to repay them in the form of support to the Pashtunistan issue. Two, Pakistan had expressed certain reservations regarding the Saur Revolution because it had dramatically increased the Soviet influence in Afghanistan. The Communist rulers of Afghanistan wanted to put pressure on Pakistan by reviving the issue of Pashtunistan. Third, by raising the slogan of Pashtunistan, the Kabul government wanted to mobilize the Pashtun population living on both sides of the Durand Line in support of the Saur Revolution, which was facing increasing resistance from the conservative Pashtun tribes.

In December 1979, the Soviet Forces directly intervened in Afghanistan. The direct Soviet intervention not only marked a new phase in the history of Afghanistan but also gave a new turn to Pak-Afghan relations. The people of Afghanistan started a war of resistance against the occupying forces of the Soviet Union. As the war in Afghanistan intensified a large number of civilian population crossed into Pakistan and Iran to take shelter. The international community came forward to provide humanitarian assistance to the Afghan refugees who numbered more than three million. The Government of Pakistan housed these refugees in camps, which were mainly located in NWFP and Balochistan. The Western countries, especially the United States provided military assistance to Afghan resistance groups, which were based in Peshawar and Pakistan became a conduit for the supply of arms and weapons to these resistance groups. Thus, the whole region, particularly Afghanistan and the frontier regions of Pakistan that included the Tribal Areas underwent a radical change with a complete transformation of the geo-political scenario of the region. In view of the presence of a large number of Soviet forces in Afghanistan and the war of resistance against them by mujahideen groups with their bases in Pakistan, the Tribal Areas assumed a new and extremely important role.

1979-2001

This period can further be divided into three parts: the period of Soviet occupation (1979-1989), the period of mujahideen rule in Afghanistan (1992-1996), the period of Taliban rule (1996-2001)

During the period of direct Soviet occupation of Afghanistan (1979-89), the Tribal Areas of Pakistan were the most immediately affected areas due to close geographical proximity and common frontier with Afghanistan. With Pakistan becoming the frontline state in the war of resistance against the occupying forces, Tribal Areas bore the brunt of clashes between the Afghan resistance groups and the Soviet forces. There was a big influx of refugees into these areas; and all the tribal agencies were dotted with tented settlements of refugees. The Tribal Areas became the training and staging ground of Afghan mujahideen, who also used the areas for the purpose of providing medical aid to the wounded Afghan fighters. Since war of resistance (*jihad*) was the top priority, every thing was subservient to its objectives. The administration, local resources, including water, pastures, forestry and land were geared towards serving the objectives of *jihad*. During this period, the economy of the Tribal Areas, which was already underdeveloped, suffered enormously. There was great pressure on the local resources due to sudden and huge increase in the population as a result of the influx of millions of Afghan refugees.

Since the whole area had become a war zone and Pakistan had opened its borders to allow Afghan refugees to enter the country and take refuge in the frontier regions, there was no check on the border and anybody could enter Pakistan from the Afghan side. Similarly, the mujahideen groups would cross the Pak-afghan border at will. The Durand Line had practically ceased to exist with free movement of people, fighters, arms and ammunition across the international border between Pakistan and Afghanistan. The whole area became heavily armed with heavy weapons supplied by the United States to the Afghan mujahideen to fight against the Soviet forces. Under the impact of the ongoing *jihad*, the local administration, which already exercised nominal control over the tribal population, was rendered totally ineffective. The result was that every kind of illegal activity, like smuggling, drug trafficking and gun running was thriving in the tribal areas. The cultivation of poppy increased and the Tribal Areas became the biggest source of heroin supply in the world.

Due to war conditions, very little attention could be paid to development works. The economic conditions were in a bad shape, social and physical infrastructure was destroyed and environment degraded. *jihad*, drugs and gun running became the main source of livelihood for the local people. During this period, the Government of Pakistan neither could undertake any significant development works in the Tribal Areas nor control the activities of mujahideen and their local supporters from converting the whole area into their fiefs.

The withdrawal of the Soviet forces from Afghanistan in 1989 under the Geneva Accords signed in 1988 plunged the country into the worst kind of anarchy and lawlessness. There was a bloody war between the Soviet installed Afghan regime in Kabul and the Afghan mujahideen groups, who mostly controlled the countryside. Although Geneva Accords had provided for a ceasefire, return of the refugees to their homeland and cessation of outside interference in the internal affairs of Afghanistan, conflict continued to take its heavy toll in terms of material destruction and human casualties. The mujahideen groups subjected the capital city of Kabul to heavy artillery and rocket bombardment, resulting in the demolition of all the major buildings in Kabul. Since there was total lack of security and peace, there was no question of the return of Afghan refugees to their country. The Tribal Areas, therefore, continued to be the home of millions of Afghan refugees; and with them the commanders and the fighters belonging to various groups of Afghan mujahideen based in Pakistan. With the common enemy i.e. the Soviet Union gone, the mujahideen groups were fighting among themselves. The Tribal Areas were directly affected by this infighting among the Afghan mujahideen, leading to further deterioration in the security and law and order situation in the region.

In 1992, the Soviet installed regime of Dr. Najibollah collapsed under pressure from the mujahideen groups and a mujahideen government headed by Sibghaitullah Mujadiddi was installed in Kabul. But Afghanistan continued to suffer from war and destruction as a result of civil war among various Afghan factions suffering much more under mujahideen control than under the Soviet occupation. There were more casualties and large-scale destruction in the city of Kabul. Since these mujahideen groups were heavily armed, courtesy American CIA, they were capable of inflicting worst kind of destruction on the cities and on the civilian population. The continuing war among the Afghan factions caused further displacement of the civilian population and the number of refugees in Pakistan further increased. The Tribal Areas continued to be the abode of these Afghan refugees. The economic and social conditions in these areas further deteriorated. Since whole attention of the Government of Pakistan was focused on Afghanistan, they did nothing to make the writ of the government effective in these areas. The Tribal Areas were the centre of activities of various Afghan mujahideen groups and the whole area was under their control. The local administration was helpless, because the mujahideen groups were heavily armed and enjoyed the support of higher authorities in Islamabad. As a result not only illegal activities like heroin smuggling, and gun-running thrived in the Tribal Areas, the region also witnessed the rise of extremist religious movements like Sufi Mohammad's Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM). This led to further complicating an already complex social, political and security situation in the Tribal Areas. This was the result of a policy of total neglect deliberately pursued by the successive governments of Pakistan to appease the Afghan mujahideen groups, who were deeply entrenched in these areas.

In 1996, Kabul fell to the student militia known as the Taliban, who suddenly appeared on the political horizon of Afghanistan and quickly wrested control of almost the entire country from the discredited mujahideen groups. The Taliban represented an extreme and harsh version of Sunni Islam, which they forcibly imposed on all sects of the Muslims in Afghanistan. Under the strict discipline of the Taliban, peace and security was established in the country, but Taliban rule in Afghanistan presented another serious problem for Pakistan. The Taliban had very close links with some of the religious political parties of Pakistan, like Jamiat-ul-Islam (Fazal) JUI(F) and Jamiat-ul-Islam (Sani) JUI(S). These political parties had their support base in the Tribal Areas. Thus through their links with some of the political parties of Pakistan, the Taliban were able to extend their political and religious influence in the Tribal Areas of Pakistan. Under Taliban rule in Afghanistan, the writ of the Government of Pakistan became further ineffective as the people from the Tribal Areas joined the Taliban in fight against the Northern Alliance. As there was no regulation of the movement of men and materiel across the international border between Pakistan and Afghanistan a large number of people from different regions of Pakistan crossed over to Afghanistan to join what they claimed was *jihad* against the forces of the Northern Alliance led by Ahmad Shah Masud. The government of Pakistan did nothing to check them. It was only towards the end of the Taliban regime in Afghanistan that the Government of Pakistan realized the dangerous implications of allowing unhindered and unregulated movement of people across the Durand Line and took certain steps to check the entry of the people without valid documents. But this was resisted by the Taliban regime in Afghanistan, who wanted to move freely across the Durand Line in order to maintain their links with their companions in Pakistan.

Extension of Adult Franchise To FATA

Although Pakistan adopted universal adult franchise as the basis of electoral process immediately after independence in 1947, the people of FATA were kept deprived of this fundamental democratic right for about fifty years. In the First Constituent Assembly of Pakistan (1947-54) FATA were represented by one member; whereas 4 states of the region, namely Swat, Dir, Chitral and Amb had 3 seats in the Assembly in accordance with the formula worked out by the Cabinet Mission Plan (1946). Under 1973 Constitution, the *Maliks* (numbering about 37000) constituted the Electoral College for the election to 8 seats of the National Assembly. Under the legal, political and constitutional reforms package of Musharraf regime, known as Legal Framework Order (LFO) the number of National Assembly Members (MNAs) to be elected from FATA have been increased to 12. It was in 1996, that the federal government of Pakistan decided to introduce adult franchise in the Tribal Areas for the elections held in 1997.

The 1997 Elections were the first elections held in the Tribal Areas on the basis of universal adult franchise. According to the electoral rolls prepared for the 1997 elections, the total number of registered votes was 1.6 million, including 0.4 million female votes. The extension of adult franchise in FATA was a long-standing demand of the people of Tribal Areas. But the successive governments of Pakistan had been postponing this decision due to their policy of appeasement towards the tribal chiefs (*Maliks*), who feared the loss of their entrenched privileged positions in the areas in case method of direct elections was introduced. No wonder the decision was hailed as an event of great historic importance, which changed the entire socio-political structure of tribal society.

The decision of introducing adult franchise was enthusiastically welcomed by the people of Tribal Areas. This is evident from the unusually large number of contesting candidates in the 1997 elections and quite encouraging turn out. Against the 8 seats of National Assembly, a total of 298 candidates jumped into the fray. The average turn out was 33.69 per cent. In some areas, like Bajur Agency, the turn out was 65 per cent; but in South Waziristan, which is the center of Pakistan's military operations against the suspected foreign militants, the turn out was reported to be as low as 19.64 per cent.

In the last elections held on 10 October 2002, the total number of registered votes was 1289274. The number of male registered votes was 814921; while the number of registered female votes was slightly higher than in the 1997 elections (469053). The average turn out was 25.48 per cent.

Despite the introduction of adult franchise, the people of the Tribal Areas do not yet enjoy political and legal rights as equal citizens of Pakistan. Article 25 of the 1973 Constitution declares that all citizens of Pakistan are equal before law; but this article is not applicable to FATA, although under Article 1 of the Constitution FATA is part of the territories of Pakistan. The two elections (1997 and 2002) following the introduction of adult franchise in FATA were held on non-party basis. Despite the persistent demands by the political parties and civil society organizations in the region, the political parties have not been allowed to extend their activities in

the Tribal Areas. Under Article 247 of the Constitution, federal government enjoys absolute authority over the Tribal Areas. Under sub-section (7) of the same Article, High Courts and Supreme Court of Pakistan are barred from exercising jurisdiction over FATA. The draconian law known as Frontier Crimes Regulations framed by the British in 1901 to keep the people of Tribal Areas under suppression is still the law of the Tribal Areas. Before 1956, FCR covered the whole of the NWFP; but through an amendment, the settled districts of the province were exempted from FCR. Similarly, FCR was abolished in 1973 in Balochistan. However, the people of FATA are still governed by FCR, which has been denounced by all the political parties as undemocratic, repressive and violation of human rights.

Conclusion

The process of political change in the Tribal Areas of Pakistan has been very slow. In the last about six decades, only a few political changes have taken place in the region. The most important, of course, being the extension of adult franchise in 1996 and the holding of direct elections to the 12 seats of lower house of the Parliament (National Assembly). This has no doubt brought a significant change in the socio-political life of the tribal people as for the first time the people, including the women, were given the right to directly elect their representatives. This has led to the undermining of the influence of traditional political leadership (*Maliks*) in the region. The extension of adult franchise to women has also created a new feeling of empowerment among the weak and underprivileged sections of the society.

But the people of FATA are still denied some of the fundamental and basic political and legal rights, which are available to citizens of Pakistan in other areas under the Constitution. The political parties are banned in the region. The administrative, political and judicial structure of the areas is based on FCR, which is a legacy of British colonial rule. This is an arbitrary law under which absolute power is vested in the Political Agent. Till 1997 there was no appeal against the punishment awarded under FCR. But the superior courts are still barred from exercising their jurisdiction in the Tribal Areas.

There are three main reasons for the lack of progress in the area of political development in FATA.

First, the social system based on tribal loyalties and absolute power of tribal heads (*Maliks*) over the members of the tribe has remained intact over the centuries. The British perpetuated this system to serve their colonial interests granting special status and cash awards to the *Maliks* in exchange for duties and responsibilities for maintaining peace and security in the areas. The British had established a chain of military posts in the Tribal Areas to ensure the defence as well as the compliance of the tribal people; and whenever, the tribal people acted in violation of their commitments with the British authorities, military action was taken against them.

Second, the successive governments of Pakistan, instead of establishing direct contact with the people at grass root level, continued to follow the British policy of dealing through the local tribal chiefs i.e., *Maliks* in the Tribal Areas. After 1947, the Tribal Areas became part of Pakistan. There was hope that the establishment of Pakistan would usher in a new era of progress and change in the lives of the tribal people. But these hopes did not come true as the new state continued to follow the policy of the British and took no step to change the status quo. The primary reason was Pakistan's strained relations with Afghanistan. In view of Afghanistan's hostile propaganda on the issue of Pashtunistan, the successive governments of Pakistan did not introduce any political change for fear of alienating the powerful and influential *Maliks* in the Tribal Areas. After the Soviet occupation of Afghanistan in 1979, the support to Afghan resistance against the Soviet occupation became the priority of Pakistan. The Tribal Areas continued to suffer from neglect.

Third, due to an attitude of neglect and a deliberate policy of maintaining status quo, the Tribal Areas remained as the most underdeveloped in terms of socio-economic indicators. Although new roads, schools, both for boys and girls, hospitals, and dispensaries were constructed during the last about six decades, the area remained grossly underdeveloped in comparison to the settled districts of the province. Due to lack of progress in the socio-economic fields, the process of political change in the Tribal Areas remained arrested.

But recent events, like fall of Taliban in Afghanistan and the entry of Pakistan army to flush out the alleged foreign militants from South Waziristan have acted as catalysts for socio-political change in the Tribal Areas. Since April last year about 70,000 Pakistan army troops have been deployed in areas close to border with Afghanistan to apprehend the foreign militants allied with former Taliban and Al Qaeda organizations. This is for the first time in the last 57 years that regular troops of Pakistan army have entered the Tribal Areas of Pakistan. The army action has been followed by a massive programme for the socio-economic uplift of the Tribal Areas through the building of physical and social infrastructure, like roads, water reservoirs, hospitals, schools and telecommunication centers in all the agencies and regions of FATA. The development works in the area is certain to bring changes in the socio-political environment of the region.

The federal government has also introduced the tribal version of Devolution Plan in FATA, establishing Agency Councils consisting of elected representatives of the tribal people. At the same time the demand for allowing the political parties to function in FATA is also being raised with rising voice by the Human Rights activists and civil society organizations. After 9.11 the Tribal Areas of Pakistan are witnessing rapid social, economic and political change.

Federally Administered Tribal Areas (FATA): Pakistan's Post- 9/11 Politico-Strategic Response

FATA: A Backdrop

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he Federally Administered Tribal Areas (FATA) of Pakistan lie to the northwest of NWFP and border Afghanistan. Although a part of Pakistan, the writ of the government is weak and in name only. The British colonial power which had conquered wide swathes of territories in Asia and Africa could not subdue the "Wild West," regions, straddling a thin wedge between India and Afghanistan. Hence they gave them autonomy and kept them as a buffer between British India and Russia.

FATA comprises seven Agencies of Mohmand, Khyber, Kurram, Orakzai, Bajaur, North Waziristan and South Waziristan and six Frontier Regions (FRs), including the Malakand Agency. The region stretches nearly 230 km from Bajaur Agency to South Waziristan. According to a 1998 national census, it has a population of nearly 5.7 million, but presently expected to be about 7 million. Of the size of Belgium, it is approx 27,220 sq kms with a porous border of 450 kms with Afghanistan. [\[138\]](#)

FATA is the most impoverished region of Pakistan where majority of the population lives in rural areas. According to a WHO report of 2001 nearly 50 per cent of tribesmen are living in abject poverty, 75 per cent have no access to clean drinking water. Problems of infant and maternal mortality are severe. The population growth rate is 3.9 per cent as compared to nationally cited figures of 1.9 per cent. [\[139\]](#)

The literacy rate is 17 per cent against the national average of 40 per cent while female literacy is less than one percent. Nearly 66 per cent of households live below the poverty line. The tribal people were given universal adult franchise in 1997 but political parties are still outlawed from functioning. Landholdings are small; cultivation of cereal crops is there with poor irrigation and infrastructure. Besides, the limited resources are degraded by past and post 9/11 inflow of refugees from Afghanistan.

The Federal government directly administers FATA and the provincial government of NWFP has no control. The centre-province tussle has led to the underdevelopment of the region. The Afghan war led to an influx of refugees and some of the Al-Qaeda elements seeking haven in the tribal belt. The installation of the Muttahida Majlis-e-Amal (MMA) government has not contributed much to the socio-economic development of the NWFP province, except being critical of role of the Army and Centre and "Islamisation" slogans. As a result, all mega-development projects in the province are stalled.

Waziristan Agency

Waziristan is a swathe of mountainous tract in the NWFP province of Pakistan, lying between the Tochi river in the north and the Gomal river in the south. North Waziristan comprises an area of about 2,310 sq miles and South Waziristan about 2,734 sq miles. [\[140\]](#) North Waziristan has become a conduit of smuggled goods, stolen cars and illegal trade through Afghanistan, Pakistan and Iran. No customs duty exists in FATA.

South Waziristan is about 6,500 sq kms and is the most sensitive agency of FATA. During the British system a Political Agent indirectly governed it. It is about 500 kms both from Peshawar and Quetta. Wana is the capital and key city. Its strategic importance arises from being en route to the proposed gas pipeline from Turkmenistan to the southern coastal regions of Pakistan.

The 1979 Soviet invasion of Afghanistan, the Afghan civil war and continued instability in Afghanistan have taken their toll with refugees and fighters seeking asylum in the area, sometimes outnumbering the locals. After 9/11, many Al-Qaeda and Taliban elements slipped into Waziristan and took refuge. This was after the US air strikes had taken place in Tora Bora region of eastern Afghanistan in December 2001. The people of neighbouring Swat, Dir, Bajaur, Mardan went over to fight with the Taliban. [\[141\]](#)

All tribal agencies have cultural, ethnic and historical links with Afghanistan and are ethnically and ideologically close to Taliban and Pashtuns. South Waziristan, with nearly 300 kms of border with Afghanistan, became the hub of Al-Qaeda and Taliban elements. In fact, most of the Al-Qaeda suspects, nearly 500 were captured from this region and handed over to the US authorities.

Besides the quantifiable indicators, the region, is grossly underdeveloped, and had to undergo pressures as the refugees influx led to over-population, over-grazing of land, law and order problems and drift towards militancy and terrorism. Historically, drugs and weapons have always been a staple part of the region.

Wazirs are considered to be the most dangerous and warlike of all tribes in FATA. Having blood relations with Kandahari Pashtuns across the border, the situation is worrisome for the US. In fact, Sir Olaf Caroe, the last NWFP governor described Wazirs and Mahsuds as "panthers" and "wolves." Similarly, John Masters, the British novelist called them "physically the hardest people on earth;" in 1920, they had mauled a British brigade, killing 400 men, including 28 British and 15 Indian officers. [\[142\]](#)

Interestingly, religious clerics (*mullahs*) have been the heroes of tribal people. The most prominent have been Faqir of Ipi, Mullah Malang, Mullah Mastan of Swat, Sar Tore Mullah of Swat, Haji Sahib of Turangzai, Ajab Khan Afridi, Ajab Khan Yusufzai. They have become mythical figures, as they did not surrender to the British despite offers of liberal economic largesse.

Moreover, there are nine Afghan clans with close links with Waziristan across the Durand line. The biggest of them is Zalikhel sub-tribe,

famous for resistance against the British in the 19th century. Today, they possess heavy weapons, including artillery, mortars, and missiles. Since border crossing is easy and they are of the same ethnic stock, it is difficult to distinguish between an Afghan and a Pakistani.

Historically, South Waziristan has been the most volatile tribal Agency of the region of what is today called FATA. The Agency played a pivotal role in fighting in the Kashmir liberation war in 1948 when tribal *laskhars* were sent to liberate the Valley. The attack on an army camp on January 4, 2004 resulting in the death of sixteen soldiers did not augur well. Army action underway in the Agency since the last two years began when the law and order forces started smoking out Al-Qaeda and Taliban elements thought to have taken refuge in the area. Some MMA politicians and even the NWFP Chief Minister have been critical of Pakistan army's role in the tribal agency and likened it to "questioning their loyalties."

Pakistan government's stance is sometimes paradoxical: while on the one hand there is a ban on political activities in the FATA, yet elections do take place; the government has not repealed the Frontier Crimes Regulations (FCR) and inhibited the entry of the tribal agencies into the mainstream of the country.

The Governor is the agent of the President to administer FATA and is the administrative head. A Secretariat oversees FATA affairs while the civil servants appointed in the area are from the regular cadres of civil service. Political agents run the administration in cooperation with the tribal leaders to maintain law and order, wielding immense powers as "uncrowned kings."

Khasadars are a militia drawn from the local tribes, who guard check points and maintain peace. The paramilitary Frontier Corps (FC) has its officers drawn from Pakistan army while the rank and file are locals and guard the borders, control drugs and supervise law and order.

The Post-9/11 Developments

Pakistan army has launched four military operations in the tribal area since the September 11 attacks. The first was carried out on 27 June 2002; the second on 2 October 2003, the third on 8 January 2004 and the fourth, and the latest one was launched on 13 March 2004. Pakistani security officials say that the earlier operations lacked the support of the local population and tribal elders. Nearly 30 Pakistani troops were killed, most of them in Zalikhel area of South Waziristan since January 2003.

Military operations that started in the tribal region in October 2003 in Angoor Adda in South Waziristan turned out to be a bloody operation, resulting in the death of 8 terrorists and arrest of 19 suspects. In January 2004, a second operation was launched but was not successful. A deadline of 20 February was given after which again the military operations took place in which 25 suspects were captured, but apparently no Al-Qaeda elements were found and no loss of life occurred. On 28 February there was a firing incident in which 11 persons were killed and another six injured. As a reaction, the tribals along the border fired rockets at the Pakistani troops that were deployed to hunt down the Al-Qaeda elements. As a punitive measure, the Ahmadzai, a leading sub-tribe of the Wazirs was collectively fined for Rs. 5.4 million under the law of "collective responsibility" for failing to prevent these attacks.

The much-awaited military operation was launched on 24 February after the expiry of the February 20 deadline. This involved 2,000 soldiers and militiamen (Wazirsitan Scouts and *khasadars* in villages of Zarkai, Kaloosha and Azam Warsak) near Wana, including SSG and the Quick Reaction Force, based in Tarbela. Nearly 14 helicopters ferried these troops on "search and destroy" missions. This was the fourth operation launched against the tribal region since 9/11. It is said that about 20 local tribesmen including some foreign women were captured while the houses of those tribesmen suspected of providing shelter to militants were razed.^[143] Saudis, Egyptians, Yemenis, Uzbeks and Chechens were supposed to be located in the area. The army and local scouts established 26 new check posts to block entry and exit points before launching of the operation.

Some members of IMU from Kazakhstan and other Central Asian republics had come to Afghanistan; but could not return to their countries because of despotic regimes at home. Here, they were associated with Taliban and Al-Qaeda, although the real Al-Qaeda is made up of mostly Arabs who consider Osama bin Laden as a their main icon.

Some observers suggest that the Frontier Corps, belonging to the area and comprising Pashtuns, could have done a better job than the army regulars while remaining in a low profile. The strategy was to push these unwanted elements back into Afghanistan where nearly 1,500 US troops would encircle, capture and destroy them.

While the Pakistani political opposition charged that these attacks were launched at the behest of the US, the Pakistan government denied these allegations. According to it, the world was monitoring and appreciating Pakistan's efforts to counter terrorism. The Karzai government had previously *a la* India accused the Pakistan government of half-hearted attempts to curb "cross border" terrorism. Further, the two assassination attempts on the life of President Musharraf in December 2003 with purported Al-Qaeda links had convinced the government to pursue more determinedly its anti-terrorist policies. President Musharraf alleged that the mastermind behind these suicide attacks on his life were foreigners, notably from Libya, hiding in the tribal belt of South Waziristan Agency. According to him, nearly 500-600 foreign nationals were staying in the region.^[144]

According to government circles, the law of hospitality was not to be permitted to be abused by harbouring and launching of terrorist activities within or outside Pakistan. Besides, the tradition of launching of military operations against unruly elements was not

uncommon in Pakistan's history as had happened in Karachi, Balochistan and in Northern Areas.

Meanwhile, the Pakistan Interior Minister had stated that search and screening operations will continue to flush out terrorists in the tribal belt till they were completely dislodged. [145] Although the Pakistan government was at pains to rebut the accusation that American troops were deployed in the tribal agencies, speculations were rife that some elite commando unit, namely Task Force 121, a covert commando team involved in capturing Saddam Hussein, was shifted into the area to apprehend Osama bin Laden and Mullah Omar. Also, it was speculated that in lieu of allowing pardon to nuclear scientist Dr. Qadeer Khan by the US, Pakistan territory was being allowed to be used to hunt down the Al-Qaeda leaders and some other noted terrorists. For instance, in May 2004 there were two incidents of US military "intrusions" into the border areas of Pakistan.

The Wazir tribe is itself divided: the Ahmedzais whose other half is Zalikhel, heretofore were quite non-cooperative with the political administration. Amidst 10,000 tribesmen, including five senators from FATA, they formed a 1200-man *laskhar* (armed force) to hunt Al-Qaeda suspects in South Waziristan Agency, the two tribes decided to raise 600 men each. In addition, 2,000 armed tribals were to help the government in locating the terrorist suspects. [146]

In case these foreigners, including from Al-Qaeda elements were handed over to Pakistani authorities, it was promised, they would not be extradited to their countries—an assurance looked at askance by the resident militants. But it was warned that in case these recalcitrant sub-tribes (Yarghulkhel and Karmandkhel) did not hand over the wanted men known for sheltering foreigners, they would face punitive actions. These included removal from service of all class IV employees, Rs. 50,000 daily fine, closure of schools, hospitals and other facilities in their areas. Besides, they would incur a collective fine of Rs. 5.4 million for firing from their territory with rockets on the army and FC camps in Wana. In addition, the government put pressure on their relatives by threatening to remove them from jobs. [147]

Pakistan-US Military Cooperation

This necessitated close US-Pakistan military collaboration. To compound the above problems, all the previous Afghan governments had not formally recognized the Durand Line of 1893. There were some stray claims of the historic boundary agreement having lapsed after 100 years, although there was no valid documentary proof. Moreover, the Karzai government stated that only a representative government in Kabul will be able to decide the final status of the Durand Line.

According to US Deputy Defence Secretary Paul Wolfowitz, Pakistan was cooperating with the US in destroying Al-Qaeda network and its leaders but was not doing so in case of the Taliban. [148] However, the Bush Administration showed continued support and appreciation of Pakistani role in the war on international terrorism to the extent that it has till to date not expressed any disapproval of the Dr. A.Q Khan nuclear scandal and let it be considered as Pakistan's "internal affair."

However, sections of the US media and some US scholars have voiced concern about lack of democratic progress in Pakistan, unsatisfactory reining in of some intelligence agencies and lack of essential reforms in the *madrassah* system in Pakistan. Further, they have urged the US administration to avoid supporting authoritarian and military regimes that were the bane of US policies in the Middle East since the Cold War days. [149]

Hunt for Osama Bin Laden and Mullah Omar

The Pakistani interest in capturing Osama bin Laden has intensified starting from early 2004. The December 2003 assassination attempts on President Musharraf in Rawalpindi had convinced the leadership that stringent measures needed to be taken against terrorist elements; secondly, the nuclear proliferation scandal forced Pakistan to repair relations with the US and work towards damage limitation; further, it was felt in some circles that capture of bin Laden before the US November general elections would not only bolster the US President's re-election prospects but also solidify Pak-US relations.

In March-April 2004, there was an upbeat mood of impending capture of the elusive bin Laden from the Pak-Afghan border. In fact, there was speculation in some quarters that Osama was already captured and detained and that the disclosure will be timed before US November 2004 elections. [150]

President Musharraf faces a dilemma: on the one hand he is trying to convince the US that he is fully collaborating in the fight against international terrorism and capture of Al-Qaeda and Taliban leaders, on the other hand he is avoiding to confront the MMA leadership and sympathisers of Al-Qaeda who could provoke an armed rebellion of the tribal people. In the October 2002 elections, the religio-political parties under the rubric of MMA scored 22 per cent of votes as compared to mere four percent in the 1997—winning sizable seats in the Centre and forming governments in the two bordering provinces of NWFP and Balochistan.

Presently, Pakistan-US are in a symbiotic relationship. Both see each other as indispensable for bringing peace, normalcy and rooting out terrorism from the region. While the US has condoned "indiscretions" of Pakistan in nuclear proliferation and accepted the latter's version of apology from Dr. Qadeer Khan, it wants to extract maximum cooperation in apprehending the Al-Qaeda supremo, allegedly hiding in the borderland areas. Washington moreover feels that by supporting President Musharraf it would be able to prevent his fall from power that may entail their nightmare of nuclear weapons slipping into the hands of Islamic radical groups

While this may seem an exaggerated fear, given the tight controls made by Pakistan government to safeguard its nuclear facilities, this concern persists in many outside quarters. According to Stephen Cohen, "there is a strong belief in Washington that Musharraf is the only thing that stands between us and chaos." [151] Yet, he also thinks: "Pakistan could be our biggest foreign policy problem, because it's an Iraq with nuclear weapons. The government may not be as brutal, but it is dangerous." [152] While many Americans are critical of letting off Pakistan lightly, the latter's assistance in extending military facilities and cooperation in tracking down Al-Qaeda operatives has induced the US to take a soft, expedient line. After all, Pakistan has handed over about 600 Al-Qaeda members from the tribal region to the US and has intensified military cooperation since March 2004 to capture and destroy the core Al-Qaeda/ Taliban leadership.

US Military Assistance To Pakistan

It is after nearly a hundred years, that Pakistan government has been able to send its troops into the tribal region — hitherto a "no go area." The British government did not venture to stay there for such a long time and carry out such extensive military operations. Today, Pakistan has stationed nearly 70,000 troops in the area and set up nearly 80 check posts to keep an eye on the porous, forbidding Pak-Afghan border. This is supplemented by swift mobile and hard-hitting force and superb intelligence cooperation with the US forces across the Durand line.

On its part, the Afghan government is expected to play an equally responsible role. President Musharraf had recommended deployment of at least 30,000 international troops instead of present 15,500 or so. There is a requirement of force levels at different centers in Afghanistan for maintaining law and order. The NATO-led International Security Assistance Force (ISAF) is hardly 6,000, which was created in December 2001. It remains confined to Kabul and is now trying to expand its operation through Provincial Reconstruction Teams (PRTs) in about dozen locations in Afghanistan. There is a dire need for building a national Afghan army and police to fill the vacuum, that could pave the way for a smooth exit of allied forces from the country.

Afghanistan is riven by at least a dozen power centers that are controlled by warlords. Al-Qaeda is generally on the run with its command control dismantled. Except for some of its sleeper cells that could strike any time, it is no longer a potent threat. They are hiding in the mountainous, inaccessible areas of the Pak-Afghan border. Pakistan army is co-actively coordinating with the ISAF and US forces in "hammer and anvil" strategy, whereby the militants would be pushed out from the Pakistani side, only to be trapped and destroyed by the combined US-Afghan forces across the Durand Line.

Some political circles in the US believe that Musharraf government is not trying "hard enough" and would want to maintain leverage over the US by "keeping the Taliban option alive as plan B." Moreover, there is a widespread feeling that the US, as of yore, would easily abandon Pakistan, once its mission is completed. However the US high officials have often allayed Pakistani concerns.

The US budget of 2005 to fight international terrorism provides a total of \$5.7 billion in assistance to countries such as Pakistan (\$700 million), Jordan (\$461 million) and Colombia (\$577 million), besides Turkey and Afghanistan. US-Pak cooperation in intelligence cooperation includes border security plan, Automatic Finger Printing Project (AFPP) and other intelligence measures in dealing with the Pak-Afghan tribal border. Besides, the US government has certified release of \$600 million for five years to the tune of \$3 billion dollars in fighting against terrorism. This amount is promised, besides the debt relief to cut Pakistan's debt from \$3 billion to \$1.5 billion since Sept 2001. [153]

The US Task Force 121, comprising of Navy Seals and commandos from the Army Delta Force were sent to southeastern Afghanistan to capture Osama bin Laden, his number two, Ayman Al-Zawahiria and Mullah Omar. Previously, the Al-Qaeda leader was reported to be near Quetta and purportedly relocated to Pakistani tribal agencies.

The Pakistan army used gunship helicopters, artillery and heavy weapons to hunt down and smoke out the militants in March operation. On the Afghan side, nearly 13,500 US troops are deployed. While the latter are on the side of Paktia and Paktika provinces of Afghanistan, the Pakistani troops are in contiguous areas of North and South Waziristan. In late February, the US forces started the operation "Mountain Storm," whereby the border area on their side was sealed and made off limits to the foreign press. Although there is no involvement of US troops on Pakistan side, there is joint sharing of intelligence to hound out these elements.

The US \$3 billion five-year aid package to Pakistan has three main provisos: no onward nuclear proliferation, effective monitoring and export controls, vigorous support against terrorism and a functional democracy. The first year commitment is \$ 701 million aid package, which is \$101 million more than the earlier figure of \$600 million. [154] This makes Pakistan the third largest recipient of military aid after Egypt and Israel, if reconstruction efforts for Iraq and Afghanistan are excluded. The US offered Pak debt relief of one billion last year out of \$2.07 billion at the end of 2003. [155] Moreover, under the Acquisition and Cross Servicing Agreement (ACSA) pact signed with the US in early 2002, the Pakistan government also receives about \$97 million every month that includes logistical services and air bases.

The US is the largest bilateral trading partner of Pakistan behind the EU, with Pak exports of \$2.3 billion in 2002, against \$694 million imports. The FDI also picked up and the total US investment is about one billion dollars. [156] The US will spend \$2.2 billion in reconstruction of Afghanistan. The Bonn Conference in March 2004 pledged nearly \$7.9 billion, but this is much short of \$27.5 billion demanded by Afghanistan for rebuilding of the country in the next 7 years or so.

As of today, dedicated US-Pak cooperation continues. In order to bolster this cooperation, the US has been building a C-130 Hercules capability airstrip in Paktika Province that borders the tribal region of South Waziristan. The annual report of State Department, *Patterns of Global terrorism 2003* has lauded Pakistan's role as the "most important partner in the global coalition against terrorism" and termed the cooperation as "extensive." [157]

Army's Role in the Development of FATA

According to the former corps commander, Lt. General Orakzai nearly 25 per cent territory of FATA was "no go" area, beyond the control of the government, when the army embarked upon its policy to open up the tribal region. [158] The funds allocated for 2002-2003 Annual Development Programme were 214 per cent greater in comparison to that received in 1999. [159] Moreover, he added that development projects worth Rs 600 million had already been completed in FATA with the addition of Rs. two million. [160]

About 278 primary, 61 secondary and 594 community schools have been opened in FATA during the last three years. [161] Free textbooks worth Rs.6.5 million have been distributed among the students. [162] In communication sector, 1,400 km roads have been constructed during the last two years. A total of 12 small dams will be constructed in the area to meet the requirements of water and agriculture; [163] in this regard, Maidani small dam was inaugurated in Kurram Agency, costing Rs. 134.27 million to irrigate 1100 acres of land in lower Kurram area and is expected to be completed by April 2006. [164]

Army engineers have completed a 19-km long Shilman-Shinpokh road to serve a population of around 20,000 and to link Khyber Agency with Mohmand Agency. A 12-km long Inzari Kandao-Choota Frontier road was also completed and in Tirah Valley, a 14 km Kemia Gul-Tor Dara track was opened to the public. [165] By improving the road network in FATA, the Central Asian republics would greatly benefit from trade between with Pakistan through Afghanistan and the tribal regions. In the next two years, it is expected that every tribal agency will have a network of roads for transport, mobile dispensaries, improved hospitals and school and colleges. More funds will be provided in addition to Rs. 7.5 billion already allocated for the development work. [166]

The Forestry Department has started a social forestry programme entailing whole communities, with the government as facilitator, in 2.7 per cent of plains and easy slopes in the otherwise rugged mountain terrain of FATA. A concerted awareness campaign through print and electronic media, schools and publicity departments is being launched for afforestation in an area that is being fast denuded by environmental degradation. [167]

Nine NGOs already working in FATA have joined hands for synergistic development of SAAWON (Social Action for Assistance in Welfare and Organisational Networking) created in 1994. It deals with education, health, water, sanitation, including 25 community-based primary schools. [168] To check population growth, a plan of Rs 59 million has been launched for the first time in the region. [169]

For future, there is great potential for developing gems and marble sectors on scientific lines so that they could be converted into value added products. Two industrial estates of small-and-medium industries will be established with the cooperation of private sector.

Following the truce between the government forces and the five militants of the Zalikhel on 24 April, the new corps commander has announced Rs 91 million for undertaking development work in South Waziristan that will involve building of 177 kms of roads, five schools, two water supply schemes and 50 hand pumps. [170] President Musharraf is expected to later announce a special package for the agency.

The first passing out parade of 70 *khasadars* was held near Jamrud in Khyber Agency that were trained by Mahsud Scouts. The federal government will train further 22,000, to maintain law and order in seven tribal agencies of FATA. The Frontier Constabulary (FC) would resume duty on the border areas. [171]

As for development of Mohmand agency, more than Rs 344 million are given under the Annual Development Programme; Degree colleges are to be established at Agency headquarters level to be followed by at the Tehsil level. Besides, hospital at the Agency headquarters and Basic Health Units (BHUs) are planned at grass root levels.

FATA Operations: An Evaluation

Varying Perspectives

In order to embarrass the government Pakistan's Opposition political parties are crying hoarse that these foreigners have been residing here for many years after having intermarried and settled down. Also, it is justified that that they are not terrorists and hence cannot go back to their countries for fear of being put on trial. They also invoke the contribution of the tribals in the dispatch of *lashkars* for Kashmir Jihad in 1948. [172]

On this rationalization, the government's response is that before the present operations were launched, the militants were sufficiently pleaded to disarm, surrender or leave the region. In fact, there is no country that would allow its borderlands to be misused as a haven for terrorists, criminals, drug peddlers and extremists. The MMA government has played a negative role in supporting the tribals and encouraging them to stiffen their stand against the government. They have characterised the Pakistani soldiers who lost their lives as "killed," while their compatriot tribals as "shaheeds." This is exploitation of religious sentiments of the local people for political ends with a view to create a wedge between the people and the armed forces.

Seasoned political analysts like Kunwar Idris are skeptical of the Waziristan military operation and think this will open new feuds, lose government's credibility and goodwill and retard development in the region.^[173] Added to this is the criticism that Musharraf government is doing at the US bidding as pressure builds up on Pakistan to atone for the guilt caused by the nuclear proliferation scandal. Following a policy of "stick and carrot," the US has designated Pakistan as a New Non-NATO Ally (NNNA), along with some other friendly countries.^[174]

However, many observers have appreciated the bold and enlightened policies of Musharraf government in FATA, calling it as a "minor revolution in the making."^[175] While his government has taken a bold decision in opening up the tribal areas it is important that the main battle should be to accomplish the final mission: extirpation of terrorist elements without losing the battle for the "hearts and minds" of the tribal people.

In fact, these operations under Musharraf government are different from the previous ones undertaken under the British rule. Then, the tribal areas were attacked, bombarded, and after punitive strikes, the latter chose to withdraw to their military garrisons and cantonments. In retaliation, the tribals would make forays into the settled areas and adjoining cantonments. Now, military operations are being carried out with tacit cooperation of the tribal people and after adequate notices served to them to surrender or register with the state authorities.

Needless to say, the tribal regions have not remained static over the last fifty years but have seen the vicissitudes of time. Although their development was arrested, they have seen the fruits of parallel development of settled areas of their Pashtun brethren and have known the value of progress and development. This time, they have volunteered to cooperate with law enforcing agencies to root out terrorists from their area, barring of course, some diehard elements that have taken the path of defiance.

Roads, piped water, schools and dispensaries are the crying needs of the tribal people and should they be improved it would make a palpable change in their lives. As they cannot afford to remain hermetically sealed from the outside world, the innate urge for reform and uplift their conditions will put pressures on their representatives and ipso facto the Pakistani state.

The recent operations have resulted in the death of soldiers and militants and capture of nearly hundreds of suspected militants. However, the "high value targets" have eluded the military operation. The militants were supposedly ensconced in South Waziristan, but with the start of operations they seem to have slipped out and escaped across the borderlands towards Afghanistan. The government assessment of "high value targets" raised undue hopes about the capture of senior Al-Qaeda /Taliban leadership, but this was erroneously based on the "fierce resistance" posed by some diehard elements.

Al-Qaeda network, although mauled, has split into autonomous cells that are globally dispersed and could strike at different targets at random as they did in Madrid, Spain in March. For Pakistan, the government cannot afford to let the 600 or so foreign militants remain in the region; hence they have been repeatedly warned to either register or leave the area.

Lapses, and Lessons of Wana Operations

Quaid-e-Azam Mohammad Ali Jinnah had resisted pressure for stationing military forces in the region. The tribals had demonstrated loyalty while fighting for the 1948 Kashmir war. Most of them are loyal to Pakistan, notwithstanding the antipathy to the US and sympathies for the defunct Taliban regime.

Wazir people should be involved in a dialogue and a public campaign should be mounted that the military operations are not directed against them but only against terrorists, criminals and infiltrators. Besides, efforts must be made to minimize future "collateral damage," if and when operations are re-launched. Loss of human lives breeds resentment against the army and ipso facto the Federation.

The statements of government spokesmen were at times contradictory and lacked credibility; it is the tribal people and their leaders who should have been provided greater opportunity on the media. After all, there is a sizeable section that desires the opening up of these areas and willing to taste the fruits of socio-economic development like the rest of the country. Further, the governmental writ, if strong in the region, will wean away the militants from intimidation from the Taliban elements.

In truth, not all foreigners are terrorists and anti-state. The Chechens and Uzbeks who fought during the Afghan Jihad came and settled here and got inter-married. The Arabs are mostly supportive of Al-Qaeda and hence many of them cannot go back to their countries. If they choose to integrate and become law-abiding citizens, they could stay here after due process of registration. However, their movements should be strictly monitored and if there is any infraction they should be immediately extradited to their countries.^[176]

There is a greater need to co-opt the tribal elders and the political representatives of FATA. Although they bear political affiliations, the government must work in close concert with them and enlist their cooperation by offering them due rewards. Meanwhile, nearly 300,000 Afghan refugees are in FATA whose repatriation is being seriously considered. They form part of nearly 1.5 million still living in Pakistan.

In the meantime, the government is serious in dealing with the militants till they surrender or are flushed out of the area.^[177] Punitive actions against the Zalikhel tribe were taken by their own tribe by burning and demolishing the houses of those who were giving quarter to militants. Huge caches of weapons, communication equipment and documents were also captured.

The US-Pakistan nexus remains an unequal relationship. Whereas a superpower, given its evanescent global interests can easily get away, it is the smaller partner that always suffers. Pakistan's experience has not been very good with the US; this time, it is apprehended that as soon as the US interests diverge, it may call quits. However, most observers think that the war against terrorism is for a long haul, and the US will be forced to remain stationed in the region for the foreseeable future. Nevertheless the presence of a superpower breathing down the neck of a small next-door country is an uncomfortable geopolitical existence.

The army has to differentiate between a purely anti-insurgency operation and a politically backed operation in the tribal territory. If it is former, it could create alienation against the armed forces. More carrots than sticks are needed in isolating the militants from the tribal people who are by and large peace-abiding people.

The last operations, however, raise certain questions: Why *laskhars* were initially used? Was proper poor surveillance and intelligence gathered? Why were gunship helicopters not used earlier and why exit points were not properly sealed? And, was night equipment provided for the operations to troops? Besides, the troops used were regulars who may be trained to fight in mountainous terrain but not in the tribal regions.

The ISPR must educate the public opinion in Pakistan about the military operations. Not much effort was made to brief the press properly and rumors abounded about the motives of military operations. At times, the foreign office and ISPR spoke at cross-purposes.

Repeated forays into the tribal areas cannot be made into a regular exercise; the FC militia, which is commanded by regular army officers, could have done the job better as they are from the area and are familiar with the people and terrain. Secondly, efforts should be made to avoid loss of innocent human lives and the services and cooperation of tribal elders be enlisted. Burning, demolition and search and destroy missions create resentment. The practice of demolition of houses *a la* Israel in Palestinian areas needs to be reviewed and other ways devised to inflict punishment on the miscreants.^[178]

The government should make the tribal elders responsible for keeping a check on suspects and dilute the status of tribal territories by giving more powers to the local police. Too much energy and money is wasted in catching minor culprits while the big fish manage to escape across the borders. Under the British rule, the Political Agent through his deputy Tehsildar and APO (Assistant Political Officer) served a notice on the tribe in whose jurisdiction the crime took place. A deadline was set; failing which punitive action was taken, including aerial bombardment, artillery fire and use of military forces. The money accruing from penalties was a boon to Governor house and staff.

The kidnapping of Punjab Sports and Culture Minister Mr. Sardar Naeemullah Shahani, who went missing on 10 January 2004 from Miranshah, North Waziristan Agency, was a serious embarrassment to the federal government. It is indeed paradoxical that more than half of Pakistan (most of Balochistan, the Tribal and Northern Areas) should be areas where the national writ continues to be non-existent, and the economy hardly legally linked to the rest of the country. The tribal regions have an open smuggled trade with Afghanistan and are dens of crime, refugees and smugglers. Lately, urban crime and the virus of sectarianism in Pakistan is also linked to these regions. Hence they cannot afford to remain as a "tribal museum." A sustainable strategy to develop and integrate them into the mainstream is an imperative need.^[179]

The opening of FATA by Pakistani army and building of roads, schools and hospitals seems a good augury for the region trapped in isolation and under the stranglehold of Maliks, Khans and Sardars. Also, it is hoped that the region with developed infrastructure could open up not only to the rest of Pakistan in its east, but also to the outside world in the west, especially Central Asia through Afghanistan with annual trade which may fetch almost one billion dollars.^[180]

Deconstruction of Some Tribal Myths

Most of these tribes are ethnic Pashtuns, although belonging to various tribes, sub-tribes and different clans. Pashtu is a common language shared with the Afghan Pashtuns in the west and Pakistani Pashtuns in the east. *Pashtunwali* is an unwritten code of honour, hospitality and family vendettas. According to the tribal code, all fugitives from law, even criminals are given refuge if they ask for it. In the late 1990s, Osama bin Laden and his cohorts were offered shelter and it is assumed that till 2004 they were provided shelter in the tribal regions.

Pashtuns take immense pride in their ethnicity. The National Awami Party politician Khan A. Wali Khan once said: "I have been a Pashtun for 5,000 years, Muslim for 1,400 years and Pakistani for 40 years." [181] Pashtuns culture is martial, its folklore of wars and distinguished by dances, which were originally war dances that became a cultural phenomenon.

Folklore wisdom says that the tribal regions constituting FATA are locked in isolation and historically impervious to change and progress. Since they have fiercely resisted all invaders since time immemorial without subjugation, they should retain their autonomous status.

This is a travesty of historical truth. If foreign invaders did not occupy these regions, there was nothing attractive for them to hold them. The wilderness, harsh climate and lack of resources were hardly any attraction; hence they bypassed or moved to greener pastures. All invaders from the northwest wanted to come to India, then known as land abounding in gold, agriculture and wealth.

Besides, change is an immanent human phenomenon and these regions have not been immune from the vagaries of time and regional and international cross currents of change. The Soviet invasion, Afghan jihad, civil war, Taliban rule, refugees, drugs and gun trade, proximity and effects of sub-continental culture and exposure to trade and cultural influences of Pakistan — all have cumulatively exposed the tribal region to forces of transition, albeit the resistance to change is stubborn.

The question worth posing is: should these tribal regions continue to stay as *Ilqa Ghair* or a "state within a state?" Must the status quo of the past 57 years linger on? Why the government must remain hesitant in opening up the region and extending its sovereign legal writ? Needless to say that it is in Pakistan's supreme national interest to integrate these regions by purging the area of all kinds of malcontents.

That a region should remain outside the writ of the state as *Ilqa Ghair* for so long is anachronistic. If left, it will poison Pakistan's relations with China, Russia, CARs, Afghanistan, besides US and India. In 2004, President Islam Karimov of Uzbekistan accused some Uzbek militant groups for March-April killing of 47 people in Tashkent and Bokhara who belonged to Islamic Movement of Uzbekistan (IMU), renamed Islamic Movement of Turkestan (IMT). He averred that these Islamic militants had international links and had sought refuge in South Waziristan with ties to the locals [182]

The MMA, now holding power in the two border provinces of NWFP and Balochistan, has not been able to deliver and has instead been playing on chauvinist and religious cards for political expediency. [183] ARD and PML-N are following the same bait. PPP seems non-committal but has tilt towards the MMA elements. The MQM leader, Altaf Hussain is critical of all religious parties, including PML-N and PPP for strengthening the Taliban forces during their terms of office. [184]

Unfortunately, the erstwhile noble traditions of tribal hospitality and honour stand greatly perverted, isolating the FATA and bringing it into the spotlight as an "epicenter of terrorism." In a world of ferment, governments do not run on tribal traditions and customs alone. If the people of FATA are hospitable, they should not allow these elements to indulge in acts of terrorism and criminality from their soil. For, they have become a burden and a problem not only for their own people but also for Pakistan and the region. Hospitality demands sacrifice, humanitarianism, donations and helping others to build the war-battered Afghanistan, especially where their co-ethnics live.

The term "fiercely independent" is another red herring. This is to overestimate their strength, indulge in historical determinism and using it as an alibi to shirk national responsibilities. Historically, all tribal peoples of all regions and climes have had common features of independence, honour and vendettas, whether in Africa, Latin America or Central Asia. The same could be said of the Central Asian *Basmachis* when they defied the Czarist armies. Yet they were overpowered, tamed and civilised with the forces of education, development and employment of discrete military force. "Fierce independence" is not tantamount to killing, terrorism, blackmailing for money, ransom and drugs.

Where state interests warrant, the use of selective force may be needed. In fact, during the American civil, war when the Southern Confederates rose in revolt to separate in order to protect slavery, the state power under Abraham Lincoln was used to maintain the Union and bring them into the mainstream. Retrospectively, this was a wise decision.

Here it might be pertinent to make a quick comparison with India when it was able to successfully deal with its troubled tribal regions in the northeast: Mizoram, Assam and Nagaland. [185] While it did face protracted conflict and separatist movements, it engaged these regions politically and economically after independence through a policy of retribution and reward. Sometimes granting autonomy defused the situation while on other occasions the carving out of a separate state from the larger unit mollified the militants. Indian democracy with its resiliency enabled the leaders to take bold measures by creating new states of Uttarkhand, Bundelkhand and Gorkhaland without weakening the Indian Union. This policy steered them into national mainstream, albeit problems of Indian Union still remain.

On the contrary, Pakistan continued to remain blissful and naïve about its tribal regions, riveting its attention on its eastern border and Kashmir dispute. In line with colonial British policy, it thought that its western borders would act as a "security cordon" or confer it much needed "strategic depth."

The upshot was that Pakistan had allowed itself to become a “soft” and “penetrated state” where aliens of all stripes and colour could enter at will, seek refuge and indulge in unlawful activities. As an example, some Arabs had settled down in tribal areas since many years and intermarried with local population. Others came after 9/11 for refuge and to escape the US-Afghan forces. After the March 2004 operations, most of them have managed to send their families back through local agents after payment. But some foreign fighters allied with the Taliban and Al-Qaeda viz., Chechnyans, Chinese, Tajiks and Uzbeks decided to stay back as local tribes sheltered them for financial remuneration. Also, they were hesitant to go back for fear of reprisals from their home governments for committing acts of terrorism on home soil. [\[186\]](#)

Interestingly, some of the Arab fighters, were generally well off and had sources of funding and preferred to move into the urban centers of Karachi, Lahore, Faisalabad and other cities to escape detection while from Central Asia stayed back for want of adequate resources.

This puts paid to the theory that it is only traditional hospitality or generosity was motivating the locals. In fact, tribal sympathy as ex-Jihadis and monetary considerations worked in tandem – with the latter motive often paramount. [\[187\]](#) After all, the ousted Taliban regime was beholden to an outsider, Osama bin Laden and his economic largesse. This led to its international ostracism.

Some observers invoke the argument that it was the US, which first initiated Jihad against then Soviet Union and backed out after accomplishing its mission. It was therefore culpable by turning its back. This is factually correct but equally had Pakistani complicity under General Zia’s Jihadist manifesto. Needless to say that it not unusual for big powers to pursue their global interests and strategies. Besides, in any “patron-client” relationship, it is the patron who calls the shots and can switch relations in its global schema. To expect it to act otherwise is both infantile and wishful way of thinking.

Violent Jihad, in fact, today has become a global business duly backed with high finances and devoid of any spiritual-ethical dimensions. It hardly needs a fine eye to differentiate bomb blasts, murders, suicides, killings, kidnapping, use of drugs and violence and high-sounding slogans for Jihad.

Unfortunately, the exclusivity, remoteness and neglect of the tribal areas have taken their heavy toll. “To deny people civil and political rights by saying that this is a “tribal way” of life is convenient, but it does not pay in the long run, says a political analyst. [\[188\]](#) It is important that the region should be renamed from appellations of “*Ilaqa Ghair*,” “tribal belt,” “unsettled areas” or even FATA. The litmus test of Pakistan state’s sovereignty lies in bringing them into the ambit of its legal jurisdiction and law as soon as possible [\[189\]](#) or risk negative repercussions.

If Pakistani troops do not take action, the NATO troops could move in, cautioned Imtiaz Alam. [\[190\]](#) This was also implicit in the direct threat made by Zalmay Khalilzad, the US envoy to Afghanistan when he said: “we have told the Pakistani leadership that either they must solve this problem or we will have to do it ourselves.” [\[191\]](#) He added: “we prefer that Pakistan takes responsibility and the Pakistan government agrees. However, one way or the other, the problem will have to be dealt with.” [\[192\]](#)

Conclusion: Problems & Prognostications

Notwithstanding Ambassador Zalmay Khalilzad’s undiplomatic utterances, [\[193\]](#) and Pakistan not “doing enough,” Pakistan-US have “very good and robust cooperation going on both sides.” [\[194\]](#) Pakistan’s military continues in its mission of cleaning up the area of terrorists. The military and Frontier Corps would resume duty on the border areas. And Pakistani troops will remain deployed in the Agencies for the foreseeable future.

For an enduring solution to FATA problems, there has to be a multi-pronged strategy; use of discrete force backed by liberal infusions of economic and developmental aid. There is a need to isolate the militants who are using Pakistani territory to launch terrorist attacks abroad, indulge in internal terrorism, gun-running, drug trafficking, murders and kidnappings for ransom.

Amnesty grants have to proceed in tandem with sustained development work so that the tribal folk are co-opted into the system and start sharing the fruits of socio-economic uplift like their neighbours in the NWFP. The region’s development will greatly benefit the country insofar as infrastructure development will also open up routes for trade and travel from the Central Asian republics through Afghanistan to Pakistan and India.

Had past military and civil governments not allowed FATA to wallow in neglect or connived in letting the areas becoming havens for Taliban militants, things would not have come to such a pass. In an age where the sovereignty of a nation state lies in well-defined boundaries, good governance and effective law and order, a nation can ill-afford its territories to remain as *ilaqa ghair* or act as staging posts for terrorism and crime.

Now that the Musharraf government has thrown the gauntlet, half-baked measures will not suffice: things should be taken to their logical conclusion by use of selective, discriminating force and high-minded development mission, till the area is rid of undesirable elements. The country has suffered enough in terms of militancy and religious bigotry through elements residing in this region that

were spawned by the Afghan Jihad and used expediently by the US in tandem with the military-civil regimes in Pakistan.

The political winds are now blowing in a new direction. Even in the 1980s and 1990s, many prescient Pakistanis had warned about the ill effects of the policies of Zia's military regime. Unfortunately, it has been like sowing of the dragon's teeth: now it is virtually impossible to continue with that policy without risking grave US and international repercussions.

On the domestic front, a lot of political homework has to be done. The traditional legacy of the British--where the Political Agent enjoyed untrammelled powers has to be done away with; the infamous FCR of 1901 has to be amended if not scrapped, keeping in view the local requirements. The FCR should be appealable to a special branch of judiciary constituted, especially in the tribal areas. There should be an elected judicial council for two years. Moreover, there should be elected councils in Agencies and their funds should be released in direct proportion to their cooperation with the federal government. Moreover, there is a need to keep a check on the arbitrary powers exercised by the Political Agents.

The Malik system is weakening and the government cannot hide behind the argument of "fierce independence" and "autonomy" of the tribal belt used as an alibi for shirking national responsibilities. In fact, the foreign militants through psychological and monetary blackmail have exercised "reverse control" over the patriotic tribal people, thereby thwarting their independence. [\[195\]](#)

It remains to be seen as to how politically savvy the government is in dealing with the FATA conundrum after the initial successful application of military force. There is a need for "deconstruction" of some of the tribal myths. The tribal people have changed a lot, and like other regions, nurse expectations of a better life. After all, they are serving in armed forces, civil services, are expatriate workers and have businesses in Pakistan and know the difference between good and bad quality of life. Their people need to be free from the clutches of Khans, Maliks and Sardars who are averse to progress as this undermines the latter's historical status. Besides, they have every right to enjoy equal rights and opportunities in order to take part in the national development.

Therefore, a major politico-economic revamp is in order, keeping in view the tribal's cultural sensitivities. The "stick and carrot" policy should rely more on "carrots" than "sticks." Should the government falter and demonstrate fecklessness in controlling the militants, terrorists and criminals, Pakistan could face increased pressure, including possible "hot pursuit" by the Afghan-US forces. Also, the Durand Line could be breached on the plea of "disputed borders." In fact, no Afghan government has recognized its legality. The warnings by Lt. Gen David Barno, the US military commander in Afghanistan, to "kill or capture" the militants and "intrusions" of US-Afghan troops in Pakistani tribal territory in 2004 were meant to convey the message. Earlier, the US Ambassador Zalmay Khalilzad's admonition to Pakistan of "not doing enough" and threat of possible reprisals reflected those of the US government.

Even division of Afghanistan into four ethnic regions of Tajik, Hazara, Uzbek and Pashtuns could be possible if the US experiences major and continued difficulties in controlling it. [\[196\]](#) According to an observer, this plan is on the cards for some time. [\[197\]](#)

There could be another scenario. If there is another major terrorist attack on US mainland that has Al-Qaeda even remotely connected and any links with the tribal region, the goodwill of Pakistan may plummet.

Presently, anti-US sentiment is sweeping across Pakistan as well as the Islamic world in general; this is unlikely to mellow down in near future. There is a wide disconnect between the governments and grass-root perceptions of the people. Occupation of Iraq and continued killings, arms gap with India, Indo-Israel nexus, Pakistan's nuclear proliferation scandal, isolation of the country and rise of India as a hegemonic power — all fuel negative feelings that put pressures on the government. Besides, there is brewing resentment in the NWFP, Balochistan, especially FATA, the scene of recent military action.

Timely enough, the Musharraf government has taken some bold decisions that include rapprochement with India, placing fool proof controls on nuclear weapons and their proliferation, curtailing of defence forces and increasing collaboration with Afghanistan against terrorism, together with measures against religious militancy and violence.

However, much still needs to be done on the home front to curb religious zealotry and sectarianism, policies towards minorities, revision of school curricula, reconstructing "official" history, promotion of universal education, and overhauling of the *madrasah* system.

Bringing normalcy to FATA is going to be a long, and patient haul with no "quick fix" solutions. Like the rest of the country, the tribal areas have suffered too from the state's acts of omission and commission in the last over half a century, albeit more seriously. Consigned to backwaters, victims of apathy and exploited for Jihad, the anomalies are now staring the nation.

Admittedly, the malaise cannot be cured in a few years. But if the start is well-intentioned, policies sustainable and carried to their logical conclusion, these regions could be lifted from the quagmire of crime, poverty and religious fanaticism. Most importantly, the moneys promised on their welfare should be spent in a fair and transparent manner to effect early and smooth national integration. High political rhetoric should be replaced by tangible changes in the day-to-day lives of the tribal people. [\[198\]](#)

If the government policies are pursued with commitment and vision it would mean fortifying Pakistan's western borderlands. Moreover it will amount to invigorating the state structure while the latter extends its writ into the heretofore-neglected FATA region.

Appendix-I
-----Appendix-II
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Appendix-IV

Tribal Raids Across the Waziristan Border into the Bannu and D.I.K. Districts (1910-42)

Year	Number of Raids
1910-11	20
1911-12	14
1912-13	19
1913-14	20
1914-15	48
1915-16	172
1916-17	111
1917-18	80
1918-19	48
1919-20	324
1920-21	233
1921-22	129
1922-23	73
1923-24	44
1924-25	25
1925-26	7
1926-27	4
1927-28	7
1928-29	1
1929-30	1
1930-31	4
1931-32	3
1932-33	3
1933-34	1
1934-35	6
1935-36	13
1936-37	13
1937-38	57
1938-39	65
1939-40	119
1940-41	98
1941-42	60

Sources: IOL MSS EUR D 696/7, 'Memorandum by His Excellency the Viceroy on Frontier Policy', July 1939; IOL MSS EUR F 125/168, 'Amended copy of a memorandum by Lord Linlithgow on Frontier Policy', cited in Alan Warren, *Waziristan, The Faqir of IPI, and the Indian Army* (Karachi: Oxford University Press), 2000, pp. 293-94.

Durand Line Agreement•1893

Agreement between His Highness Amir Abdur Rahman Khan, G.C.S.I.,

Amir of Afghanistan and its Dependencies on the one part, and Sir Henry Mortimer Durand, KCIE, CSI, Foreign Secretary to the Government of India, representing the Government of India on the other part, •1893.

Whereas certain questions have arisen regarding the frontier of Afghanistan on the side of India, and whereas both, His Highness the Amir and the Government of India, are desirous of settling these questions by a friendly understanding, and of fixing the limit of their respective spheres of •influence, so that for the future, there may be no difference of opinion on the subject between the allied Governments, it hereby agreed as follows:

- (1) The eastern and southern frontier of His Highness's dominions, from Wakhan to the Persian border, shall follow the line shown in the map (not reproduced) attached to this agreement.
- (2) The Government of India will at no time exercise interference in the territories lying beyond this line on the side of Afghanistan, and His Highness the Amir will at no time exercise interference in the territories lying beyond this line on the side of India.
- (3) The British Government thus agrees to His Highness, the Amir retaining Asmar and the valley above it, as far as Chanak. His Highness agrees on the other hand, that, he will at no time exercise interference in Swat, Bajawar or Chitral including the Arnawai or Bashgal Valley. The British Government also agrees to leave to His Highness the Birmal tract as shown in the detailed map already given to His Highness, who relinquishes his claim to the rest of the Wazir country and Dawar. His Highness also relinquishes his claim to Chageh.
- (4) The frontier line will hereafter be laid down in detail and demarcated wherever this may be practicable and desirable by Joint British and Afghan Commissioners, whose object will be to arrive by mutual understanding at a boundary which shall adhere with the greatest possible exactness to the line shown in the map (not reproduced) attached to this agreement, having due regard to the existing local rights of villages adjoining the frontier.
- (5) With reference to the question of Chaman, the Amir withdraws his objection to the new British Cantonment and concedes to the British Government, the rights purchased by him in the Sirkai Tilerai water. At this part of the frontier, the line will be drawn as follows:

"From the crest of the Khwaja Amran range near the Psha Kotal, which remains in British territory, the line will run in such a direction as to leave Murgha Chaman and the Sharobo spring to Afghanistan, and to pass half way between the New Chaman Fort and the Afghan outpost, known locally, as Lashkar Dand. The line will then pass half way between the railway station and the hill known as the Mian Baldak, and turning southward, will rejoin the Khwaja Amran range, leaving the Gwasha Post in British territory, and the road to Shorawak to the west and south of Gwasha in Afghanistan. The British Government will not exercise any interference within half a mile of the road."

- (3) The above articles of agreement are regarded by the Government of India and His Highness the Amir of Afghanistan, as a full and satisfactory *settlement* of all the principal differences of opinion which have arisen between them in regard to the frontier, and both the Governments of India and His Highness the Amir, undertake that any differences of detail such as those which will have to be considered hereafter by the officers appointed to demarcate the boundary line, shall be settled in a friendly spirit, so as to remove for the future as far as possible, all causes of doubt and misunderstanding between the two Governments.
- (6) Being fully satisfied of His Highness's good will to the British

Government, and wishing to see Afghanistan independent and strong, the Government of India will raise no objection to the purchase and import by His Highness of amunitions of war, and they will themselves grant him some help in this respect. Further, in order to mark their sense of the friendly spirit, in which His Highness the Amir has entered into these negotiations, the Government of India undertake to increase by the sum of six lakhs of rupees a year the subsidy of twelve lakhs now granted to His highness.

Kabul;
12th November, 1893
Amir Abdur Rahman Khan

H.M. Durand.

Appendix•VI

Formation of The North West Frontier Province Government of India Home Department Proclamation Public

No. 5780
Simla, the 25th October, 1901.

Whereas the following territories, that is to say the districts of Peshawar, Kohat and Hazara (as altered by the Notification of the Punjab Government No. 994, dated the 17th October, 1901) the Bannu and Marwat Tehsils of the district of Bannu and the Tank, Dera Ismail Khan and Kulachi Tehsils of the district of Dera Ismail Khan (as altered by the Notification of the Punjab Government No. 993, dated the 17th October, 1901) are part of the dominions of His Majesty the King, Emperor of India;

And whereas it is expedient that the said territories, which are not under the administration of the Lieutenant Governor of the Punjab should be formed into a separate Province and constitute a Chief Commissionership under the administration of a Chief Commissioner.

Know all Men, and it is hereby proclaimed, that His Excellency, the Viceroy and Governor•General of India in council, in exercise of the powers conferred by Section 3 of the Government of India Act. 1854 (17 & 18 Vict., c. 77) and with the sanction and approbation of the Secretary of State for India, is pleased hereby to take the said territories under his immediate authority and management on and with effect from the ninth day of November, 1901, and further to direct that, on and with effect from the said ninth day of November, 1901, the said territories shall be formed into a separate Province and constituted a Chief Commissionership, to be called, the Chief Commissionership of the North West Frontier Province and to be administered by a Chief Commissioner.

By order of His Excellency the Viceroy
and Governor•General of India in Council,
J.P. NEWETT.

Secretary to Government of India

GOD SAVE THE KING•EMPEROR

.....
Copy forwarded to the Government of the Punjab, for information.
.....

Endorsement by the Punjab Government
No. 1570, dated 8th November, 1901

Copy forwarded to all Heads of Departments and Commissioners and Superintendents of Divisions in the Punjab for information.

Appendix•VII

Government's Agreement With The Tribal People (1951•52)

We proclaim that our territory is an integral part of the dominion of Pakistan and we are citizens of Pakistan.

2. We pledge our loyalty to the Constitution of Pakistan and the Government of Pakistan as by law established.
3. We shall remain peaceful and law abiding citizens of Pakistan and shall render every assistance to Government, whenever called upon to do so.
4. We and our tribes shall have no dealings with any other power and the friends of Pakistan shall be our friends and the enemies of Pakistan shall be our enemies.
5. We shall protect the rights and interests of Pakistan at all cost and shall faithfully abide by the directions given to us by the Government of Pakistan in this regard from time to time.
6. We shall render every assistance to the officials of the Pakistan Government in our areas and shall ensure their safety.

7. We shall facilitate the construction of roads, other public works, defence installations and establishment of communications in our areas and shall ensure the safety and protection of all Government property in our area. We shall also render every assistance to Government in the social and economic development of our area.

8. In the internal affairs of our tribe, the Pakistan Government will ensure the maintenance of our tribal customs and usages and all our tribal matters and internal disputes shall be settled in accordance with our tribal customs and in consultation with and through our tribal leaders.

9. The Government of Pakistan will continue to pay us our annual Muajib of Rs._____ for the tribe and Rs._____ as lungis for Maliks and representatives of our tribes. These grants will be subject to good behaviour and the fulfillment of the obligations detailed above, which our tribe has

undertaken upon itself.

10. We shall attend to all summons of the officers of the Pakistan Government and shall call on the Political Agent, to receive our annual Muajibs in the spring every year. If we fail to do so, the Muajibs for the year shall be forfeited to the Government of Pakistan.

11. That, we shall abide by all the previous undertakings given and agreements made by us, from time to time, with the Government.

Source: Ministry of States and Frontier Regions (States and Frontier Regions Division) "S" Block Pakistan Secretariat Islamabad.

Appendix•VIII

Powers of The Governor as Agent to The President in the Special Areas of West Pakistan Province

The Governor of West Pakistan shall be the Agent to the President in the Special Areas of West Pakistan.

He shall ensure, that the administration in these areas is carried out in conformity with the policies laid down, and the directives issued, by the Central Government from time to time.

It will be his special responsibility to see that the Provincial Government and the officers charged with the administration of the Special Areas, take all such steps as may be necessary, for the implementation of policies laid down by the Government of Pakistan and for securing such national objectives, as may be specified within the shortest possible time, or within; such period as may be prescribed by the President in this behalf.

The Governor shall ensure that high priority is given to the development of Special Areas, and that adequate funds are placed by the Provincial Government at the disposal of the Divisional Commissioners of Peshawar, D.I. Khan, Quetta and Kalat and other officers and departments concerned, to carry out the development programme in those areas, within the schedule time.

The Governor will make all appointments to the posts of Divisional Commissioners of Peshawar, D.I. Khan, Quetta and Kalat and the Political Agents, after consulting the Central Government Ministry of States and Frontier Regions.

All appointments and transfers to administrative posts within the Special Areas will be made, as far as possible, in consultation with the Divisional Commissioners concerned.

All the Civil Armed Forces in West Pakistan, shall function under the Governor's supervision and operational control, subject to the administrative control and directives of the Central Government.

The Governor shall exercise such financial powers, in respect of the central funds allocated for these areas, as may be delegated to him by the Central Government, from time to time.

Subject to the directions, if any, of the Central Government, the Governor may delegate such of his powers to the Divisional Commissioners as may appear to him to be appropriate.

The Governor shall exercise all the powers of the former A.G.G. under the Grey Book, containing instructions regulating the use of Army and the Air Force for the maintenance of peace, and law and order in the Special Areas, except destructive air action against habitations, for which, the previous sanction of the Central Government will be necessary.

By order of the President of Pakistan

Sd/
N.A. Faruqi
Cabinet Secretary

Appendix•IX

Powers and Duties of The Divisional Commissioners of Peshawar. D.I. Khan, Quetta And Kalat in Relation to The Administration of Special Areas of West Pakistan.

1. The Commissioners shall work under the supervision of the Governor of West Pakistan.
2. The Commissioners will ordinarily receive the orders of the President through the Governor, but in urgent cases, they may be addressed direct. In matters, in which the Central Government is interested, particularly in matters having a bearing on foreign policy and defence, the Commissioners may correspond direct with the Central Government in immediate cases provided that they will submit copies of all such correspondence to the Governor for information.
3. The Commissioners shall guide, supervise and control the working of all branches of administration in the Agencies, falling under their jurisdiction and in the Special Areas attached to the districts concerned.
4. The Commissioners shall exercise the powers of the F.C.R. within the areas under their administrative control.
5. The Commissioner of Peshawar Division shall supervise the work of the Tribal Publicity Organization at Peshawar, subject to the direction and control of the Central Government. This organization shall prepare material for publicity keeping in view the needs of the Special Areas under the administrative control of the Commissioner of D.I. Khan Division as well.
6. The Commissioner of Peshawar Division shall guide supervise and control the functions of the Chief Powindah Officer and his staff in Peshawar and D.I. Khan Division.
7. The Commissioners may deputize for the Governor at the annual Jirgas in the latter's absence.
8. The Commissioners shall exercise such powers, as may be delegated to them by the Agent to the President or the Central Government, in respect of the Central Public Works within their jurisdiction.
9. The Commissioners shall exercise all the powers of the former Political Resident, North West Frontier, as laid down in the Grey Book, except powers to order destructive air action against habitations, for which prior sanction of the Central Government will be necessary.
10. The Commissioners shall be Chairmen of the Divisional Development Boards for the development of areas under their jurisdiction.
11. Adequate secret service and entertainment grants shall be placed by the Provincial Government at the disposal of the Commissioners for customary payments to tribesmen.
12. The Commissioners shall superintend and exercise operational control over the normal functions of the Frontier Corps and units of the Frontier Constabulary located in the Special Areas under their jurisdiction, subject to such directives as may be issued by the Agent to the President or the Central Government.
13. The Commissioners shall exercise the powers of sanctioning, suspending or confiscating any Maliki allowance and the powers to create new Maliks, in any tribe within their jurisdiction, subject to the approval of the Agent to the President and the Central Government.
14. The Commissioners of Peshawar and D.I. Khan Division shall exercise operational control over all Khassadars and Levies operating in the areas falling in their jurisdiction, subject to the overall financial and administrative control of the Central Government.
15. The Commissioners shall be responsible, for the implementation of the Central Government's Policy, for the control of the visits of foreigners to areas under their jurisdiction.

By order of the President of Pakistan.

Sd/
N.A. Faruqi
Cabinet Secretary

Appendix • X

Composition of Tribal Areas (Article 246 of 1973 Constitution)

The Tribal Areas as defined in Article 246 of the constitution are:

- (a) Federally Administered Tribal Areas.
- (b) Provincially Administered Tribal Areas.

FEDERALLY ADMINISTERED TRIBAL AREAS

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

PROVINCIALY ADMINISTERED TRIBAL AREAS

North West Frontier Province

Malakand Division

1. Chitral District.
2. Dir District.
3. Swat District (Which includes Kalam).
4. Malakand Protected Areas.

Peshawar Division

5. Tribal Areas adjoining Hazara District and the former State of Amb.

Quetta Division

6. Zhob District.

7. Loralai District (excluding Duki Tehsil).

8. Dalbandin Tehsil of Chagai District.

Sibi Division

9. Marri•Bugti Tribal Agency.

Appendix•XI

**Appointment of The Governor NWFP As Agent To The president of
Pakistan for the Tribal Areas**

COPY
THE GAZETTE OF PAKISTAN

EXTRAORDINARY
PUBLISHED BY AUTHORITY
Islamabad, Thursday, June 25, 1970
GOVERNMENT OF PAKISTAN
MINISTRY OF HOME AND KASHMIR AFFAIRS AND
STATES FRONTIER REGIONS

(States and F.R. Division)

NOTIFICATION
Islamabad, the 25th June, 1.970.

S.R.O. 109(I)/70. •In exercise of the powers conferred by Clause (2) of Article 5 of the Province of West Pakistan (Dissolution) Order, 1970 (P.O. No. I of 1970), read with (section 22 of the Central Clauses Act, 1897) (X of 1897), the President is pleased to direct that all administrative jurisdiction exercisable by him in the Centrally Administered Tribal Areas shall be =exercised by the Governor of the North West Frontier Province in such manner and to such extent as the President may direct, and that, in the exercise of such jurisdiction the Governor shall be the Agent to the President in those Areas.

(F.6(15)•FI (SOU) /70.]

A.M.S. AHMAD,
S.Pk., PSP., Secretary.

Appendix•XII

**Administrative Jurisdiction of The
Governor NWFP in The Tribal Areas**

From: The Joint Secretary, Government of Pakistan, Ministry of Home
and Kashmir Affairs and States and Frontier Regions (STATE
AND F.R. DIVISION) "S" Block, ISLAMABAD.

To:

The Chief Secretary,
Government of NWF Province,

Peshawar.Subject: Administration of the Centrally Administered Tribal Areas.

Sir,

I am directed to say that the marginally noted areas in North West Frontier have been defined in Article 3(a) of the West Pakistan (Dissolution) Order, 1970 as the Centrally Administered Tribal Areas. The Order further provides that these areas shall be administered by the President acting, to such extent as he thinks fit, through such officers as he may appoint; and the President may, in that behalf give such directions as he deems fit. In pursuance of these provisions the President has been pleased to direct that the Governor, NWF Province, shall act as Agent to the President for the Centrally Administered Tribal Areas, and shall exercise immediate executive authority in these Areas in such manner and to such extent as the President may direct from time to time.

1. Mohmand Agency.
2. Kurram Agency.
3. Khyber Agency.
4. North Waziristan Agency.
5. South Waziristan Agency.
6. The Tribal Areas adjoining Kohat District.
7. The Tribal Areas, adjoining Peshawar District.
8. The Tribal Areas, adjoining Bannu District.
9. The Tribal Areas, adjoining D.I. Khan.
10. The Tribal Areas of Malakand Division.

2. The Governor NWFP in his capacity as Agent to the President as notified in the States and Frontier Regions Division Notification No. S.R.O. 109(I)/70, dated the 25th June, 1970 shall exercise the following powers:-

- (i) He shall ensure that the administration in these is carried out in conformity with the areas policies laid down and the directives issued by the Central Government from time to time.
- (ii) It will be his special responsibility to see that the Provincial Government and the officers charged with the administration of these areas take all such steps as may be necessary for the implementation of the policies laid down by the Government of Pakistan and for securing such national objectives as may be specified within the shortest possible time or within such period as may be prescribed by the President in this behalf.
- (iii) He shall ensure that high priority is given to Development and that the funds placed at his disposal for development and administration are utilized in accordance with the policies laid down by the Central Government for the Centrally Administered Tribal Areas.
- (iv) He shall supervise the operations and functions of the Development Corporation set up for the Centrally Administered Tribal Areas, in accordance with the policies laid down and directive issued by the Central Government.
- (v) He shall make all appointments to the posts of Divisional Commissioners, Deputy Commissioners and the Political Agents concerned with the Administration of Centrally Administered Tribal Areas in consultation with the Central Government in the States and Frontier Regions Division.
- (vi) The Civil Armed Forces in the NWFP and the Centrally Administered Tribal Areas shall function under his supervision and operational control subject to the administrative control and directions of the Central Government.
- (vii) He shall exercise such financial powers in respect of the Central funds allocated for these areas as may be delegated to him by the Central Government from time to time.
- (viii) He shall subject to the directions if any of the Central Government, delegating such of his powers to the Divisional Commissioners as may be appear to him to be appropriate.
- (ix) He shall exercise of all the powers as Agent to the President laid down in the Grey Book containing instructions regulating the use of Army and the Air Force for the maintenance of peace and law and order in the Tribal Areas.

3. I am also to say that the following arrangements shall be made for carrying out the administration of the aforesaid areas:-

- (a) The Local Administration in the North West Frontier Province as existed in the pre-Integration period shall be revived and placed under the Chief Secretary and shall be entrusted with the such powers and functions as were assigned

to it in the pre-One Unit period.

- (b) (i) The services of the Provincial Departments shall be utilized for catering to the needs of the Centrally Administered Tribal Areas within the sphere of their respective jurisdictions.
- (ii) Each Secretary of the Provincial Government will act as the Secretary to Local Administration in respect of his Department and will be authorized to correspond direct with the States and Frontier Regions Division with regard to matters falling within his jurisdiction.
- (iii) The Finance Secretary, NWFP, will in addition to his duties as Finance Secretary, work as Financial Advisor to the Local Administration in respect of the aforesaid areas.
- (c) The Development Corporation set up for the Centrally Administered Tribal Areas shall be responsible for the formation of new Development Plans and their execution.
- (ci) The day-to-day administration of the area will be the responsibility of the Political Agents/Deputy Commissioners in the Tribal Areas which shall be carried out by them under the supervision/direction of the Divisional Commissioners and the Local Administration of NWFP.
4. In the Central Government the States and Frontier Regions Division shall exercise powers and functions in every sphere of Governmental activity and consult other ministries of the Government wherever necessary.
5. The Central Government shall maintain the Civil Armed Forces (Frontier Corps, Frontier Constabulary, Khassadars and Levies) and exercise the overall Administrative and Financial Control, over these Forces.
6. As regards the Tribal Areas which are not Centrally Administered Tribal Areas and form part of the Provinces of NWFP, and Balochistan, the States and Frontier Regions Division shall deal with the following subjects in respect of these Tribal Areas.
- (1) Issue of Policy directives.
 - (2) Security of the external boundaries of the Tribal Areas.
 - (3) Extension of effective control unto the Durand Line.
 - (4) Application of Laws.
 - (5) Reforms in Dir, Swat and Chitral.
 - (6) Counteracting of Afghan and Russian influences and watching the Political trends of the tribes.
 - (7) Issue of Import Licenses.
 - (8) Policy regarding de-tribalization of the Tribal Areas.
 - (9) Control over the Civil Armed Forces.
 - (10) Policy regarding Khassadars/Levies, Frontier Corps and Frontier Constabulary deployed in these areas.

Your obedient servant,

BRIG. S.M. ISMAIL KHAN,
Joint Secretary,
Government of Pakistan

Copy forwarded to the Chief Secretary, Balochistan, Quetta

BRIG. S.M. ISMAIL KHAN,
Joint Secretary,
Government of Pakistan

Copy to all Ministries/Divisions.

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- [7] Caroe, op. cit., p. 29.
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- [9] Alberuni, *Tarikh-al-Hind*, Sachau's translation, 1910, pp. I, 21-22, 199, 208, 259, 317, 320 cited in ibid., pp. 112-13.
- [10] Ahmad Hassan Dani, *Alberuni's Indica* (Islamabad: University of Islamabad), 1973, p.24.
- [11] Caroe, op. cit., p. 419.
- [12] Arthur Vincent, *The Defence of India, India of Today Series, Vol. II* (London: Oxford University Press), 1922, p. 45; also cited in Khan, op. cit., pp. 31-32.
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- [17] Khan, op. cit., p. 35.
- [18] See *1998 Census Report of F.A.T.A.* (Islamabad: Population Census Organization Statistics Division, Government of Pakistan), 2001, pp. 13-15.
- [19] S. Iftikhar Hussain, *Some Major IPakhtoon Tribes Along The Pak-Afghan Border* (Islamabad: Area Study Centre, University of Peshawar and Hans Seidal Foundation), 2000, p. 163.
- [20] For details of tribes and sub-tribes see Ridgway op. cit., pp. 50-246; and Hussain, op. cit., pp. 229-252.
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[24] Ibid., p. xxi.

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[26] Ibid., p.44.

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[29] Ibid., p. 65.

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[31] Ibid., p. 25.

[32] Ibid., p. 118.

[33] Ibid., p.132.

[34] Ibid., p.154.

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[44] Ibid., p. 226.

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[46] Ibid., p. 221.

[47] Ibid., pp. 233-34.

[48] *Ibid.*, pp. 256-57.

[49] *Ibid.*, p. 257.

[50] *Ibid.*, p. 118.

[51] C. C. Davies, *The Problem of the North-West Frontier 1890-1908*, p. 21 cited in Lal Baha, *N.W.F.P. Administration*, p. 4.

[52] R. C. Majumdar and others, *An Advanced History of India* (London: Constable and Co. Limited), 1925, p. 761.

[53] J.A. Norris, *The First Afghan War, 1838-42* (Cambridge, 1967) cited in Alan Warren, *Waziristan, The Faqir of Ipi, and the Indian Army* (Karachi: Oxford University Press), 2000), p. xx.

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[57] Lal Baha, *op. cit.*, p. 5.

[58] Caroe, *op. cit.*, p. 370.

[59] Lytton to Salisbury, 14 March 1876, IOL. MSS EUR E 218 (Lytton Papers) 518/1, pp. 27-8, cited in Warren, *op. cit.*, p. xxiii.

[60] Agreement between Amir Abdur Rahman Khan of Afghanistan and Sir Henry Mortimer Durand, British Secretary to the Government of India regarding the demarcation of the Indo-Afghan Frontier, 12 November 1893. See Mehrunnisa Ali, *Pak-Afghan Discord: A Historical Perspective (Documents 1855-1979)* (Karachi: Pakistan Study Centre, University of Karachi), 1990, pp. 55-57. (See appendix II)

[61] Caroe, *op. cit.*, pp. 387-88.

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[63] Majumdar, *op. cit.*, 0. 902.

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[66] Lahore Political Diaries, v. 49 et seq cited in Caroe, *op. cit.*, p. 336.

[67] Raverty, *Notes on Afghanistan*, p. 354 et seq, cited in Caroe, *op. cit.*, p. 395.

[68] Caroe, *op. cit.*, p. 393.

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[70] *Ibid.*, p. 392.

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[73] Wattenville, p. 8.

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[75] Majumdar, op. cit., 903.

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[77] Wattenville, op. cit., p.9.

[78] *Ibid.*, pp.9-10.

[79] Watteville, op. cit., p.5.

[80] Waterwille, op. cit., p. 11.

[81] *Ibid.*, p.12.

[82] *Report of the Tribal Control and Defence Committee, 1931, P.S.D.L., B-293*, cited in Lal Baha, p.105.

[83] Extract from official *Report of the Council of State Debates*, 7 September 1922, p. 62, cited in Lal Baha, op. cit., p.105.

[84] Lal Baha, op. cit., pp.105-6.

[85] *Tribal Disturbances in Waziristan* (25th November, 1936 - 14 June, 1937) (London:

His Majesty's Stationery Office, 1937, p. 3.

[86] *Ibid.*, p.4.

[87] *Ibid.*, p.5.

[88] Waterwille, op. cit., pp. 12-13.

[89] Warren, op. cit., p. xxv.

[90] *Ibid.*, p., 290.

[91] Lal Baha, op. cit., pp. 6-8.

[92] Watteville, p.7.

[93] After the establishment of Pakistan three agencies - Bajaur, Mohmand and Orakzai - were created whereas Gilgit and Malakand agencies were eliminated.

[94] Caroe, op.cit., p. 369.

[95] Ibid., p. 358.

[96] Lal Baha, op. cit., p.25.

[97] The fifth was Gilgit Agency established in 1889 and the sixth Mohmand Agency was added by Pakistan after 1947.

[98] I.J.P.P. 1901, vol .579, Reg. No. 1815, India Office's Comment on the Frontier-Crimes Regulation, 1901, cited in Lal Baha, p.30.

[99] A.H. Dani, *A Short History of Pakistan Book One Pre-Muslim Period* (Karachi: University of Karachi), 1967, pp. 100-101.

[100] Sir Olaf Caroe, Governor N.W.F.P. to Viceroy Lord Wavell, reproduced in Syed Abdul Quddus, *The North-West Frontier of Pakistan* (Karachi: Royal Book Company), 1990, pp. 333-334.

[101] Attlee to Mountbatten, 18 March 1947, Mountbatten Papers, IOR: MSS. Eur. F.200/16.

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[103] T.H. Thornton, *Sir Robert Sandeman* (London: 1895), pp.358-9, memorandum dated 27 September 1890 cited in Alan Warren, *Waziristan, the Faqir of Ipi, and the Indian Army* (Karachi:Oxford University Press), p. xxiv.

[104] Warren, p.xxv.

[105] *Tribal Disturbances in Waziristan*, op.cit., p.7.

[106] *Dawn* (Karachi), 23 December 1969. The other two conditions put forward by Khan Abdul Ghaffar Khan for extending his cooperation on the issue of the future state of Pakistan were: Pakistan should withdraw from Commonwealth and full provincial autonomy should be granted to NWFP. On the issue of leaving the Commonwealth, the Quaid refused to give any commitment and told the Pashtun leader that such a decision would complicate the external relations of the new state. On the issue of provincial autonomy, the Quaid had drawn the attention of Ghaffar Khan to the food deficit nature of NWFP and said that he would have "to bleed East Pakistan and Punjab" to feed NWFP. However, he assured Ghaffar Khan that there would be no change in the territorial boundaries of NWFP after the establishment of the new state. See the press statement of Mian Jaffar Shah, (*Dawn*, 23 December 1969)

[107] Ahmad, Waheed, ed. *Quaid-e-Azam Mohammad Ali Jinnah: The Nation's Voice, Vol. VII.*, (Karachi: Quaid-e-Azam Academy, 2003), pp346-349

[108] Ibid. p.346-349

How the Father of the Nation viewed the future prospects of the development and change in the tribal areas could be gauged from the following episode: During his visit to the tribal areas in April 1948, the Quaid was presented a guard of honour by Khyber Rifles. After inspecting the guard of honour, he met the *Maliks* of the Khyber Agency. The *Maliks* presented him a pass-made rifle. When the Quaid was told that the rifle was locally made, he smilingly remarked: "Set up bigger industries" (Waheed, op. cit. p. 334)

[109] Davies, C C, *The Problem of North West Frontier: 1890-1908*, (Cambridge, 1932), p. 37 Cited in Shah, Islam Syed, Ph D Thesis (unpublished)

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For a more detailed description of British Policy towards the Tribal Areas, see the proceeding chapter.

[111] Indian Independence Act, 1947, Chapter 30, Section 7 (1), C

[112] Government of Pakistan, *Revised Agreements with the Tribal People*, Peshawar, 1947, cited in Shah, op. cit, p. 70

[113] Gazette of Pakistan, Extraordinary, dated 27th June, 1950, pp. 511-512

[114] For specimen of Revised Agreement with the Tribal People, 1951-52. See Appendix IV

[115] Article 246 of the 1973 Constitution of Islamic republic of Pakistan.

[116] Article 247 of the 1973 Constitution of Pakistan

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