

GEOPOLITICS OF FATA AFTER 9/11

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Abstract

FATA, both historically and traditionally had a unique administrative and political status from the British times since 1849. It has been and continues to be both, an enigma and a dilemma. Today, FATA is regarded as the centre of international terrorist activities providing safe haven to different international terrorist groups. FATA is not an ungovernable territory. But the state has elected to govern it through local proxies and draconian colonial-era administrative structures and laws. Failure to come up with a clear vision for integrated development in FATA, as a sustainable solution to all that troubles the region, has kept the people marginalised and impoverished. In this opportunity-vacuum, tribesmen have been left to their own devices, vulnerable to exploitation at the hands of criminal and extremist elements from within and outside. Decision makers can, however, no longer afford to remain indifferent to the development of the area. An integrated and sustainable development strategy is badly needed to put FATA on the path to peace and prosperity along with the rest of the country.

Introduction

Pakistan's Federally Administered Tribal Areas (FATA) are generally perceived to have an uncanny tendency for courting strife. Conjuring up romantic images of tribesmen living on the edge, the region has never failed to find mention in the words of writers and travellers in awe of its freedom-loving people. Historically the tribal areas have been, and they continue to be, both an enigma and a dilemma. Throughout history they remained a strategic and tactical problem till the final moments of British departure from the subcontinent. Geographically FATA is a vast stretch of rugged mountains starting from Bajaur Agency in the northwest and terminating in South Waziristan Agency in the south. Of the size of Belgium, it is approximately 27,220 sq kms, with a porous border of 450 kms with Afghanistan. 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."¹ Today, FATA is regarded as the centre of international terrorist activities providing safe haven to different

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¹ Muhammad Maqbool Khan, "Waziristan Enigma: A Critical Perspective," *Central Asia*, University of Peshawar, Pakistan, no. 58 (Summer 2006): 87.

international terrorist groups including al-Qaeda and Islamic Movement of Uzbekistan (IMU). It is also said that it provides training camps and refuge to the Kashmiri Mujahideen after their gradual disbandment following the Islamabad Declaration of Peace between Pakistan and India in 2004. On the departure of Soviet forces from Afghanistan, FATA lost its importance temporarily only to re-emerge on the global scene on 9/11. Today, FATA is in the international focus with the worldwide phenomenon of terrorism being the principal concern of the most powerful nation on earth, the United States of America (USA), which perceives the area as the main haven for international terrorists.

Purpose

This paper highlights the developments in FATA immediately prior to and soon after September 11, 2001. The strife that keeps FATA simmering has various dimensions but its roots lie in the government's "hands-off policy" towards the tribal areas. It analyzes the factors leading to the prevailing culture of violence in FATA which is spreading rapidly to other parts of Pakistan in general and Khyber Pakhtunkhwa (KP) in particular. It also examines the factors behind the destabilisation of FATA and evaluates the effect of the ongoing military operations. Furthermore, it looks into the role played by outside powers and studies the impact of the continued instability in FATA on the settled areas of Pakistan and the rest of the region.

The Federally Administered Tribal Areas (FATA)

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

Article 1 of the constitution of the Islamic Republic of Pakistan treats FATA as a separate entity, to be administered by the federal government as prescribed in article 247 of the constitution.² By virtue of a special, semi-autonomous status negotiated at the time of Pakistan's independence, and reaffirmed in subsequent national constitutions, the president of Pakistan directly administers FATA through the governor of KP and his appointed political agents. Although FATA has elected representatives to Pakistan's National Assembly and Senate, no act of legislature extends to FATA unless approved by the president. Also, the jurisdiction of the superior courts does not apply and the Pakistan Political Parties Ordinance has just been extended to FATA. Instead, the region is governed and ruled through the Frontier

² See Articles 1 and 247 of 1973 *Constitution of the Islamic Republic of Pakistan*.

Crimes Regulations (FCR), a legal system inherited by Pakistan at independence, and rooted in British colonial practice and traditional tribal law. Under the FCR, disputes between tribes and the Pakistani state are managed through the interaction of political agents and tribal representatives (Maliks).

Factors Contributing to Extremism and Radicalization

Starting with the 1979 Soviet invasion of Afghanistan, the last three decades have seen turmoil and instability from across the border spill over into FATA. Indeed history suggests that since Pakistan's inception, the country leaders have played upon religious sentiment as an instrument of strengthening Pakistan's identity.³ Islamist groups have been sponsored and supported by the state machinery at different times in order to variously influence politics or support the military's political dominance.⁴ After Gen. Zia took power in 1977, the nature of the state was drastically transformed by the introduction of Islamic reforms. The armed forces were made to believe that they were an Islamic institution meant to fight a permanent Jihad; a doctrine similar to the Trotskyite idea of a permanent socialist revolution. "The roots of Islamic militancy" in FATA and the conflict that now engulfs the area lie "in the regional and international patronage of religious extremists during the anti-Soviet jihad, during the [Afghan] civil war and Taliban rule which radicalized the area".⁵ Pakistan-backed Taliban rule in Afghanistan spurred the convergence of this transnational network of militants, turning Afghanistan into a safe haven for local, regional and global terrorists.⁶ Pakistan's crucial assistance in the Jihad helped to drive out USSR forces from Afghanistan, and radicalized the powerful organs of state and the religious right.

Deobandi madrassas were particularly prominent in the rise of religious extremism in the Pushtun-majority borderlands. The network of Pakistani and Afghan militants spawned in these seminaries forged ties with Arab fighters during and after the Afghan Jihad (1978-89). In 1971, there were only 900 madrassas (seminaries) in Pakistan. By the end of Gen. Zia's era in 1988, there were 8,000 registered and an estimated 25,000 unregistered madrassas.⁷ To coordinate Jihadist activities, an umbrella Jihadist organization called the Muttahida Jihad Council (MJC) was created which composed of thirteen major

³ Hussain Haqqani, *Pakistan: Between Mosque and Military* (Washington DC: Carnegie Endowment for International Peace, 2005), 12.

⁴ Ibid., 13.

⁵ See Rahimullah Yusufzai, Executive Editor, Interview quoted in International Crisis Group Asia Report, "Pakistan's Tribal Areas: Appeasing the Militants," December 11, 2006, 9.

⁶ Vali Nasr's testimony before the US Senate Foreign Relations Committee, July 14, 2004, <http://www.Foreign.senate.gov/testimony/2004/Nasr Testimony040714.pdf>.

⁷ Ahmed Rashid, *Taliban: Islam, Oil and the New Great Game in Central Asia* (London: I B Tauris, 2000), 87.

jihadist groups. By early 1999 their number rose to fifteen. These organizations also operated in Kashmir.⁸ This radicalization by the Deobandis in FATA strengthened the JUI (F) and its leader Maulana Fazalur Rehman (immeasurably) in FATA. This he used to his advantage, openly claiming that if the government wishes to solve the problem in Waziristan it must speak to him.⁹

Pakistan military support of US forces in Afghanistan during the Mujahideen war led to internal radicalization of the country. When the US left in 1990 it turned off funding for Pakistan which lowered her growth rate. This period saw an increase in Saudi funding for madrassas, which were sprouting everywhere. Due to the financial meltdown, poverty increased rapidly. The poor were force left with no other option but madrassah education. In the course of time, it created a large army of radicalized youth without any employment skills except to take over mosques as Mullahs or to fight Jihad when opportunity arose. This extensive network of Jihadis and underground groups of veteran fighters spread to where there was an "Islamic cause." Most were trained in Afghanistan. Had there been a de-radicalization strategy in place at that time, the monster of terrorism could not have been able to get as strong as it is now.

The withdrawal of the Soviet forces from Afghanistan in 1989 under the Geneva Accords, signed in 1988, plunged the country into anarchy and lawlessness. There was a bloody war between the Soviet installed Afghan regime in Kabul and the Afghan mujahideen groups, the latter mostly controlling the countryside. 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; as well as the commanders and fighters belonging to various groups of Afghan mujahideen. The Tribal Areas were directly affected by the presence of the Afghan mujahideen, leading to further deterioration in the security and law and order situation in the region.

Conditions in FATA

FATA is the most economically backward 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. The population growth rate is 3.9 per cent as compared to nationally cited figures of 1.9 per cent.¹⁰ The literacy rate is 17

⁸ See "Rebellion in Waziristan: Part II, Analysis Detail And Documentation," Wikipedia (Online), http://en.wikipedia.org/w/index.php?title=United_Jihad_Council&oldid=1500000

⁹ N. B Naqvi, "Maulana Says It," *The News*, (Islamabad), December 27, 2006.

¹⁰ See Hassan Khan, "Not Gone are the Days," *The News on Sunday* (Rawalpindi-Islamabad), March 14, 2004, 25.

per cent against the national average of 56 per cent while female literacy is less than one per cent. With 7 per cent of the national population, FATA receives only about 1 per cent of the national budget. The region had the country's highest emigration ratio even before the advent of Islamist militancy which, along with army offensives, further displaced tens of thousands of people. The estimated unemployment rate is 60 to 80 per cent, or even close to 100 per cent seasonally, if remittances and migrant labour are not counted. It is thus not incorrect to state that the main cause of the rise of radicalism and the raging insurgency in KP and in the tribal areas is on account of adverse economic conditions which have badly affected livelihood, employment, social sector and infrastructure outcomes. In addition to its dire poverty and lack of economic opportunities, FATA's repressive, colonial-era political, administrative and judicial structures breed local alienation and resentment and provide the overall context in which militancy flourishes.

Pakistan's Policies

Threats to national solidarity in Pakistan's formative years led her to adopt certain policies of national survival which gave the country its religious orientation. Pakistan did not have any security structure in 1947 to defend its interests against India's hostility and its occupation of Kashmir. In the absence of weapons and a strong army it allowed armed tribesmen to take on the Indian invasion. This approach was pursued during the Mujahideen war in Afghanistan also.

Pakistan helped the Afghan Taliban in the early 1990's in the hope that they would curb Pushtun nationalism in KP, and provide an outlet to Pakistani radicals. The Islamists opposed Pushtun sub-nationalism for the sake of Muslim solidarity.¹¹ Decades of Pakistani investment in Pushtun Islamism turned it into a formidable political force and reduced the nationalist threat. As soon as the Taliban formed a government in Kabul they refused to recognise the Durand Line, marking the international border between Pakistan and Afghanistan. They armed Sunni extremist groups to kill Shias in Pakistan and attempted to overthrow the ruling elite in Pakistan to establish a Sunni Islamic state through a revolution.¹² The blow back from its Afghanistan and Kashmir policies is now threatening Pakistan. The presumption that Pakistan's strategic depth lay in Afghanistan was mistaken as the issue of Pukhtunistan could arise again.¹³

¹¹ Olivier Roy, *Islam and Resistance in Afghanistan* (Cambridge University Press, 1986), 69.

¹² Ahmed Rashid, 88.

¹³ Selig S. Harrison, "Beware Pashtunistan," *Newsweek International* (New York), November 12, 2007, 23.

Pakistan and the free world made a serious strategic blunder by ignoring the traditional leaders on both sides of the Durand Line and created new structures headed by obscure religious personalities, like Maulana Nabi of the Harkat-e-Inqalabi Islam or Moulvi Khalis of the Hizbe Islami. Both these stalwarts were educated at the Haqqania Madrassa of Maulana Samiul Haq at Akora Khattak. Of the 23 initial eruptions of Afghan rebellion against Soviet intervention, 18 were led by traditional elders, and only five by the Islamists. The Hizb leadership led by Hikmatyar,¹⁴ later became the spearhead of Jihad under the US and Pakistani support. This clearly showed that there was no need to base the resistance on non-traditional leaders. Had the traditionalists been supported, this region would have witnessed a different outcome.¹⁵

In the absence of an anti-terror policy of its own, and following the US lead, the Pakistan army went into tribal regions without creating a favorable political and religious environment. The deployment in Waziristan did not affect the war in Afghanistan as most fighting takes place in Helmand and Kunar which are far from Waziristan. The resistance forces in Afghanistan that are generally lumped together and labeled as Taliban are not operating or entering from Waziristan and the events in the agency cannot be said to be affecting the war in Afghanistan though they are creating serious problems for Pakistan army.

Ground Realities

The Pushtuns are probably the largest "stateless ethnic group" in the present day world.¹⁶ They inhabit large sections of Pakistan's western regions (the KP, the FATA, and Balochistan) and Afghanistan's eastern and southeastern provinces. They are the largest ethnic group in Afghanistan and the second largest in Pakistan (after the Punjabis). They straddle the Durand line, a porous and contested demarcation that forms the border between the two countries. Until a few decades ago, the kinsmen on both sides of the border followed the tradition of cross migrating between both countries every few years and lived in the homes and lands of their cousins across the border. This may seem strange, but it was done to give each of the two groups of the same tribe the

¹⁴ Hizb means a party or group. Hizbe Islami of Hikmatyar is an Afghan Islamist party first supported by the then Pakistan's Prime Minister Zulfikar Bhutto to embarrass Sardar Daud, the Prime Minister of Afghanistan, in 1975-76. Later, this party was patronized by the Pakistani intelligence service, the ISI, to fight the Afghan Jihad.

¹⁵ Barnett R. Rubin, *The Fragmentation of Afghanistan* (Karachi: Oxford Press, 2003), 186-187.

¹⁶ Although accurate population counts are not available, estimates place the total number of Pushtuns in Afghanistan and Pakistan to be anywhere between 40 to 45 million, as opposed to the total Kurdish population, which is estimated to be between 2 and 3.75 million.

chance of availing the better living and economic conditions prevailing in the valley on this side (Pakistan) of the border. If knowledge of such recently practised traditions is there, it becomes easier to understand and accept the porosity of the western border of Pakistan, across which tribesmen, traders and nomads have been coming and going for generations. Understanding the need of cross-border movement for the people of the region helps to understand the scale of the challenges involved in putting a stop to such a practice, and making the border less porous.

Ethnically and culturally, tribes on both sides of the border have always had close linkages and a common history. There is a historic link created by previous Afghan administrations of forming a pro-Afghan party amongst the tribes of Pakistan. Wazir and Mahsud tribesmen from Waziristan were used by Nadir Khan in 1929 to wrest the throne from Bacaha Saqao.¹⁷ He later created the Argun Militia composed of the same Wazirs who, together with other elements, were used in the 1950-60s when the Afghan government supported the Pukhtunistan movement in Pakistan. Afghanistan's previous machinations against Pakistan have come home to roost! Many Pakistani tribes claim they have a right to interfere in Afghanistan because of these previous links. Therefore, to put all the blame on Pakistan for failing to prevent tribesmen crossing over to Afghanistan may not be appropriate. Previous Afghan authorities have encouraged the tribes to behave in this manner.¹⁸ Secondly, Afghanistan's current refusal to accept the Durand Line as an international boundary, despite the assurances given by previous Afghan governments in this respect a number of times, cast doubts about Afghan intentions. If the Afghan government does not accept the border as an international frontier why do they complain if tribesmen from FATA, only loosely administered by Pakistan, see it fit to support their co-tribesmen on the Afghan side of the Durand line? This clearly indicates that owing to the peculiar history of the region it is unjust to blame Pakistan alone for the movement of militants into Afghanistan.

US policy of supporting non-Pushtuns in its war against Taliban is thought to be the biggest cause of Pushtun unrest. It will not be possible therefore to isolate Pakistani tribal areas from developments in Afghanistan. Moreover, the installation of the Northern Alliance government in Kabul had given India an incredible opportunity to harm the interests of Pakistan. In popular Pakistani perceptions the United States favours India over Pakistan as in the case of nuclear cooperation. As a result, Pakistan might not see any strategic advantage in eliminating the Taliban but Pakistan's ability to rein them in which the US acknowledges sends a strong message that Islamabad,

¹⁷ Olaf Caroe, *The Pathans* (Karachi: Oxford Press, 1948), 405-07.

¹⁸ Major Gen. M. Hayaud Din, "The Frontier Problem," unpublished paper from his personal collection, (1954), 5.

not Delhi or Kabul, is the key to stability in the region. Pakistan is increasingly wary of growing Indian influence in Afghanistan and also accuses Indian consulates in the Afghan cities of Jalalabad and Kandahar of fueling the Baloch nationalist insurgency.

Pakistani military planners have always had doubts about the long term commitment of the US in this region. Pakistan had seen the US abandon the region and its people when USSR troops left Afghanistan in 1988. Pakistan's Taliban policy can be seen as an insurance policy to hedge its bets and retain the capacity to influence future events in Afghanistan, if the US once again abandons the region.

Al-Qaeda and the Taliban; Sending in Army into FATA

The Afghan Jihad against the USSR from 1979 to 1992 provided US, Pakistan, and Saudi Arabia an opportunity to conduct a war of liberation, based on Islam and conducted by the Mujahideen. Osama Bin Laden's friendship with the Taliban army Chief Jalaluddin Haqqani dates from this period and continues today through Haqqani's son Siraj-ud-Din Haqqani.

Before the US attacked, defeated and dispersed the Taliban in October 2001, the Taliban in Afghanistan, their followers in Pakistan and the al-Qaeda had formed one unit. Today they are one block with little differences of shade only.

Pakistan has stationed about more than 100,000 troops in the area and set up more than 900 check posts to keep an eye on the porous, forbidding Pak-Afghan border. Therefore, more than eight years down the road since the 9/11 attacks, the United States, that granted the status of a non-NATO ally to Pakistan due to its role as a frontline state, has intensified pressure on Islamabad to do more for dismantling the so-called al-Qaeda network in the Pakistani tribal areas.

Since 9/11, Pakistan's army has played a historically unprecedented role in the tribal areas. The government under Pervez Musharraf pursued discordant strategies, rotating between heavy military occupation and political negotiation. In June 2002, one division army was deployed in Khyber and Kurram Agencies to block al-Qaeda and other terrorists from escaping US attacks in Afghanistan. By 2004, however, it was clear that terrorists had gained a significant foothold in FATA, especially in North Waziristan and South Waziristan. The Pakistani army began a series of major search-and-destroy missions. However it was under Musharraf that FATA in 2008 was not much different to the Taliban-controlled Afghanistan before 9/11. Most of the top militant commanders mushroomed in FATA and KP.

The moving of more than 100,000 troops into FATA in 2002 had a negative impact on the system of administration in the tribal agencies.¹⁹ The military commander superceded the Governor KP, who under the Constitution of Pakistan is the President's agent for the tribes in policy matters. The authority of the Political Agent was compromised. At the same time the military did not understand the tribal dynamics that could have been used to find a solution. The military would use guns, rather than the diplomatic processes that a political agent normally uses to attain his objectives. The eclipse of the political agent weakened the whole edifice of collective responsibility used for maintenance of control in tribal areas, when it was most needed. When the tribal system of control diminished, it created space for the religious right in FATA to coalesce into support for the Taliban. Moreover, the isolated and autonomous nature of these areas also encouraged the concentration of foreign militants here.

The use of force undermined the military's local standing. Strikes resulted in civilian deaths which, combined with arbitrary arrests and search operations, alienated the locals. Regular channels of conflict resolution and dialogue should have taken precedence over the use of military force. But instead, the capacity of the administration and local tribesman to neutralise, contain and de-weaponise the militants through non-military means was undermined".²⁰ Lack of coordination between multiple security agencies, including regular army units and the paramilitary Frontier Corps, as well as military intelligence agencies, also affected the operation.

Since al-Qaeda's retreat from Afghanistan in winter 2001, some tribal areas became a small-scale copy of Taliban-controlled Afghanistan. Here Islamist militants can recover and plan fresh operations while gradually imposing their will on the secluded region. By January 2007 the militants had grown into such a force that they began to expand their field of operation to the adjoining districts of Tank, D.I Khan, Bannu, Larki, Kohat, Peshawar, Nowshera, Charsadda, Mardan, Swat, Dir and Kohistan. Local clerics inspired by local militants and the Taliban tried to emulate Taliban-style rule.²¹

The success of the Taliban in establishing a neo-Taliban mini state is acting like honey to the bees, as it is attracting banned militant groups like the Lashkar-e-Taiba (LeT), Jaish-e-Muhammad (JeM) and Sipah-e-Suhaba to

¹⁹ Aamer Ahmed Khan, "Pakistan Fights Its Own Taliban," *BBC News* (Online), <http://www.news.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/world/southasia/4779476.stm>, (accessed March 6, 2006).

²⁰ Interview quoted in International Crisis Group Asia Report, "*Pakistan's Tribal Areas: Appeasing the Militants*," December 11, 2006, 11.

²¹ Qudsia Akhlaque, "Militants Find New Sanctuaries," *Dawn*, December 11, 2004; Behroz Khan, "Militants Move Out of Troubled North Waziristan Areas," *The News*, March 15, 2005; Anwarullah Khan, "Regular Troops Deployed on Bajaur Border," *Nation*, April 17, 2006.

FATA.²² Militants from all over the country, from Mardan to Multan, are converging on Waziristan.²³ Fear of the militants, combined with a corrupt administration and draconian laws, has contributed to the people's acquiescence to Taliban-style rule. Their demonstrated ability to restore order, prosecute criminals and dispense speedy justice was welcomed by many civilians fed up with violence and insecurity.²⁴

Al-Qaeda's influence in Bajaur increased because of an insurgency situation in Kunar in Afghanistan. Militancy in Bajaur was further strengthened due to al Zwaheri's second marriage to a Bajaur lady belonging to the Mohmand tribe. Due to these factors the three agencies of South Waziristan, North Waziristan and Bajaur became the target of intense military reaction by Pakistani and allied forces; including support from Predator drones from Afghanistan.

The increase in deaths of civilians created a backlash against Pakistan as well as the US and both were held responsible for the killing of Pushtun. Dangerously, the Pushtun also saw the military actions as ethnic in intent. This may be the explanation for the barbarism seen in the condemnable practice of the slaughter of some military prisoners who were in the custody of the militants during 2005-06. The other drawback of the military strategy was the birth of the suicide bomber who were quite extensively used by militants as a precision weapon in their operations against military and police in Bannu, D.I.Khan, Dargai, Peshawar, Kharian, Karachi, Lahore and Rawalpindi.

The post-9/11 operations against Pakistani nationals- whether in the FATA, KP, or elsewhere- have been broadly unpopular and characterized as "Washington's war". This ongoing war on terror is neither being backed by the majority of Pakistanis nor approved by the past or present Parliament.

²² International Crisis Group interview, Sailab Mehsud, Dera Ismail Khan, May 15, 2006. The Jaishe Mohammad is a Deobandi jihadi group, operating mainly in Indian-administered Kashmir, which draws its manpower from Sipahe Sahaba, the radical Sunni extremist organisation, and JUI Madrassas. The Sipah and other radical sectarian organisations, many banned by the Musharraf government, have gained a foothold in parts of FATA, such as Khyber and Orakzai agencies, and even in NWFP's settled areas. See International Crisis Group Report, "*The State of Sectarianism in Pakistan*," April 18, 2005.

²³ International Crisis Group interview, Rahimullah Yousafzai, 9.

²⁴ See interview of agency official from South Waziristan in International Crisis Group Asia Report, "*Pakistan's Tribal Areas: Appeasing the Militants*," December 11, 2006, 13.

Nexus between al-Qaeda, Taliban and Kashmir Jihadis

Since al-Qaeda is unable to conduct attacks in the west, it has shifted its emphasis to Afghanistan, tribal areas and KP in Pakistan. Its objective is apparently to create safe havens for conducting operations in Afghanistan and speed up the rate of radicalization in Pakistan. It would, therefore follow that the efforts of al-Qaeda and Afghan Taliban and their supporters in Pakistan are aimed at creating space for their jihadist activities.

Before the tragic event of 9/11, al-Qaeda, Taliban and Kashmir Jihadi organizations were being trained in camps in Afghanistan. The Afghan Taliban received material and manpower from al-Qaeda and the Pakistani Kashmiri Jihadist groups during the Afghan Jihad. It appears that the close linkage between the Taliban and the Kashmiri Jihadists²⁵ is now embarrassing the Pakistan establishment. It is noted that Lashkar-e-Taiba (LeT), Jaish-e-Muhammad (JeM) and Sipah-e-Suhaba cadres, mostly from Punjab, are operating in Waziristan, Swat and Mohmand Agency.

In the absence of a rehabilitation plan, the Kashmiri Mujahideen have became autonomous and have spread to different parts of the extended war zone which includes Eastern Afghanistan, FATA, KP and Pushtun parts of Baluchistan. A new menace has thus arisen and has now entered the Punjab where suicide bombings have increased.

Peace Deals with Taliban: US, Afghan Reservations

The heavy reliance of the anti-militant strategy on punitive action in preference to other means has further increased the ranks of the militants. As a matter of fact the greater the use of military the larger is the growth of militancy.²⁶ After realizing that the present strategy is a failure, both the federal and provincial governments have begun peace talks with the militants. Moreover, the KP political parties recognize a political compulsion for the hostilities to end. The mandate of the February 18th election in KP has clearly rejected the post 2002 strategy of handling the insurgency in Pakistan, which was based on a coercive approach.

Pakistan's policy has been to separate the hard core foreign Islamists, mostly Arabs and Central Asians, from the Pushtun Taliban. It induces Pakistan to sign agreements with local militant elements in North and South Waziristan in order to split the Islamists. Pakistan's policy of isolating al-Qaeda achieved some success in 2003 and 2006 in Waziristan.

Allegations of border incursions by Afghan forces, baseless accusations and serious aspersions on Pakistan and the harsh responses by Pakistani

²⁵ Ahmed Rashid, 88.

²⁶ Khalid Aziz, "Has Waziristan stabilized?", *The News*, June 7, 2008.

officials are not conducive to creating a friendly environment.²⁷ Statements made by President Karzai, based on un-confirmed reports about Mullah Omar having been seen in Quetta²⁸ only adds to the mistrust and suspicion which prevails between the two countries. There are obviously some elements in Karzai's administration, who deliberately want to keep the two Muslim neighbours apart.

Operation Rah-e-Nijat

Operation Rah-e-Nijat (*Path to Salvation*) was launched by Pakistani military against the Taliban and other militants in the South Waziristan Agency on June 19, 2009;²⁹ a major ground offensive was subsequently launched on October 17, 2009. The aim of the operation was to eliminate militants by dislodging them from their fortifications, sanctuaries and hideouts.

After a three-month blockade of South Waziristan and intermittent skirmishes with militants, the Pakistani civilian and military leadership finally gave the go-ahead on October 16 to launch a military operation in South Waziristan to eliminate terrorism and extremism.³⁰ Pakistani officials characterized the impending clash as "*the mother of all battles*." Prior to the launch of the operation, the Pakistani Army had reinforced its presence on the borders of South Waziristan with two divisions (30,000 troops) who were facing a heavily entrenched force of 6,000–7,000 militants, including local Taliban as well as Uzbek, Chechen and Arab foreign fighters affiliated with al-Qaeda.³¹

By December 12, 2009 the operation was over and the Army retook most of South Waziristan.³² Although, most of the militants and their commanders managed to survive by shifting to forested and mountainous areas in the remotest parts of South Waziristan or to other tribal areas, but Operation Rah-e-Nijat has deprived the TTP of its "centre of gravity" in South Waziristan and caused its leadership to scatter.

Officials in the military and civil bureaucracy are cautiously optimistic about the outcome of the operation. It is hoped from the claims of Army that soon militant bases will be uprooted and peace will be restored.³³ However,

²⁷ Frontier Corps (Balochistan) Inspector-General Maj-Gen Salim Nawaz strongly refutes the US intelligence claims about the presence of Mullah Omar in Quetta, terming them baseless and far from reality. See Amir Mir, "Is Mullah Omar Hiding in Pakistan?", *The News*, September 29, 2009.

²⁸ Ibid.

²⁹ "Troops Make Gains in Swat and South Waziristan," *Dawn*, June 21, 2009.

³⁰ Syed Irfan Raza, "Waziristan Operation Given Go-ahead," *Dawn*, October 17, 2009.

³¹ Ismail Khan, "Battle for Waziristan Looms," *Dawn*, October 2, 2009.

³² "Pakistan Anti-Taliban Offensive in S Waziristan 'Over,'" *BBC News* (Online), http://news.bbc.co.uk/2/hi/south_asia/8409486.stm (accessed January 10, 2010).

³³ Akbar Mayo, "Operation Rah-e-Nijat and Beyond," *Frontier Post*, October 22, 2009.

the military operation in South Waziristan is unlikely to succeed in curbing the spread of religious militancy in [Fata], unless the Pakistan government implements political reforms in that part of the country.

Foreign Involvement

The role of foreign players in the ongoing insurgency in FATA, KP and Balochistan would be hard to dismiss given its persistence in the face of the military operation. The investigations made by Pakistani agencies have found evidences of foreign involvement in creating anarchy in Pakistan. These investigations indicate that the Pakistani law enforcing agencies found highly credible evidence proving that the Indians were not only giving comprehensive financial support to terrorists in Pakistan but were also providing them with arms, equipment and technical support.³⁴ During operation Rahe-e-Nijat huge quantity of Indian arms and ammunition, literature, medical equipment and medicines was recovered from Sherawangi area, near Kaniguram in South Waziristan Agency.³⁵

Rehman Malik, interior minister, has provided evidence to the US of Indian assistance to the militants who are targeting NATO forces and Pakistani troops simultaneously.³⁶ There are reports that massive amounts of money are being paid by India's Research and Analysis Wing (RAW) to the Taliban for attacking US interests in Afghanistan in a bid to create a wedge in the mutual trust and cooperation between Pakistani and US agencies. The intelligence reports from tribal areas show the involvement of RAW in fomenting anti-Pakistan feelings there and the initial investigations from the recently arrested militants during the Hangu operation also suggest the same.³⁷

Indian consulates in Jalalabad, Kandahar, Herat and Mazar-e-Sharif and their embassy in Kabul are accused of indulging in clandestine activities inside Pakistan in general and FATA and Balochistan in particular. The proof of Indian involvement in Balochistan affairs has already been provided to the Indian side at the July 16, 2009 Prime Ministerial meeting at Sharmel Sheikh, Egypt.³⁸ The general public in Pakistan accuses Indo-US-Israeli nexus in the militancy in FATA and Baluchistan as well as in the growing incidents of suicide attacks across Pakistan. It is believed that these powers use Afghan soil

³⁴ "Pakistan Has Evidence of Indian Involvement in Balochistan: FO," *Daily Times*, January 10, 2006

³⁵ "Solid Evidences of Indian Involvement in Pak Provided to Foreign Office: Rehman Malik," *Nation*, December 9, 2009.

³⁶ Muhammad Saleh Zaafir, "Bush Gives Malik a Pat on the Back," *The News* (Rawalpindi-Islamabad), August 1, 2008.

³⁷ Shaiq Hussain, "Probe into RAW's Involvement Ordered," *Nation* (Islamabad), July 27, 2008.

³⁸ Muhammad Saleh Zaafir, "India, Pakistan De-link Terrorism from Dialogue," *The News* (Rawalpindi-Islamabad), July 17, 2009.

for planning such operations in Pakistan to destabilise Pakistan economically and politically.³⁹ There is a perception that the target of these conspiracies is Pakistan's nuclear asset.⁴⁰

According to the latest report presented to Prime Minister Yousuf Raza Gilani, the Indian Embassy in Kabul is handling some terrorist groups inside Pakistan.⁴¹ These groups started their terrorist activities last year and hired many angry youngsters from the tribal belt whose families had suffered badly in the military operations there. One of these groups was involved in two suicide attacks against former interior minister Aftab Ahmad Khan Sherpao. Two people arrested from this group last year confessed to have links to officials of the Indian embassy in Kabul.⁴² It was also reported that the Indian intelligence agency, RAW, had given a lot of targets to a group based in the Khyber Agency for organizing attacks in Peshawar, Kohat and Nowshera rather than Islamabad or Karachi. The logic was India will be accused for attacks in big cities while those close to FATA will more easily be credited to the Taliban.⁴³

RAW and the Afghan intelligence agencies are very much active in the tribal areas. Several Afghan agents have been arrested and they confessed that they were trained by Indians in Afghanistan.⁴⁴ There are more than 10,000 Indian soldiers in Afghanistan, ostensibly to protect engineers involved in road building activities. But, in fact, most of them are spies and there maybe thousands more who are causing death and destruction in Pakistan.⁴⁵ The two suicide bombers who blew themselves up at the Pakistan Ordnance Factories (POF) in Wah were trained in Miramshah, the main town of North Waziristan Agency, by the Pakistani Taliban allegedly supported by RAW.⁴⁶

India is making all-out efforts, to prevent Pakistan from having influence in Afghanistan, by fueling anti Pakistan sentiments among Afghan people. Indian presence in Afghanistan whether diplomatic, military or economic, has less to do with reconstruction and more to do with keeping the turf conducive for the workings of RAW against Pakistan. The security situation and the insurgency issue in Afghanistan are not going to be solved until the Indian influence on the Afghan government is removed. Only

³⁹ "Welcome to Indian Intelligence Services RAW and the War between Pashto and Urdu Speakers in Karachi," <http://www.daily.pk/politics/politicalnews/37-politicalnews/5423-welcome-to-indian-intelligence-services-raw-and-the-war-between-pashto-and-urdu-speakers-in-karachi.html>

⁴⁰ Ibid.

⁴¹ Hamid Mir, "Peshawar, Kohat, Nowshera Next Targets of Terrorists," *The News* (Rawalpindi-Islamabad), August 23, 2008.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ "Taliban Backed by RAW Trained WAH Bombers," *Dawn*, August 26, 2008.

⁴⁵ Ibid.

⁴⁶ Ibid.

closer Pak-Afghan cooperation will help contain the growing power of insurgents but since the Indians have entirely different goals, the efforts will not bear fruit. The Karzai Government should better avoid acting as a henchman or a pawn for New Delhi before it is too late.

Suggestions

1. Future strategy should aim at thinning out the military in tribal areas. Their presence is destroying the political administration's capacities to handle the tribes. These operations should be reduced gradually. Civil armed forces should be trained and upgraded to take on the responsibility of fighting the insurgency. Only professional training and capacity building can make them better.
2. Khassadars and Levies created to maintain law and order in the tribal belt should be made regular forces, provided with sufficient training and modern equipment and be paid handsomely. These forces should be given responsibility for maintaining law and order in their respective areas. Capacity building of district police and Frontier Constabulary must be accelerated to reverse the poor security situation in southern KP. All Frontier Constabulary, currently deployed in other provinces, must return to KP.
3. There are a large number of students going to Madrassas in the country. The number and the quality of Madrassas must improve if this alarming trend is to be reversed. Madrassas are to be brought under state control and their curriculum revised to make them progressive so that they provide students with employable skills.
4. The Frontier Crimes Regulation (FCR) should be replaced or heavily amended to bring it in line with the Constitution of Pakistan and international norms of justice, including safeguards for fundamental human rights.
5. In consideration of the local traditions and values (*Riwaj*), the traditional institution of the Jirga should be revived, respected, and further strengthened through codification and legal protection. Elected Agency Councils should nominate members of a Jirga court and maintain such lists of eligible members from among whom the disputant parties would choose. The disputant parties should have the right to either choose among Riwaj, Shariah, or civil laws as the basis for settlement of their disputes. The jurisdiction of the Peshawar High Court and the Supreme Court of Pakistan should be extended to the tribal areas. FATA courts should be established to serve as the court of first instance for the settlement of disputes on the basis of civil law and to act as an appellate court for Jirga decisions. A special FATA Bench of the Peshawar High Court would hear appeals from FATA

courts and the Supreme Court would be available to settle questions of law and interpretation of the Constitution.

6. A comprehensive development package for the tribal areas should be introduced to generate employment and bring prosperity. The natural resources of the area, such as marble, coal, granite, and other minerals, should be developed into local industries. Investment is required in infrastructure like roads and electricity and the agricultural sector needs greater support. The strategic location of the tribal areas should be utilized as a major trade route to Central Asia and the region's rich cultural heritage should be used to promote tourism. The international community must offer generous aid and support to Pakistan if it undertakes needed reforms in the governance of FATA and creates a development area along the border in coordination with the reconstruction effort in Afghanistan.
7. Education should be promoted at all levels in the tribal areas with special focus on the provision of vocational skills and training. A university, colleges and technical institutions should be established to meet these needs.
8. The strength of the radical fighters can be successfully weakened by the political handling of the tribes. Furthermore, control over the tribes will increase manifold if the tribes are given political rights through their enfranchisement by the introduction of Political Parties Act and the stepwise empowerment of a larger group of people through local government reform. Extension of Political Parties Order by President Zardari is a good and positive development. It shall be only in the fitness of things that the said law is immediately implemented.
9. FATA in general and Waziristan in particular should not be a "no go" area for media, political parties, humanitarian organizations and human rights groups. The present ban on access to the media and independent sources has justifiably created doubts in the minds of the people.
10. Prioritise relief and rehabilitation to FATA's internally displaced persons and engage in broad consultation with local and provincial leaders on a plan for the relief, future reconstruction and resettlement with the goal of sustainable provision of public services, economic infrastructure and citizens' protection through civilian-led law enforcement and judiciary.
11. Pakistan must not rely on religion in foreign or anti-insurgency policies. It must negotiate with the political forces on merit and build sound foundations for policy formulation. It will be much more productive to build Pakistan's future Afghan policy by using the strength of Pushtuns' political rather than religious force.

12. The Taliban should be recognized as a movement fighting as a resistance force in contrast to al-Qaeda, which is an Arab movement, directed against the West for its policies in the Middle East. Taliban represented the Pashtun nationalists who had fought the domination of the foreign Soviet forces in Afghanistan. Thus they still consider themselves as the defenders of Afghanistan against foreign occupation, this time in the shape of US and NATO forces. It is crucial if peace is to return that the Afghan army takes over duties from Coalition forces opposite the Waziristan boundary. In the long run, foreign forces should not remain in Afghanistan, because they invite resistance.
13. Afghanistan's continuous refusal to recognize the Durand Line has led the tribes to interfere in Afghanistan and Pakistan. Therefore President Karzai's demand for ending cross border raids, like charity, needs to begin at home. One sure method of enforcing the obligation of preventing the tribes from interference in Afghan affairs is for President Karzai to reiterate that Afghanistan recognizes the Durand Line and has no claim on the loyalties of Pakistani tribes.
14. India's contribution to Afghanistan's development is welcome, but it should reduce its staff and activities in the border regions of Pakistan for the sake of regional stability. The size of the Indian consulates should be limited and their roles strictly defined. Only the United States is likely to be able to persuade Pakistan and Afghanistan to keep India out of their bilateral relationship by agreeing to a set of ground rules and to press India to abide by them.

Conclusion

The strife that keeps FATA simmering has various dimensions but its roots lie in the government's hands-off policy towards the tribal areas. Traditionally, the interest of decision makers has been limited to maintaining the status quo in the volatile tribal agencies. Short-sighted and piecemeal development plans, benefiting select tribal elites rather than the common man, have prevented the integration of FATA into the national mainstream. Decision makers can, however, no longer afford to remain indifferent to the development of the area. An integrated and sustainable development strategy is badly needed to put FATA on the path to peace and prosperity along with the rest of the country. Pakistan's government must repeal the Frontier Crimes Regulations, incorporate the region into the provincial and national justice system, and replace tribal militias with the national police. Economic growth needs to be encouraged by developing infrastructure and education opportunities. The US and the international community should combine aid with dialogue on institutional reforms. They may enhance the region's development by

supporting specialised economic zones that tap FATA's indigenous resources. Finally, the military should be pressured to allow humanitarian access to the conflict zones, and to prevent the region from being used by extremist groups. ■