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1. Introduction

The tribal areas in north-western Pakistan have been an epicenter of conflict for centuries - as many as 70 major conflicts are believed to have occurred in this region in the last 800 years.¹ Whilst the belligerents in these conflicts have changed over time, the ethnic Pashtun population of the region has largely remained the same. The majority of the Pashtun population occupies what is commonly referred to as the "Pashtun belt," a region straddling the British delineated Pakistan-Afghanistan border, commonly known as the Durand Line.² The Pashtuns are organized as a multi-tribal society with an estimated population of 40 million in both Afghanistan and Pakistan.³ Many Pakistani Pashtuns claim that they are one of the largest ethnic groups in the world without a homeland.⁴ Additionally, the Pashtuns are reputed to be the largest tribally structured society in the world.⁵

This paper specifically focuses on the regional Pashtun population of Pakistan's Federally Administered Tribal Areas (FATA), the geographical centre of the Pashtun belt. More importantly, over the past decade Pakistan's tribal areas have been at the heart of the geographic and strategic efforts to combat terrorism and militancy both within Pakistan and abroad. Due to its proximity to Afghanistan - culturally and geographically - FATA has felt reverberations of the US-led war on terror.

The prevalent situation in FATA has global implications, as is evident from the ongoing row between the US and Pakistan over the Haqqani militant network based in FATA,⁶ or the question mark over the legitimacy of US drone attacks in the region.⁷ Multiple terrorist attacks in the West in addition to the hundreds that have jolted Pakistan have been logistically or ideologically linked to the tribal areas. The 7/7 bombings in London which was planned and orchestrated from Bajaur Agency in FATA is a clear litmus test. The foiled Barcelona bombing plot in January 2008 was also traced to FATA.⁸ A similar example is Faisal Shahzad's recent failed attempt blow up a car in New York's Times Square.⁹ After his arrest, Shahzad admitted to having received training on explosives in the North Waziristan tribal region of FATA. Transnationally orchestrated attacks emanating from FATA have damaged Pakistan's strategic posturing on the global level, adding an additional political price to the cost that thousands of Pakistani civilians have paid with their lives as a result of terrorist attacks in Pakistan. In recent years, FATA has emerged as the nerve centre of global terror. As mentioned above many terrorist attacks in Pakistan and elsewhere are a direct result of the ongoing conflict in FATA.

Since the beginning of this conflict, multiple non-Pashtun actors have had a hand in influencing the political and social fabric of this strategic region. It is rather a common theme in Western literature to claim that the Taliban are an overwhelmingly Pashtun affair. While it may be true in Afghanistan, it does not apply to the Pakistani Taliban, who are loosely organized under the umbrella group Tehrik-e-Taliban Pakistan (TTP). In FATA, there are a significant number of foreign militants in addition to non-

Pashtun Pakistanis who are jointly responsible for the overall leadership and ideology of the insurgent campaigns.¹⁰

An unprecedented consequence of the conflict is the presence of the Pakistan Army in FATA and its continued operations and other military involvements in the area. Counterinsurgency operations in the region have often been held in populated areas and have had a severe impact on the local population, resulting in civilian deaths and mass population displacement.¹¹ Even though the region's history is rife with conflict, the influx of external agents and influences amid the current conflict has dealt unprecedented blows to the Pashtun way of life in the tribal areas.¹²

In recent years, there has been a shift in the US and Pakistani policies towards the region, with a greater emphasis on gaining the allegiances of the local population,¹³ a strategy crucial for a successful counterinsurgency.¹⁴ With regard to FATA, the allegiances sought by counterinsurgency forces would be exclusive to Pashtuns, hence the most important requirement is an accurate understanding of Pashtun culture. Several aspects of Pashtun culture had proven strategic utility in the past and, theoretically, could be used to counter the current militancy.

Exploration of the interplay of Pashtun social structures in the context of the ongoing militancy in FATA is the central theme of this paper. It aims to facilitate a greater understanding of the effects the current conflict has had on these characteristics of Pashtun culture, focusing on traditional governance and power structures in the region. An accurate understanding of the specific relationship between the militancy and the Pashtun social structures in FATA is crucial in gaining a comprehensive picture of the ongoing conflict that has infected the region and contributed to instability and terror felt far beyond the borders of FATA.

Methodology

The pre-1970s literature addressing Pashtun culture was based on ethnographic assessments such as James W. Spain's *The Way of the Pathans*. More recently, there has been a resurgence of interest in studying Pashtun culture in the context of post-9/11 influences and conflicts. Unfortunately, these recent works often include research derived from decades-old ethnographic assessments. Reliance on these relatively old studies of Pashtun society despite the significant volatility of the society in recent decades is a testament to the difficulty involved in objectively and comprehensively conducting research in the region. The aim of this paper is to incorporate more recent information and move towards a progressive understanding of Pashtun social structures amid the ongoing militancy in FATA.

Pashtun society in its current construct largely represents a blend of both perennial and modernist approaches to ethnic nationalism. This amalgamation of the two theories means that whilst ethno-nationalist group identity is based upon historical, linguistic, cultural, and ethnic roots, the contemporary political formulation of the group is a relatively new development. With regard to the Pashtuns this is apparent as there were no efforts to become a Westphalian modelled nation-state until after the demarcation of the Durand Line in 1893, which is when the Pashtuns to the east of the Durand Line became citizens of a different country.¹⁵ It was only after the tribes were divided by an international border that efforts were made towards politically uniting all Pashtuns in an ethnically homogeneous nation-state. A consideration of the historical ties between the Pashtuns of modern-day Afghanistan and

Pakistan facilitates a comprehensive understanding of the current situation in FATA. With this historical context in mind, this paper is focused on the following research questions:

1. How and to what extent has the current militancy influenced Pashtun social structures?
2. Does a re-engagement with regional Pashtun social structures represent a viable method to counter the militancy in FATA?

A largely qualitative approach incorporating a historical analysis, current literature and events, and interviews has been utilized. A range of literature on the subject has been consulted, from both Western and Pakistani authors of varying professions and perspectives. The core findings of the paper are based on over 20 interviews and discussions with Pakistani government and military officials, religious scholars, secular academics, former militants, NGO executives, politicians, journalists, and local Pashtuns.¹⁶

2. Pre-militancy Norms of Regional Pashtun Society

Of initial importance is an understanding of pre-militancy characteristics of Pashtun culture in FATA in order to accurately deduce the effects of the current conflict. Formal and informal institutions of governance are addressed, including the current legal status of the region. Additionally, individual positions of power that have contributed to the social structure of Pashtuns in FATA are discussed.

2a. Legal Status of FATA

Historically, the Pashtun tribes of FATA have largely been left to their local political and administrative structures, as they have been extremely reluctant to allow external meddling in their areas of influence. This trait of Pashtuns, a desire for an existence free of external influences, stems from the Pashtuns' pride of independence and individual honor. When asked, many Pashtuns do not hesitate in proclaiming that their people have been unconquered by every crusading empire that has come to the region since Alexander the Great.¹⁷ While it is true that the Pashtuns have not been militarily defeated by any foreign power, such powers have exerted control over the region through significant methods which survive to this day. Most pertinent is the Frontier Crimes Regulation (FCR) of 1901, a British colonial era set of laws, which is instrumental in governing the region even today and limits the central government's writ to territory along a few main roads passing through FATA.¹⁸ Under the FCR, FATA has a different administrative status from the rest of Pakistan¹⁹ and is divided into seven tribal agencies, or districts, loosely based on tribal divides.²⁰ The FCR was devised as a means to ensure relative stability in the region by limiting the effects of marauding tribes coming to the settled areas, and sought to preserve British interests in the region.²¹ It advocates acts such as collective punishment and arbitrary detention, and invokes a great deal of authority on the British delineated political agent—a representative of the federal government in the tribal agency—whilst undermining traditional modes of Pashtun governance.²² The FCR has been called "...a bad law nobody can defend" by the independent Human Rights Commission of Pakistan.²³ Recently, there have been increasing calls by Pakistani government officials and NGOs that the FCR should be substantially amended if not repealed altogether.²⁴ Indeed, a survey conducted in FATA indicates that the majority of the local population

wishes to see a change in the legal status of the region.²⁵ However, whether the political pontificating in Islamabad will lead to a change on the ground in FATA remains to be seen.

The rest of the territory in FATA is “lawless” in the sense that the Pakistani constitutional guarantees do not apply in these areas. Despite this lack of central control, until recently there have always been regional forums of governance, some more formal than others, which have endeavored to maintain order and stability.

2b. Traditional Social Structures

In FATA, a social institution as well as certain individual positions of power have been influential in the pre-militancy structure and governance of Pashtun society. The only notable governing institution within the Pashtun social fabric is that of *jirga* (assembly or council of elders), which acts as a mechanism for conflict resolution among Pashtun tribes at all levels of society. With regard to influential individuals in the pre-militancy era, political agents, *maliks*, and tribal elders all held positions of authority. They had key roles in the Pashtun society in FATA that could be governed, or at least monitored, first by the British colonizers and later by the Pakistani government.

Jirga: The Pashtuns claim *jirga* was originally modelled on the ancient Greek democratic forum and continues to be “...a close approach to Athenian democracy.”²⁶ Irrespective of the veracity of this claim, it is certain that *jirga* is at the very core of the Pashtun social structure and has encouraged relative regional stability. In pre-militancy FATA, *jirga* did have some legal legitimacy from Islamabad, but its real strength came from its engrained social legitimacy. A Pashtun must abide by a *jirga* ruling or risk expulsion from the community.²⁷ The primary function of *jirga* has always been to resolve conflicts at all levels of society, intra-tribal and inter-tribal disputes are both within its scope.²⁸ Notably the principal goal of *jirga* is not to dispense justice in the Western sense, but rather to resolve conflict. Dr. Qibla Ayaz, director of Sheikh Zayed Islamic Centre and Institute of Arabic and Islamic Studies at the University of Peshawar and an expert on Pashtun culture, states, “[the purpose of] *Jirga* is to resolve the situation[,] not go to the root of the problem.”²⁹ *Jirga* decisions must be unanimous, and deliberations can continue for days, until every party involved has come to an agreement.³⁰ A *jirga* is authorized to raise a *lashkar* (tribal militia) to implement its decisions if disagreement emerges after the unanimous ruling.³¹ In recent history though, *jirga*'s greatest weakness has been a lack of power to implement its decisions.³² *Jirga* deliberations resulting in a lack of implementation has increased as external actors in the region became more involved and controlled traditional forums of Pashtun governance in FATA.

Political Agents: These individuals are government-sponsored elders, federal civil bureaucrats, who serve as the official intermediaries between the government and the tribes. They impose the government's will to the best as they can in FATA and to a lesser extent represent the desires of the Pashtun tribes to the government.³³ One political agent is appointed in each of the seven tribal agencies of FATA, under whom are the regionally appointed *maliks*.

Maliks and Mullahs: *Maliks* were the traditional powerbrokers of Pashtun communities in FATA. Historically, *maliks* tended to be wealthy landowners whose power passed along hereditarily. When the British attempted to assert their control on the Pashtun population they utilized the *malik* system via political agents in order to gain some control in the region.³⁴ Since the creation of Pakistan, the federal

government has largely used the same methodology to govern the tribes. In the 1973 Constitution of Pakistan, close to 37,000 *maliks* were given the authority to vote on behalf of the entire population of FATA.³⁵ It is important to note that *maliks* have never enjoyed popular support among the population of FATA. Widespread corruption, human rights abuses and resulting international pressure forced the Pakistani government to begin modifying the *malik*-government relationship.³⁶ In 1997 the Pakistani government gave universal adult franchise to the residents of FATA and dealt the “first major blow to the political hegemony of the hereditary institution of *maliks*.”³⁷

Additionally, a shift of regional power and authority from *maliks* to *mullahs* (clerics or religious leaders in general) was already under way in the last quarter of the 20th century. It is now well documented that a policy of Islamization was adopted by the regime of military ruler General Ziaul Haq towards FATA in the 1970s and 1980s to counter the former Soviet Union.³⁸ Consequently, *mullahs* saw their political power and influence increase to an unprecedented level.³⁹ Previously, *mullahs* had very little political significance in FATA. They were only invited to *jirgas* to offer advice on religious matters, and were not allowed to vote in *jirga* rulings.⁴⁰ By the time Taliban influences started emerging in FATA, regional governance was already in an unstable position, as the shift of authority from *maliks* to *mullahs* was challenging established methods of regional Pashtun governance.

Tribal Elders: Before the current conflict unfolded in FATA, there were thousands of elders across the region who were members of *jirgas* and could be counted as part of the social power structure of FATA. These elders, exclusively male, were elected from their villages to represent their communities. A village of 10 to 15 homes would generally elect one elder to represent them.⁴¹ This process has prevailed across FATA for centuries, and is the principle reason some considered tribal governance within FATA to be widely representative.⁴²

3. Ramifications of Militancy for Pashtun Social Structures in FATA

The current conflict in FATA has had severe consequences for traditional Pashtun social structures in the region. Pashtun society has been systematically targeted as part of militants’ strategy with aims to weaken the local populations and to create an environment that is more susceptible to militants’ ideology and control. Additionally, non-Pashtun influences on the region, from the other side of the war on terror, have substantially led to the crumbling of already weakened traditional power structures. The institution of *jirga* as well as the individual positions of power such as *maliks*, *mullahs*, and tribal elders have experienced significant consequences as a result of the ongoing wave of violence in FATA.

Jirga: In recent years, the regional construct of *jirga* has undergone significant changes as a consequence of the current conflict. These changes have had an impact on other facets of Pashtun culture as *jirga* is the fundamental social institution of traditional Pashtun life in FATA.⁴³ The overarching integrity of Pashtun society in FATA has been challenged by the militants’ systematic targeting *jirgas* in the region, as attacks on *jirgas* have proven to have a significant strategic utility for the militant insurgency.

Jirga has been an intrinsic feature of this region for centuries, and the intentional targeting of *jirgas* is definitively non-Pashtun in nature.⁴⁴ This tactic is indicative of the foreign militant ideology that has risen to prominence in recent years. There have been a number of attacks against *jirgas*, most recently a suicide attack on a peace *jirga* in Mohmand Agency that killed over 100 people and injured many

more.⁴⁵ Another instance is the October 2008 attack in upper Orakzai Agency when a bomber drove an explosives-laden truck into a *jirga* meeting that had just voted to raise a *lashkar* in order to secure their region and counter the spreading militancy.⁴⁶

The attacks on *jirgas* have had multiple effects beyond the immediate carnage. First, the attacks are responsible for the lack of *jirga* meetings in general and large *jirga* meetings in particular. Out of fear of assault, *jirgas* are held in private with a much smaller number of elders in attendance than earlier practice, undermining its representative nature and legitimacy. Second, these attacks have had psychological effects on the population with regard to *jirga* and traditional norms of Pashtun culture. The local populations have begun to question the ability of *jirga* to serve as an effective conflict resolution mechanism, wondering what it would be able to achieve for the population when it cannot protect itself.⁴⁷ This has forced the locals to seek justice from other avenues, which has directly benefited the insurgent 'administration'.

Another conflict-induced blow to the institution of *jirga* has been the rise of Taliban *shura* in certain areas of FATA. In Taliban-administered areas of FATA, *jirgas* have all but been replaced by *shura*, a religious council that serves many of the same purposes of the traditional *jirga*, albeit by means of a different process and ideology.⁴⁸ A *shura* in its regional construct is not representative; members are chosen by the local militant commander with an aim to uphold the militant interpretation of *Sharia* law.⁴⁹ The *shura* serves to give a forum of justice to the Pashtun society in FATA at a time when no other capable social institution exists. Pashtuns who have been unable to get justice through any other means and appealed to the local *shura* credit the Taliban with providing justice at the doorstep.⁵⁰ At a moment of such unprecedented anarchy in FATA, any form of justice is seen as better than none at all. Notably, the interpretation of *Sharia* law invoked by these *shuras* is not compatible with many of the facets of *Pashtunwali*, literally translated as "the way of the Pashtuns", the regional ideology and the framework in which *jirga* operated.⁵¹ Thus the establishment of *shuras* in some parts of the region has served to further undermine traditional Pashtun norms and ingrained a militant ideology among communities of FATA.

In the long term, a principal concern is the detrimental effect the conflict has had on the social legitimacy of the institution of *jirga* which will be felt long after the violence has ended. With the weakening of social structures in FATA the Pakistan Army has assumed a much more involved and influential role in the traditional forms of governance in FATA, especially *jirga*. The few *jirgas* that do convene in FATA are widely seen as government sponsored, and *jirga* ruling are implemented only if they are in line with the regional army doctrine.⁵² This means that the traditionally representative and independent institution of *jirga* is now seen as being under the government's thumb. Most *jirgas* in FATA cannot currently take place without at least tacit army approval, as armed protection is often needed. This leads to a *jirga's* ability to implement its decisions being hijacked by the government agenda. That cloud hanging over the legitimacy of *jirgas* would lift only when *jirgas* are once again able to convene publicly and independently, without the involvement of government officials, and are attended by members in sufficient numbers so as to be adequately representative.

Maliks and Mullahs: Even before the current conflict the *malik* system was in a volatile state with pressure for amendment of the *malik*-government relationship coming from both from within Pakistan and abroad.⁵³ In the last few decades of the 20th century, *maliks* saw their influence and authority decline as *mullahs* became more powerful in the region.⁵⁴ Militants in FATA were able to exploit the

population's dislike for the *malik* system and its ingrained inequalities, such as the *Nikkat* system of taxation and resource allocation, whilst appealing to religious predispositions of the locals. This further accelerated the shift of regional power and authority from *maliks* to *mullahs*. *Mullahs* are now viewed by many as the real powerbrokers of the region as many *maliks* have fled to Peshawar or to Islamabad, and most of the few who remain in FATA have very little power or influence.⁵⁵

Mullahs on the other hand have seen a great increase in their authority and influence. For instance, NGOs conducting development projects in FATA have been known to contribute financially to regional *mullahs'* coffers in order to gain initial permission as well as continued support for their work.⁵⁶ Further evidence of *mullahs'* authority and support among the people was witnessed in a survey conducted in 2009 which found *mullahs* to be the most trusted figures in FATA.⁵⁷ This rise of *mullahs* as the predominant regional individual powerbroker is unprecedented for Pashtun society, and is indicative of the extent to which the ongoing militancy is affecting regional cultural norms that have existed for centuries.

Tribal elders: The Tribal elders have been intentionally targeted by militants in all agencies of FATA. The exact number of those who have been killed is not known, although estimates fluctuate between 600 and 1,000.⁵⁸ As the elders have been local leaders with the widest popular support base and maintained close ties between the locals and the regional governing structures, their deaths have had a significant effect on Pashtun society.⁵⁹ The identity of those responsible for the murders is not known in many cases, as rarely does an organisation take responsibility for targeted killings of FATA-based tribal elders.⁶⁰ However, it is apparent that regardless of the perpetrators, the killings serve the purposes of the militant insurgency.⁶¹

The targeting of tribal elders has given a two-pronged strategic advantage to the militants. Firstly, eliminating tribal elders created a physical power vacuum which the militant commanders were able to fill in the early days of the insurgency, managing to get a foothold in some communities in the region. According to an Afghan Pashtun elder's comments, which are equally applicable to the Pashtun in FATA, "The aim of these murders is to finish off everybody in this society who has the potential to lead the society in the future, and who can lead them toward peace and stability. Anybody who is identified as such has been eliminated."⁶² Secondly, the targeted killings of elders had a significant psychological impact on the populations of FATA. The lack of trusted and experienced regional leaders has done much to quell dissent for the militants in certain communities, as well as challenge interrelated Pashtun structures such as *jirga*.⁶³

The conflict has taken Pashtun social structures in FATA to a stage where traditional forums of authority and governance have been substantially eroded. The traditional structures have been replaced by *mullahs* and militants who largely do not view the local population as a people to govern and live amongst but as a necessary accessory to the insurgency. The militants are only answerable to their *amir* (militant commander) and have no regard for *Pashtunwali*.⁶⁴ As Naveed Shinwari states, "Taliban culture and Pashtun culture are not compatible."⁶⁵ If the militancy continues, however, it is possible that what we once knew to be Pashtun society will be marginalized to such an extent that it will be fully enveloped by the ongoing militancy.

4. Utility of Traditional Pashtun Social Structures in the Counter Militancy Effort

Re-engaging with traditional Pashtun social structures for regional peace and stability might initially sound like an effective option to counter militancy in FATA, as doing so would appeal to the local population and could be instrumental in gaining their allegiance; a central aim of the counterinsurgency effort.⁶⁶ However, advocating a blanket return to the pre-militancy norms of the Pashtun society in FATA is neither a reliable nor currently realistic method to counter the militancy. Political and social progress must be the central theme to the counterinsurgency in order to ensure that the principal motivations of the population for aligning with militants do not return. Moreover, the Pashtun society in FATA has been decimated to such an extent that social governance mechanisms currently are too weak to be appealed to in the current security climate. The area in question must first be militarily held and cleared of militants before progressive social structures can be utilized in the peace-building process.

Progress in FATA necessarily entails further changes to key structures of Pashtun culture as well as external support of those traditional governing mechanisms which prove to be capable of progressive evolution. Dr. Idrees Khan argues that without social and developmental progress in FATA the militancy will never be countered, and although progress will necessarily further change Pashtun traditional norms, certain progress is mandatory for the successful countering of the militancy.⁶⁷ Importantly, neither Taliban administrations, *mullahs*, *maliks*, nor the FCR are the progressive methods for the governing of FATA. Social and political progress will not come easily to the region; there are a myriad of obstacles that must be overcome. For instance, even if the FCR were to be repealed, many argue that it would quickly be replaced by *Sharia* law, which under a militant administration would be equally, if not more, counter-progressive and counter-productive for regional peacemaking efforts. However, it is possible that empowering certain social structures such as representative *jirgas* and elected tribal elders rather than hereditary *maliks* could lead to significant headway in the counterinsurgency.

Jirga has shown itself to be a potentially progressive means of bringing a level of stability to FATA via conflict mediation, and has been advocated as a 'local solution' to militancy.⁶⁸ The evolving role of *jirga* in regional conflict resolution has already been seen in other areas of Pakistan. For instance in Swat, a Pashtun-dominated district of Khyber Pakhtunkhwa province, a *jirga* expelled the families of militants who refused to stop fighting, thereby eliminating their local support base. However, the *jirga* had only ruled that the families must be expelled from the area. The ruling was implemented by Pakistan Army personnel, indicating once again the current weakness of *jirga* and the increased role of the army in Pashtun governance.⁶⁹ Nonetheless, experience has shown that the institution of *jirga* does bring a potential utility to the counterinsurgency effort, albeit with little success in FATA as yet.

However, utilizing *jirga* as a regional conflict resolution mechanism is in itself problematic for now. The institution of *jirga* in FATA cannot survive without overt support from the government due to the threat of attacks from militants, but if there is explicit government support, as is necessary to counter potential militant threats, *jirga* will lose its credibility as a socially legitimate institution of conflict resolution. This quandary is the first hurdle that must be overcome, inevitably through military means, before *jirga* can begin to be re-engaged in the restoration of stability to FATA.

Unfortunately, many other social structures in FATA from the pre-militancy era cannot be counted upon to provide a progressive means of conflict resolution. For instance, *maliks* and political agents have their livelihoods invested into their positions and therefore have very strong incentives for returning to a situation resembling the pre-militancy era as this would facilitate reclamation of the authority and influence they once commanded.⁷⁰ A government-backed resurgence of this system of governance could prove counter-productive to the counterinsurgency effort as it would further alienate the local population which could encourage at least tacit support of militant outfits operating in FATA.

There needs to be a greater amount of stability in the region before Pashtun social structures such as *jirga* can play a role in the peace-building process. There is currently very little capacity of traditional Pashtun governance to counter the militancy, its real strength and utility will come once a measure of peace is attained by military operations. Only then can traditional Pashtun society begin to play a substantial role in rebuilding and governing the local population.

5. Conclusion

The conflict in FATA has serious global ramifications. Thus, an understanding of the roles and influences of regional Pashtun culture within the context of the ongoing insurgency is of the utmost importance. The myriad complexities of regional Pashtun society must be taken into account when formulating a comprehensive picture of the ongoing conflict in FATA. A blend of Pashtun governance and societal structures aided by an influx of infrastructure and development could be a realistic, long-term peace-building mechanism in the region. However, before applying this model, a stable security climate is necessary and militant administrations must be eliminated at the very least.

As the above research argues the militancy in FATA has had devastating effects on traditional norms of regional Pashtun society. As a result of the conflict, antagonists from both sides of the war on terror have compromised traditional social structures in pursuit of their respective objectives. The conflict has degraded regional social structures to such an extent that militant administrations have seized control of many areas of FATA.

While the assaults on Pashtun social constructions have left regional Pashtun society severely weakened, the Pashtun social structures still have a potential utility in the peace process. Although the real usefulness of progressive Pashtun social structures such as *jirga* will not materialize until a relatively secure situation is created in FATA. The necessary security climate conducive to a nascent growth of Pashtun society can only be brought about by military means, once this is achieved Pashtun culture and progressive social structures can play a principal role in the peace-building process. Until such a time, Pashtun society in FATA will remain decimated, and its potential utility in the counterinsurgency unrealized.

Notes

- 1 Naveed Ahmed Shinwari, director of Community Appraisal and Motivation Programme (CAMP), an NGO working with underprivileged communities in FATA and Khyber Pakhtunkhwa. Interview with the author, Islamabad, June 2010.
- 2 Pashtun, Pathan, Pakhtun, Pukhtun are different words used to refer to the same people. This paper uses the first as it has risen to prominence as the designation of choice when discussing the post-9/11 conflicts in both Afghanistan and Pakistan.
- 3 Central Intelligence Agency, *The World Factbook*, <https://www.cia.gov/library/publications/the-world-factbook/>, accessed on July 5, 2010.
- 4 Amir Khan, regional government official, interview with the author, Hayatabad (Peshawar), July 2010.
- 5 Thomas H. Johnson, "On the Edge of the Big Muddy," *China and Eurasia Forum Quarterly*, Vol. 5, No.2, (Washington: Central Asia-Caucasus Institute & Silk Road Studies Program, 2007) p. 119.
- 6 Amir Mir, "US wants Pak offensive against Haqqani network," *The News*, May 14, 2010, http://www.thenews.com.pk/top_story_detail.asp?Id=28838, accessed on July 2, 2010.
- 7 Charlie Savage, "UN Report Highly Critical of US Drone Strikes," *New York Times*, June 2, 2010, <http://www.nytimes.com/2010/06/03/world/03drones.html?scp=8&sq=drones&st=cse>, accessed in July 2010.
- 8 Video interview with top Pakistani Taliban spokesman Maulvi Umer, released by NEFA Foundation on August 29, 2008.
- 9 Karin Brulliard, "In wake of bomb scare, US may lean on Pakistan to hit harder against militants," *The Washington Post*, May 5, 2010, <http://www.washingtonpost.com/wpdyn/content/article/2010/05/04/AR2010050405173.html>, accessed on July 6, 2010.
- 10 Aqeel Yousafzai, Peshawar-based journalist, interview with the author, Islamabad, June 2010.
- 11 Internal Displacement Monitoring Centre, <http://www.internal-displacement.org/countries/pakistan>, accessed in July 2010.
- 12 Interview with Naveed Shinwari.
- 13 Julian E. Barnes "US forces step up Pakistan Presence," *The Wall Street Journal*, online edition, <http://online.wsj.com/article/SB10001424052748704723604575379132838698738.html?>, accessed on July 22, 2010; Xinhua, "Pakistan army chief apologizes over civilian deaths," April 18, 2010, <http://english.peopledaily.com.cn/90001/90777/90851/6954625.html>, accessed on July 22, 2010.
- 14 David Galula, *Counterinsurgency Warfare, Theory and Practice*, (Delhi: Praeger Security International, 2008).
- 15 Bijan Omrani, "The Durand Line: History and Problems of the Afghanistan-Pakistan Border," *Asian Affairs*, 40: 2, (London: Routledge, 2009), pp. 188-189.
- 16 Names of some of the people interviewed have been changed on account of the current security situation. Where applicable, the positions of those interviewed have been stated.
- 17 Ali Mehsud, Peshawar-based journalist, interview with the author, Peshawar, June 2010.
- 18 Thomas H. Johnson, "On the Edge of the Big Muddy," *China and Eurasia Forum Quarterly*, Vol. 5, No.2, (Washington: Central Asia-Caucasus Institute & Silk Road Studies Program, 2007), p.110. The Constitution of Pakistan, 1973, Article 246, <http://www.pakistani.org/pakistan/constitution/part12.ch3.html>, accessed on July 5, 2010.
- 19 The Constitution of Pakistan, 1973, Article 246, <http://www.pakistani.org/pakistan/constitution/part12.ch3.html>, accessed on July 5, 2010.
- 20 The seven agencies of FATA (from north to south) are Bajaur, Mohmand, Khyber, Orakzai, Kurram, North Waziristan and South Waziristan. Additionally, there are six Frontier Regions (FRs) which are geographically adjoined to the agencies of FATA. However these FRs are legally provincially administered, giving them the title of PATA or Provincially Administered Tribal Areas.
- 21 Amnesty International, *As If Hell Fell on Me*, (London: Amnesty International Publications, 2010), p. 15.
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