

Taliban and Anti-Taliban

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By

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CAMBRIDGE
SCHOLARS

P U B L I S H I N G

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This book first published 2011

Cambridge Scholars Publishing

12 Back Chapman Street, Newcastle upon Tyne, NE6 2XX, UK

British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library

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ISBN (10): 1-4438-2960-9, ISBN (13): 978-1-4438-2960-1

Dedicated to the People of FATA

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ACKNOWLEDGMENTS

I am thankful indeed to a host of people in Pakistan, Norway, the UK, and Sweden for their generous cooperation. It was their encouragement and support that steeled my resolve to finish this book against all odds. But I can acknowledge only a few since many of them, for security reasons, would prefer to remain anonymous. The residents of FATA, living in the combat zone, deserve my special gratitude. To mention their names is to risk their lives, however, I wish to categorically say that this book would not have been possible without their help. Some of the tribal elders and leaders of anti-Taliban *lashkars* interviewed for this book, have been targeted and killed even before the book went to press. Similarly, relatives of several informants, who granted interviews and took part in group discussions held for this book, have either been killed or injured in bomb blasts or in military operations by the Pakistani army. Most of these informants and their families have been subjected to barbaric atrocities committed by the Taliban as well as the Pakistani army. I am profoundly grateful for their invaluable information, thoughts and insights. May their departed souls rest in eternal peace!

I am also thankful to my friends at the *Amn Tehrik* for holding a seminar on “Misconceptions about Pakhtun in the Western Scholarly Circles.” The sole purpose of this seminar was to facilitate this book. With participation from writers, poets, journalists, tribal leaders, political activists, and social workers from FATA and the Khyber-Pakhtunkhwa province, this seminar provided useful insights in deconstructing several stereotypes about FATA’s tribal population.

I am also indebted to my friend, Farooq Sulehria. His insightful comments on the initial draft helped determine the orientation of this book. Even more importantly, his encouragement throughout has kept me going.

Similarly, Sangeen Khan not merely helped in editing a chapter, but his informed feedback was instrumental in deepening my research. A special note of thanks to him.

Adrian Moylan, a British friend now living in Norway, edited two chapters as well as providing useful comments on the text he edited. His kind co-operation made my job easy in many ways.

Vidya Krishnan and Amit Julka also deserve special mention for their help in editing some parts of this book.

I am highly indebted to the members of the Totalitarian Network, University of Oslo, for the opportunity to present a chapter of the book at a public seminar in Oslo. This offered a chance for useful discussions with some senior researchers working on political Islam.

I extend my gratitude to Professor Nina Walentyna Maria Witoszek, University of Oslo, Professor Øystein Sørensen, University of Oslo, and Karin Ask of Chris Michelsen Institute, CMI, Norway, for their cooperation and encouragement.

Finally, let me confess that without the generous support lent by Fritt Ord Norway and the Norwegian Writers and Translators' Association, Oslo, writing this book would have been nigh impossible.

Bergen, Norway
March 2011

PREFACE

There was a seminar titled “Pakistan: Challenges and Solutions”, at Stortinget, the Norwegian Parliament, in May 2009. One of the distinguished speakers, Ola Bøe-Hansen, Lieutenant Commander, Defence Staff College, Norway, informed the participants that the tribes in the Federally Administered Tribal Area, or FATA, in Pakistan have given refuge to Al-Qaida militants who frequently attack the NATO forces, including Norwegian soldiers, in Afghanistan.

How did the Lieutenant Commander know that the tribes were sheltering Al-Qaida militants? Most probably, he never had an opportunity to interact with the tribal society. Most likely, his opinion had been shaped by the research and journalistic literature on FATA produced in the context of war on terror. A big chunk of such literature either reproduces colonial stereotypes of the region or affirms notions popularised by Pakistan’s all-powerful military establishment about the tribal people and their culture. All such literature, presenting FATA as the safe haven for Al-Qaida and the actual site of struggle in the war on terror, is dangerously misleading. Not only is it misleading academics and activists, but it is also confusing people in power. The Norwegian general is but one such example.

In the first place, FATA is not accessible for independent journalistic and scholarly inquiry owing to poor security. Only a handful of scholars and journalists have acknowledged this inadequacy of their works. They have duly and conscientiously cautioned their readers to draw any conclusions from their work in the light of this limitation. However, most of the researchers as well as journalists have developed a tendency to uncritically accept Pakistani media reports on FATA. Often such reports are planted by the Pakistani intelligence agencies in the country’s media through pro-establishment and pro-Taliban journalists. This practice is an anathema to research and journalistic ethics. Unfortunately, only a few seem to take note of the violation when reproducing the axiomatic constructs about FATA.

The intent of this book is to caution against such literature and its uncritical acceptance. In a bid to offer a better understanding of the ground realities in FATA, in the context of the war on terror, this book voices the

concerns, fears, and hopes of FATA tribes. It is the voice of these tribal people that is largely absent in the literature on FATA authored since 9/11.

Concretely, this book has two objectives: first, to document the story of FATA as narrated by a wide range of FATA residents; and second, to document feedback by the tribal people on the literature written on them in the context of the war on terror.

This book, let me forewarn, is highly critical of Pakistan's military establishment, certain political parties, and some authors, both Pakistani and foreign. I hope the book will be understood and acknowledged as an effort in good faith to find modes and mechanism to beat terrorism in FATA, not merely in the rest of Pakistani people, but in the interest of the wider South Asian region and the world at large. I also hope that this endeavour will make researchers and journalists recognize FATA as a combat zone that deserves special ethical and methodological considerations so as to ensure security of the informants as well as obtain honest information from them for quality of knowledge about the area.

A NOTE ON METHODOLOGY

This research is of primary nature and draws on over 2000 face-to-face interviews, discussions and seminars with people across FATA and the Khyber-Pakhtunkhwa province. These interviews with people from various walks of life, were conducted over a period of more than two years. The informants include men and women, lettered and unlettered, rich and poor, Muslim and non-Muslim (in particular Sikh residents of FATA).

The interviewees and discussants include tribal leaders and family members of the tribal leaders who were targeted and killed since 2003. They also include leaders and volunteers of anti-Taliban *lashkars*, people in the transport business and agriculture sector, retired and in-service FC soldiers, *Khasadars* and officials recently retired from the political administrations in FATA, daily wagers and jobless people, Internally Displaced People (IDPs) from FATA -displaced as a result of military operations in the area- and people hosting the IDPs in their houses on humanitarian grounds or tribal and kinship basis.

I have also interviewed teachers and students, doctors and paramedics, journalists and poets, NGO workers and political activists, eye witnesses to the drone attacks on Waziristan and Orakzai, people injured and people who lost close relatives in bomb blasts or military operations, people who suffered gross human rights violations at the hands of the Taliban, such as amputations, floggings, and incarcerations in the Taliban-run jails, and people whose close family members were beheaded by the Taliban.

I shared the literature critiqued in this book with many of the informants and encouraged them to comment on it. Most of them generously commented. Most of the interviews and discussions have been conducted in people's houses and village *hujras* in FATA and guests houses, homes, and *hujras* in various towns of Khyber-Pakhtunkhwa province. Many of the interviews were tape-recorded, but in several cases it was not possible. This research has also benefited from discussions I have had with people of FATA since 2008 for my newspaper articles.

I travelled across FATA and Khyber-Pakhtunkhwa for the interviews and discussions. Owing to my newspaper articles on FATA, many people knew me even if I had never met them. This greatly facilitated the research because the people who had read or heard about my articles took me to

their communities and villages to interview other informants. Having a shared ethnic, cultural, and linguistic background also facilitated my interactions with the wide range of the people of FATA and Khyber-Pakhtunkhwa.

Interview (and discussion) data may suffer from limitations such as selection perspective and bias perspective (Fair and Chalk, 2006:xvi). In order to address such limitations, the interviews and discussion were conducted with a wide range of people over a long period of time, i.e. over two years. Some of the key informants, like *lashkar* leaders, were interviewed more than once, or were invited to participate in discussions more than once.

I have made a sincere effort to put across voices of FATA people to the wider world and document their feedback on some of the literature written about them in the context of the war on terror. I leave it to the readers to decide whether I have succeeded in doing so or not.

LIST OF ABBREVIATIONS

AIRRA	Aryana Institute for Regional Research and Advocacy
ANP	Awami National Party
APA	Assistant Political Agent
CIA	Central Intelligence Agency
FATA	Federally Administered Tribal Area
FC	Frontier Corps
FCR	Frontier Crimes Regulation
FRs	Frontier Regions
ICC	Islamic Cultural Centre
ICG	International Crisis Group
IDP	Internally Displaced People
IDMC	Internal Displacement Monitoring Centre
IED	Improvised Explosive Device
IMQ	Idara Minhajul Quran
ISI	Inter-Services Intelligence
JI	<i>Jumaat Islami,</i>
JUI(F)	<i>Jamiat Ulama Islam</i> (Fazal-U-Rahman)
MNA	Member of National Assembly
PMAP	Pakhtunkhwa Mili Awami Party
PML (N)	Pakistan Muslim League (Nawaz)
PML(Q)	Pakistan Muslim League (Quaid-e-Azam)
PA	Political Agent
PIPOS	Pakistan Institute of Prosthetic and Orthotic Science
PPA	Political Parties Act
PPP	Pakistan People's Party
TTP	Tehrik-e-Taliban Pakistan

CHAPTER ONE

DECONSTRUCTING SOME MYTHS ABOUT FATA

This chapter aims to comment on some of the literature produced on the Federally Administered Tribal Area, FATA, of Pakistan in the context of the war on terror. The chapter argues that the literature misinforms and distorts the ground reality of FATA. I will question the distorted notions attributed to some aspects of the Pakhtun culture and society in FATA.

1) Code of *Pakhtunwali*

Pakhtunwali is a flexible unwritten code of behaviour that a Pakhtun is supposed to abide by. Its flexibility is due to the institution of *jirga* where issues are contextually resolved through logical discussions without adherence to any hard and fast rules. Rajmohan Gandhi rightly informs that Pakhtunwali “cannot of course be seen as static” and “is subject to negotiation and innovation” (2004:32).

Pakhtunwali is a worldview that encompasses political, economic, social, religious, and secular aspects of life. It also provides a space for expression of art and peaceful coexistence with aliens; Muslims as well as non-Muslims, like the Punjabi settlers in Kurram and Sikhs in Orakzai and Khyber. *Pakhtunwali* demands equality among all Pakhtun. It is, however, a gender discriminatory code, as beautifully elaborated by (Ali, 1997). All prominent aspects of *Pakhtunwali* are grounded in centuries old Pakhtun history that is also deeply rooted in its pre-Islamic past. Despite the introduction of Islam in Pakhtun territories, the Pakhtun have never given up *Pakhtunwali*¹. It is thus no surprise when one hears a Pakhtun saying “I am a Pakhtun for 5000 years, a Muslim for 14 centuries and a Pakistani for 64 years. Where do you think my identity lies?”

In the literature the entire notion of *Pakhtunwali* has been reduced to some of its constitute parts, such as *melmastia* (hospitality), *nanawati* (forgiveness) and *badal* (revenge), which have been freely employed by the scholars and journalists to project a particular wild view of the Pakhtun

culture and society, including the notion that FATA people have given refuge to Al-Qaida terrorists under the code of *Pakhtunwali*.

In C. Christine Fair and Chalk's opinion, *melmastia* means "unconditional hospitality" and thus "may help explain why FATA has given a geographic space that has been open and receptive to the influx of foreign Islamists" (2006:12). Rakisits (2008:6) claims that "part of Pakhtun tribal honour is to offer hospitality (*melmastia*), regardless of whether the guest is welcomed or not, a criminal, a friend or an enemy". Accordingly, it is easy for the foreign militants to settle down in FATA (ibid). "Patronage of local tribal groups" in FATA facilitated the Uzbek terrorists to "gain a foothold in the region" (Moore, 2010). Ahmed Rashid distorts the concept of *nanawati* when he writes that it is "the notion that hospitality can never be denied to a fugitive" (2009:265). The fact that "the Pakistani tribesmen decided to fight against the government rather than surrender the Arabs and other foreign nationals who had taken refuge with them was basically due to (the notion of hospitality under) the code of *Pakhtunwali*" (Dogar, 2009:9). All such notions of *nanawati* and *melmastia* are distorted and far from the actual practice of *nanawati* and *melmastia* among the Pakhtun.

In *Pakhtunwali* the notion of *nanawati* is that the offending party tenders an unconditional apology to the offended party and surrenders himself to the mercy of the other party. As a mark of his true regret, the offending party is supposed to go to the house of the other party with a piece of grass in his mouth, thereby underlining that what he did was truly beastly; that he regrets it and begs for forgiveness. The offended party is then generally expected to forgive no matter what the crime may have been, although the expectation may not be universally applicable to all contexts and circumstances. Thus *nanawati* actually means appeal for forgiveness².

Under *Pakhtunwali* hospitality, forgiveness and refuge are neither unconditional nor offered to everyone who asks for it. They are especially conditional when the seeker has been involved in blood feuds. The seeker is obligated to surrender his weapons to the host and promise to never attack his enemy as long as he is enjoying the hospitality. Once the seeker agrees to the conditions, he is granted refuge under the notion of hospitality and the code of *Pakhtunwali* binds the host to protect the guest against his enemies. In addition to this obligation other conditions may also be imposed upon the guest depending upon the context. Any breach of the obligation or the conditions on the part of the guest may lead to instant withdrawal of the refuge under the hospitality.

Hospitality or refugee in FATA to someone wanted by the Pakistani state is out of the question. Some first-hand interactions with the tribesmen

would have provided the scholars and journalists with a wealth of empirical evidence to establish that no tribes in FATA can dare to host anyone wanted by the state. Under the Frontier Crimes Regulations, FCR, the set of laws applicable in FATA, the Pakistani state is empowered to bulldoze entire villages and towns if any tribes refuse to hand over a wanted person(s) to the state.

In the past the government has used the FCR laws to punish tribesmen for giving refuge to people wanted by the state and the tribes would give in pretty soon. Let me share an example. Amanullah, a former Pakistani parliamentarian and minister, was wanted by the government of Pakistan and also probably to the US government on drug-related charges back in the 1980s. He ran away to Waziristan. The political Agent threatened the village hosting him with the FCR law and the villagers immediately expelled him. He ran away to another village and that too was threatened by the Political Agent which resulted in that village also taking back the refuge granted to him. Amanullah kept running from one village in Waziristan to another where he was closely followed by the state authorities threatening the hosting village (or tribe) with FCR. Finally, disappointed with the people of Waziristan, Amanullah surrendered himself to the authorities by saying this: "*a Pakistani jail is better than any place in Waziristan*". Waziristan today is the same as it was in Amanullah's time. No tribes could dare to challenge the writ of the state in Waziristan or elsewhere in FATA.

Where do Usama Bin Laden, Ayman al Zawahiri or other foreign terrorists fit in to this notion and practice of hospitality? Well-armed and battle hardened Al-Qaida terrorists never surrendered their weapons to the tribes in FATA. Instead they have overpowered the tribes and brutally killed those tribesmen who defied them. They entered Waziristan with full state consent and all the tribesmen, who opposed their entry, were killed with state collusion by the militants. Those that were left ran away or were overpowered by the militants covertly backed by the Pakistani state. If the Pakistani state wants today, no militants can ever stay in Waziristan or elsewhere in FATA.

It is a myth that FATA tribes gave refuge to Al-Qaida terrorists under the code of *Pakhtunwali*. In the tribal context, public backing of any issues, including refuge to anyone, has to be discussed and agreed upon in a tribal *jirga* (council). All over FATA there has never been any *jirga* at entire or tribe(s)/sub-tribe(s)/clan(s)/town(s)/village(s) level that has granted refuge to Al-Qaida or endorsed any activities of the militants-Taliban or Al-Qaida. I would challenge the scholars and journalists to produce evidence of any such *jirgas*. The fact is that Taliban and Al-Qaida

banned the institution of *jirga* wherever they took control in FATA or at least rendered it ineffective through targeted killing and intimidation of the tribal leaders, and all this was thoroughly facilitated by the ISI (see chapter three).

2) Soldiers of the Frontier Corps

Frontier Corps (FC), a federal paramilitary force, is under the control of the Interior Ministry of Pakistan. The FC is mainly responsible for anti-smuggling and border control duties. It is split into two independent forces: FC Baluchistan and FC Khyber-Pakhtunkhwa, individually commanded by senior military officers from the Pakistani Army with the rank of Major General. In theory, the force is also meant to be deployed for assisting the regular law enforcement agencies on need-basis. However, in the Pakistani scheme of things it fundamentally remains part and parcel of the Pakistani military-intelligence complex.

Rank and file and non-officer cadres of the Frontier Corps -both the FC Baluchistan and Khyber-Pakhtunkhwa- are drawn from Pakhtun tribes of FATA and the Khyber-Pakhtunkhwa province, while the officer cadres are exclusively drawn from the regular Pakistani army.

Frontier Corps has been the subject of intense controversy for some time now in relation to its role in the on-going security situation in the country. FC Baluchistan is consistently blamed for human rights violations including its running of the “*dump and kill policy*” of the Baluch nationalist leaders and activists³. So heightened is the controversy that even the incumbent Chief Minister Baluchistan feels no qualms in blaming it for running a parallel government in the province⁴. All this emanates from the ground reality of Baluchistan province – that the province remains the exclusive policy domain of the Pakistani military. Being the instrument of extreme highhandedness and brutality of the military-intelligence complex in Baluchistan, the FC is highly loathed in Baluchistan and has been seen as an outside force committing atrocities against the Baluch population⁵.

In northern Pakistan it is however a subject of different controversy. The dubious role of the Pakistani military-intelligence complex in the war on terror and the tribal area being a safe-haven and launching pad for terrorist operations in Afghanistan against the NATO and US troops is the subject of intense international controversy, and so is the FC Khyber-Pakhtunkhwa. The leaders of Afghanistan and international military coalition have frequently alleged cross-border movement of the Afghan Taliban across the Durand Line separating Afghanistan and Pakistan.

Allegations include facilitation of Taliban intrusion into Afghanistan from FATA, including the direct “*covering fire*” (Nawaz, 2009:17) to the Taliban by the FC personnel manning the border. The Pakistani military government under General Pervez Musharaf initially rejected all such allegations, but in the face of challenging evidences to the contrary the military establishment resorted to the lame excuse of a “*sympathy element*” of the FC personnel with the Taliban due to tribal ethnic factors for sustaining its plausible deniability.

Sadly many foreign researchers and journalists simply peddled that view without making any verification. Their literature freely accuses the ethnic Pakhtun soldiers FC of “*helping the Taliban*” (Fair and Jones, 2009: 164) because of the soldiers’ shared ethnic ties with the Taliban (John, 2009:174-181 & Hussain, 2008:149). We are informed that the terrorists have been crossing the Pakistan-Afghan border “*with direct assistance*” from the FC (Kilcullen, 2009:57). None of the writers provide any substantial evidence to validate their claims.

However, Fair and Jones (2009: 164) refer to some news reports and a classified US document in support of their claims. I do not doubt any assistance provided by the FC soldiers to the Taliban. There may indeed have been this kind of assistance provided to the terrorists by the FC soldiers. What I question is the tendency of the writers to drag the Pakhtun ethnicity of the FC soldiers in to the issue. None of the allegations or the supporting evidence so far provided by the scholars establishes the claim they make, i.e. that the FC soldiers assisted the Taliban out of ethnic or religious considerations.

The Frontier Corps is organized under a strict military discipline, and its immediate command remains in the hands of commissioned military officers appointed on deputation from Pakistani military. Various units of the FC are named after the administrative units in the province, like Dir Scouts (District Dir), Swat Scouts (District Swat), Chitral Scouts (District Chitral); and Mohmand Scouts (Mohmand Agency) and Khyber rifles (Khyber Agency) and are commanded with the title of FC Commandant by military officers with the rank of Colonel. Commandant is further assisted by regular military officers with the rank of Lt. Colonel, Major, and Captain directly managing and commanding the rank and file. Whereas in regular combat operations the direct command of the military officers goes as far as the “*Company*” level.

The issue of any ethnic tribal loyalty of the rank and file is also belied by the role of the FC all along its history, right from its establishment in the British era. It has conducted successful military operations in various

areas of the Khyber-Pakhtunkhwa province and FATA at various points in time and has earned commendation from various quarters. Its role was highly commended by the UN advisor to the Dir District Development Project, DDDP, against the poppy cultivation in the Dir District (Gillett, 2001). The FC also conducted successful operations in Bajaur agency (FATA) during the Benazir Bhutto government.

How could the FC enforce the rule of law on behalf of the Pakistani state on fellow Pakhtun tribesmen in Dir (Khyber-Pakhtunkhwa) and Bajaur (FATA) but “fail” or “offer reluctance” to do so in the context of the war on terror? The writers who accuse the FC soldiers fail to provide any insights into the role of the FC in the war on terror from the perspective of this force having a long history of being used as an effective tool of promoting the Pakistani state objectives.

Even if the tribal ethnic sympathy element is to be believed, the fact remains that Pakhtun society is divided into various tribes, sub-tribes, clans, and sub-clans. The loyalty and sympathy of any individual would logically go as far as his tribe or to even to the sub-tribe or sub-clan level. However the FC Units rarely operate in their own area. This moots any such claim of tribal sympathy, even if the strict command and control hierarchy of the force is not taken into consideration for a while. It is next to impossible that any personnel of the FC would dare join hands with the Taliban due to any such consideration of ethnic loyalty and sympathy. Exceptional incidents cannot be ruled out, but that is as true for the rank and file as it is for the officers in command. What is clear is that any such collaboration with the Taliban is simply impossible on a large scale unless sanctioned by the top echelons of the force, or at least by the immediate military officer commanding the force in the area.

The bottom-line is that the strong clan-based identity and sympathy link between the Taliban and the FC rank and file simply doesn't exist for two main reasons: the ethnic make-up of the FC ranks, and their respective area of operations. To elaborate further, the Dir Scout, for example, doesn't necessarily draw its rank and file from the tribes and clans domiciled in Dir district. The force is only headquartered in Dir, while it draws its ranks and file from diverse tribes inhabiting the Pakhtun areas of Pakistan. Neither is the same Unit deployed in territorial limits of Dir districts; it is generally deployed in various parts of the Khyber-Pakhtun province and the tribal area.

Also, the Frontier Corps remained a subject of controversy during the Afghan war against the Russians for its facilitation of the Afghan insurgents, which included their training and logistical support; however that was clearly a part of the then state policy. Precisely for this reason the

then Inspector General FC, Gen. Naseerullah Khan Babur, could publically take pride in its role in Afghan *jihād*. Babar publicly acknowledged “*that Gulbuddin Hekmatyar and Ahmad Shah Masoud were among the Afghans who were first recruited as Frontier Corps personnel (on paper) and then trained by the Pakistani military's Special Services Group*” (Abbas, 2007). “*After the Soviet invasion of Afghanistan in 1978, these assets proved very valuable*” (ibid) because the two citizens of Afghanistan- Gulbuddin Hekmatyar and Ahmad Shah Masoud- became key *Mujahideen* commanders fighting the Soviet invaders in this country.

I have been discussing the Western and Pakistani writers' claims about the FC soldiers with people in FATA, including retired and in-service FC soldiers, who I interviewed; 15 of them. Each one of the FC soldiers rejects any notion of sympathy with the Taliban due to shared ethnic or religious ties. Here I quote from an interview with one of the FC soldiers I interviewed:

“It is simply impossible for FC soldiers to ignore the orders from their commanders, who are from the regular Pakistan army. This understanding in the West (that FC soldiers assist Taliban), if really so, is very drastic and far beyond reality. There may have been cases of indiscipline. There have been some cases where the FC men are compelled by the circumstances to do something their official duty would not allow; for example when some powerful Taliban groups pressurize an FC man on duty with serious threats, he is sometimes compelled to let them cross the border or run away from duty. But to say that an entire unit or units after units of the FC soldiers were assisting Taliban or have sympathies with Taliban is simply baseless. I have relatives and friends in FC, some of them have died fighting the Taliban and others got injured. How did they die or get injured if they were with the Taliban? Come with me and I will show you the graves of the countless FC soldiers all over FATA. They all died fighting the Taliban, not cooperating with them. My understanding is that many more FC soldiers have died fighting Al-Qaida and the Taliban than the soldiers of the regular Pakistan army. Those in the West who write such things about FC soldiers should at least double-check their information. They are misleading the world by spreading around such information. It is simply irresponsible on the part of the Western writers”.

Any assistance per se by the FC soldiers to the Taliban is no proof of their ethnicity-based comradeship with the Taliban. On the contrary, they could have been under order by their commanders, who come from the regular Pakistan army, to allow cross-border movement of the militants, or to fire at the US, NATO, or Afghan forces. Most people with whom I have discussed this issue support the view that FC soldiers were under orders by their commanders.

It is also pertinent to mention that 735 FC soldiers have died in the fight against the Taliban and Al-Qaida in the war on terror, and 2050 have been injured⁶. The writers seem to be ignoring these deaths and injuries among the FC soldiers. Do these deaths and injuries mean nothing in terms of the FC soldiers' commitment to the Pakistani state, if "*facilitation*" of cross border movements by some FC soldiers is always attributed to their ethnic and religious bonds with the Taliban?

3) Tribal Women's Marriages with Al-Qaida Men

This is yet another myth circulated in the national and international scholarly and journalistic literature about FATA. Fair and Chalk report that "*after Soviet Union's withdrawal from Afghanistan, many of these battle-hardened militants- denied return by their countries of origin- stayed on in FATA where they were welcomed as jihadi heroes and allowed to marry local women*" (2006:12). David Kilkullen (2009:34) uncritically believed his Punjabi informant - a Pakistani army officer stationed in the Khyber agency- who informed him that Al-Qaida "*leaders have married into the local tribes; they have children and businesses here (in FATA)*". The author then based his entire theory, the "*accidental guerrilla*" on this myth and other unsubstantiated assumptions (2009:235). Rakisits informs us that "*following their defeat in October 2001, the Taliban and Al-Qaida escaped across the border into the tribal area of Pakistan. Hundreds of these foreign fighters settled and married into local tribes. They have since then established safe havens in FATA, especially in South and North Waziristan and Bajaur agency, and have been attacking coalition forces in southern and eastern Afghanistan with success, particularly since 2005*" (2008:6). Several other writers have reproduced the same myth- marriages of the tribal woman with the foreign Islamist militants (for example, Behuria, 2007:703; Hussain, 2008:143; Dogar, 2009:15).

It is untrue that several foreign militants, *Mujahideen*, or Al-Qaida terrorists, married into the local tribes in FATA. This is not to deny that the foreigners never tried to do so. It is not the first time that alien Islamists have tried to marry the Pakhtun women. The male-dominated Pakhtun society has violently responded to such aliens in the past, and it did so this time as well.

Many Pakhtun vividly describe how back in 19th century foreign Islamist militants, led by Syed Ahmad, tried to marry local women. The attempt led them into lethal clashes with the Pakhtun (Jalal, 2008:102-103). Hunter even informs us that Ahmad issued an edict that every girl

not married within 12 days should become property of his lieutenants (1999:17). Today many Pakhtun tribal leaders do not question the veracity of Hunter's information. They elaborate how Ahmad's men announced in mosques that their *Mujahideen* had left their homes and were in need of wives. Then the local families were forced to marry their girls to the militants. This violently backfired. The Yousafzai tribal leaders had a grand *jirga* that concluded that there was no way but to massacre all the foreign *Mujahideen*. The *jirga* chose the signal of lighting of a bonfire on the top of a mountain, called Karamar, for the beginning of the massacre. The bonfire was lit. The *Mujahideen* were killed and the remaining fled towards Balakot, Khyber-Pakhtunkhwa, where the waiting Sikh army killed all of them- a successful hammer and anvil strategy.

The present day Pakhtun also harshly reacted to attempts by the foreign Al-Qaida militants, to marry local women. In my interviews with Koki Khel tribal leaders, I have been told that back in the 1980's several Arabs, probably including Usama Bin Laden, were hosted as guests by a local tribal leader, Gulabad Khan, in a village near Maherban Kalay in Tirah, Khyber agency. Gulabad was given a great deal of money by the Arabs for the hospitality. The Arabs wanted to marry the local women. The Afridi disagreed and built up pressure on Gulabad Khan to evict his guests. He disagreed and several Afridi tribesmen clashed with Gulabad Khan and his Arab guests, killing him and some of his guests. The remaining Arabs fled to Afghanistan.

The key reason why the Afridis violently chased out the Arabs is the clash of cultures between the Pakhtun and the Arabs in terms of marriage and divorce. Divorce is highly frowned upon in the Pakhtun society. Dr Shaheen Sardar Ali, a Pakhtun scholar of Islam, elaborates this aspect of the Pakhtun society in these words:

"Insofar as the dissolution of marriage by divorce is concerned, it is a near impossibility due to the principle in Pakhtun society of women being the honour of the man. Consequently, were the man to divorce his wife, he would be relinquishing his "honour" and thus running the risk of another man appropriating it for himself! "Zantalaq", or a man who has divorced his wife, is one of the strongest most pejorative forms of abuse in Pakhto (Pashto)". (1997:202).

On the other hand, *"the Arab men routinely divorce and marry all through their life time. They have no shame about it. The Arabs are dishonourable men in relation to their women. No honourable Pakhtun father would like to give his daughter in marriage to the Arabs"*, said a Koki Khel tribal leader as he explained the background of the Afridi tribesmen clashes with the Arab militants. The Arab *jihadis* enraged the

Afridi tribesmen when the former produced *hadith* in support of their marriage practices and consequently attacked the Arab militants. Many Koki Khel Afridi tribesmen now proudly say that “*we clashed with Al-Qaida militants when even the West was in a “love” with them*”.

Similarly, a Jaji tribesman in Kurram agency agreed to give his sister in marriage to an Arab militant. The tribe held a grand *jirga* whereby all Jajis were stopped from marrying their women to foreigners. The tribesman was warned to give up the marriage plan or face exile. He gave in and the Arab militant never married the Jaji woman.

It is also not uncommon to even see the tribesmen feeling embarrassment over the marriages of their fellow tribeswomen with local Taliban commanders from FATA. Thus, for example, the Orakzai tribesmen do not like that one of their tribal girls from the Masuzai tribe has been given in marriage to Hakeemullah Mahsud, a militant from Waziristan. Similarly, an important reason why the Sunni section of the Story Khel tribe in Orakzai developed differences and ultimately clashed with the Taliban was that local (FATA) but non-Orakzai, Taliban wanted to marry women from the Story Khel tribe. Most Story Khel tribesmen do not admit it publicly due to their strict tribal norms of honour embodied by the tribal women. But many admit in private and even indicate the families who were approached by the Taliban with marriage proposals. This includes the families who were at the forefront of the Story Khel clashes with the Taliban.

Moreover, the Peshawar Declaration also categorically rejects the notion that the foreign militants have become part and parcel of the larger tribal society in FATA due to their prolonged stay in the area since the Afghan “*jihad*” and marriages with the local women during that time⁷. “*The fact is that in the tribal areas a foreigner is never called a native even if they have taken asylum and lived there for centuries*”, as affirmed by the declaration. This should not be surprising given the fact that FATA is a traditional tribal society that can be regarded as a homogenous society in many respects. Even societies across Europe have faced problems integrating people from non-Western ethnicities.

This, however, does not mean that the tribal society is xenophobic as reported by (Liebl, 2007). The tribes have been providing socio-cultural space to aliens, both Muslims and non-Muslims, to integrate themselves in the surrounding Pakhtun culture through a peaceful co-existence, such as the Sikh in Khyber and Orakzai, and the Punjabi settlers in Upper Kurram. In terms of culture and language the Sikhs and the Punjabis are fully integrated in the local tribal societies. Sikhs in Khyber even have tribal surnames, like Jeet Singh Afridi, Mehtab Singh Afridi etc. I have also met

some tribal Sikhs who told me they are members of the Qamber Khel Afridi tribe, a well-known Pakhtun tribe of the Khyber agency. Similarly, some of the Punjabi settlers have married local tribal women in Kurram. The Punjabis came to Kurram as tailors etc. The Sikhs settled in the tribal area as cloth and spice merchants. Both came to live in the tribal area as peace loving people and the local tribes accommodated them in the area. Today both Sikhs and the Punjabis are part and parcel of the local tribal society.

Unlike the Sikhs and the Punjabis, the Al-Qaida militants had come to FATA for violent *jihad*. As long as they are in the business of the *jihad*, there is no question they can be allowed to settled in FATA, because the *jihad* direct their commitments to the global Muslim *Ummah* rather than the tribe or clan based *Pakhtunwali*. To be integrated in FATA, commitments to the tribe or clan based *Pakhtunwali* must overrule other commitments. This first and foremost implies a commitment to peace in the area. This is something that the *jihadis* are unlikely to do. They have not come to FATA to get married and live peacefully for the rest of their lives as husbands and fathers. They have come there for *jihad*. They have disrupted life in FATA for the sake of their *jihad*. The wider society in FATA resents this; how could one hope to integrate in the surrounding majority society by annoying it?

There have, however, been some marriages between the foreign militants and the local Taliban families in FATA. Such marriages, however, have no impact or influence over the wider tribal society in any of the tribes in FATA. Some of them are said to be forced marriages. I have challenged David Kilcullen in the third chapter of this book to provide empirical evidence of the marriages between foreign militants in the local tribes. I pose the same challenge to the writers mentioned above and all other people who make claims about such marriages.

4) The Tribes' Autonomy and Weak State Control

The literature highlights the FATA tribesmen as “*fiercely autonomous*” and “*under a weak state control*”. FATA tribes are notoriously adverse to interference from foreigners, be they British colonialist, the Soviet invader, or even non-Pakhtun Pakistanis, including the Punjabi-dominated Pakistan army (Kronstadtn & Katzman, 2008:10). The tribes have “*traditionally (been) beyond the full writ of the Pakistani state*” (ibid). FATA tribes are fiercely “*autonomous*” and “*independent*” (Hussain, 2008:143). FATA is a critical “*no-man's land*” (Rikisits, 2008). The people

of FATA have historically been “*too unruly to be governed*” (Dogar, 2009:10). FATA is “*ungoverned space*” and “*a no-go area for the government (of Pakistan) forces*” (Kilkullen: 2009:232-233).

All such statements are sweeping judgements and far from the truth. Fair and Chalk are right when they comment that ‘these axiomatic constructs of FATA as a “*no-go zone*” or an “*ungoverned space*” are not strictly speaking correct (2006:10). Constitutionally, FATA is part of the Pakistani state, and subjected to its authority. The President of Pakistan is authorised to direct the governor of Khyber-Pakhtunkhwa about the state administration in the tribal area. The state administrative structure and authority in FATA is led by a Political Agent along with his support staff, including *Khasadar* forces, the tribal police force. Moreover, the President of Pakistan is authorised to declare at any time that “*the whole or any part of a Tribal Area shall cease to be Tribal Area*” under the current special legal set up, FCR, and to legally integrate it with the rest of Pakistan⁸.

In a sense, these axiomatic constructs of FATA also sound ridiculous. I would like to raise a few simple questions for the writers of such constructs of FATA. One, how could the CIA and ISI operate their entire grand “*jihad*” against the Soviets from their bases in FATA if the area has been an “*ungoverned space*” or “*under a weak state control*” or a “*no-go area for the government of Pakistan*”? Two, were the Soviets so witless that they could not even destroy the bases of *jihad* in an “*ungoverned space*” or a space “*under a weak state control*”? Three, perhaps instead they believe that the entire “*jihad*” against the Soviets was solely launched and operated by the FATA tribesmen, and the CIA and ISI have had no role in it since the area has been a “*no-go area*” for the government of Pakistan and presumably for the US government as well?

The notion that the FATA tribes are fiercely autonomous is also misplaced. The tribesmen are subjected to the legal and administrative structure contained in the Frontier Crimes Regulation (FCR) 1901. Most human rights bodies have termed the FCR “*oppressive*” and “*against human rights*”. Each tribal agency’s administration is presided over by a Political Agent who enjoys extensive executive, judicial, and fiscal powers. The FCR allows for collective punishment and preventive detention and does not provide the right of legal appeal in Pakistani courts. Political parties of Pakistan are banned from working in FATA. How could a people living under the FCR be “*fiercely autonomous*” and “*independent*”?

Anita Demkiv (2009:7) puts forward a frivolous reason for the continued existence of the FCR in FATA since the British time: “*the FATA residents have not replaced it (FCR)*”. How could FATA residents replace the

FCR? The President of Pakistan is authorized to do so. Demkiv must tell us, when was the last time the Pakistani authorities asked FATA residents to vote on whether they want FCR? May I ask Demkiv and all those who claim that FATA is “*autonomous*” and “*independent*” why the Political Parties Act of Pakistan has not been extended to the area? President Zardari announced the promulgation of the act in FATA in 2009. Who is resisting a formal notification in this regard? Is it the people of FATA or political parties of Pakistan? Isn't it the military establishment based in Rawalpindi that is averse to any idea of Pakhtun nationalist political parties operating in the area due to its eternal fear of Pakhtun nationalism? Isn't it the military establishment that is ensuring the legal isolation of FATA so that the area can be freely used a strategic space in pursuit of strategic depth in Afghanistan?

Jails in Khyber-Pakhtunwali have never been empty of FATA residents incarcerated by the political administration for indefinite periods on the most flimsy of charges. For how long would a “*fiercely autonomous*” people put up with such a situation? The people of FATA have been bearing this situation from the creation of the state of Pakistan to this day. Some interviews with jail authorities, staff in the political administrations in FATA, and friends and relatives of the incarcerated tribesmen would have been quite informative for the writers, who uncritically keep reproducing the axiomatic constructs of FATA.

5) Drone Attacks on FATA

The US Central Intelligence Agency, CIA, has made a series of attacks on Taliban and Al-Qaida targets in FATA since 2004 using predator drones, also known as unmanned aerial vehicles. These strikes are part of the US-led war on terror. Pakistani authorities routinely denounce the US drone attacks on FATA and demand that the US halt them⁹. They argue that the attacks are a violation of Pakistan's sovereignty and that the robotic assassination campaign has proven to be counter-productive in the war against terror. They point out that due to large scale civilian casualties the attacks are uniting the militants and the tribal people¹⁰. There are, however, many reports that the drone strikes on FATA are carried out from air bases within Pakistan¹¹. US Officials say the strikes are carried out under an informal agreement with Islamabad that allows Pakistani leaders to criticize them in public, but Pakistan denies any such agreement¹².

There has been a great deal of research and journalistic literature¹³ produced about the US drone attacks in FATA. Most of the literature misinforms in terms of civilian casualties caused by the attacks and public opinion in the tribal area about the strikes. I have been addressing such reports via my research papers¹⁴ as well as newspaper columns¹⁵.

Unfortunately, the misinformation continues. One such example is a report “The Year of the Drone” produced by two writers, Peter Bergen and Katherine Tiedemann, linked with the New American Foundation. The report claims that 32% of those who have died in drone attacks since 2004 were innocent civilians in FATA and that the public opinion in Pakistan, including FATA, is against the drone attacks. I have challenged that report through my paper, “The Year of the Drone Misinformation”, published in the journal *Small Wars and Insurgencies*¹⁶. Later the New America Foundation, together with Terror Free Tomorrow, conducted a public opinion survey in FATA that showed that the “*American drone attacks (are) deeply unpopular*” in FATA and 76% of respondents opposed the attacks¹⁷. The survey was conducted at a time when most people of FATA were IDPs outside FATA. Serious ethical and methodological flaws mar this survey. It provides blighted information about the tribal public opinion that seriously misguides. I have challenged the survey through my newspaper column “An Unethical Survey on FATA¹⁸” and my research paper, “A Critical Perspective on a Recent Survey of Opinion in Pakistan’s Tribal Zone”. The paper will be published in the research journal *Small Wars and Insurgences* in spring 2011.

Almost two years ago the Aryana Institute for Regional Research and Advocacy, AIRRA¹⁹, conducted the first-ever public opinion survey in parts of FATA on the US drone attacks in the area²⁰. The survey contradicted the widespread mediatized opinion that the FATA residents begrudge the drone attacks as drones target civilians. The survey generated heated discussions in media and research circles. Many dismissed the survey findings in disbelief, others with disgust. Ironically, most of rejectionists do not have any direct access to FATA due to poor security or other reasons.

Two years down the road, at least two independent investigations, one by Matthew Fricker, Avery Plaw and Brian Glyn Williams²¹ and the other by Shahid Saeed and Awais Masood²², have concluded what the AIRRA survey claimed: the drone attacks are accurate in hitting the militants in FATA and the number of the civilian casualties has been greatly inflated by media reports. This is a welcome development in research and I hope that more researchers will show their ability to see beyond the media fabrications about the civilian deaths in the drone attacks inside FATA.