

The US War on Terror in Afghanistan and its Impact on FATA in Pakistan

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Abstract

The US counterattack on Afghanistan in October 2001 changed in the overall security structure of the region. The Taliban and Al Qaeda fighters escaped the US bombing of the Tora Bora in Afghanistan and crossed into the FATA region of Pakistan. Pakistan's military operations against these militants in the FATA provided a boost to the latter's cause and almost the entire FATA experienced a sort of Talibanization. The US war in Afghanistan had its spillover effect in FATA. Terrorist activities unleashed in the entire Pakistan and turmoil in Afghanistan added fuel to this situation. FATA's special constitutional status was adding to the woes of Pakistan and subsequently FATA was merged with the province of Khyber Pakhtunkhwa (KP). This paper analyzes the impact of the US war in Afghanistan on the FATA region of Pakistan.

Key Words

FATA, Governance, Mujahideen, Al Qaeda, Taliban, TTP, PTM

Introduction

FATA

Kabul's elite opposed the establishment of Pakistan in 1947 and it led to animosity between the two brotherly Muslim countries from the very beginning. In August 1949, some people declared the establishment of the free state of *Pukhtoonistan* in Khyber Agency (FATA). All India Radio announced it followed by its recognition by the Kabul. Kabul's diplomatic moves to undo the Durand Line also led to serious border skirmishes between the two countries. The Soviet invasion of Afghanistan in 1979 afforded Pakistan an opportunity to secure its western border. After the Soviet forces withdrew from Afghanistan in 1989, Pakistan had strengthened its grip on the situation to the extent that Afghanistan was no longer in a position to bully Pakistan. The *Taliban* regime in Afghanistan in 1996 created hope for the resolution of the bilateral issues but the catastrophic events of 9/11 created new challenges for the security of Pakistan. The fleeing *Taliban* and *Al Qaeda* fighters shifted to the FATA and Pakistan's security forces had to initiate military operations in the area. The emergence of *Tehreek-e-Taliban Pakistan* (TTP) in 2007 and of *Pashtoon Tahafuz Movement* (PTM) in 2018 put new tests for the nerves of Pakistan's policymakers which prompted the merger of FATA with the province of Khyber Pakhtunkhwa (KP).

Federally Administered Tribal Area (FATA) is located towards the Northwest of Pakistan. It shares its borders the province of KP. FATA was comprised of seven agencies (now called the tribal districts) namely Mohmand, Khyber, Kurram, North Waziristan, South Waziristan, Bajaur, and Aurakzai Agencies. It also included the Frontier Regions of Peshawar, Kohat, Bannu, Lakki Marwat, Dera Ismail Khan and Tank.

Pakistan's border with Afghanistan in the FATA is stretched over about 1360 kilometers and contains the main tribes of Mohmand, Afridi, Shinwari, Turi, Bangash, Wazir, Mehsud, Dawar and Aurakzai. There are some other tribes like Otman Khel and Tarkani. The FATA terrain is very inhospitable and surrounded by rugged mountains whose heights range from 8,000 to 15,000 feet. Weather is harsh in winters and subject to scorching heat in the summers. There is a dearth of roads and other infrastructural facilities in the region. According to the 1973 Constitution of Pakistan, FATA enjoyed a semi-autonomous status. Its population is around 3.2 million and the area is over 27,220 square kilometres. Its governance system was almost a century old and comprised of old tribal customs called *Riwaj*. *Malaks*, or tribal elders, were the sources of political influence and authority over their tribes. These tribes practise mainly the Islamic religion and *Mulla* normally rendered religious services. According to Article 247 of the Constitution of Pakistan, the region was governed by the Federal Government which was represented by 'Political Agents' (PA). These Political Agents controlled the area through levies and a local police force called '*Khasadars*'.

Pakistan's border with Afghanistan had cut across various tribes of the region dividing people with deep ethnic and social bonds. (Musharraf, 2008)

FATA and Afghanistan

The Soviet forces in Afghanistan had reached up to the Durand Line in 1980s. As people on both sides of the Pak-Afghan border had deep-rooted cultural, social and religious ties between them, they warmly supported Afghan resistance force (*Mujahideen*) in their fight against the Red Army. Afghan *Mujahideen* were also provided political, moral and diplomatic support by Pakistan. (Ahmed, 2013)

In the start of 1980s, the US and the West began espousing the Afghan *Mujahideen* struggle against the Soviet forces. The CIA began cooperating with the Pakistan military establishment and the aid pipeline that went to Afghanistan passed through FATA. The US provided arms and equipment to Pakistan that were further transported to Afghan groups by the Pakistani authorities. FATA served as a conduit for Afghan *Mujahideen* struggle against the Soviet forces. However, there remained peace and stability in the region throughout this period. (Musharraf, 2008)

The Conflagration in FATA: Impact of the US-Afghan Policy (Strategic Error or Grand Design)

In her book, "The Wrong Enemy, America in Afghanistan 2001-2014", Carlotta Gall writes, "A few days after 9/11, Musharraf invited several political analysts to a meeting, among them the retired Lieutenant General Talat Masood, Musharraf asked them for advice on what the government should do. Masood told the general that he should cease support for the *Taliban* and all militant groups, including the Pakistani ones that operated in Kashmir".

"But when the invasion took place, the *Taliban* were pushed into Pakistan, along with *Al Qaeda*. And as there was no anvil, and there was only a hammer, and the border was porous..... they filtered all over the place in Pakistan, wherever they found it more convenient to carry on their activities and to feel safe." (Gall, 2014) Lt. General (Retired) Shahid Aziz has also been critical of the US strategy of invading Afghanistan from the North without putting up any barrier from the Northwest on the Pakistani side. In his book (*Ye Khamoshi Kahan Tak*), he has explained the details of this US strategic error. He says that is one of those at the helm of affairs in Pakistan, he disapproved this US strategy that it will push the *Taliban* and the *Al Qaeda* fighters from Afghanistan into the FATA and it would be out of Pakistan's capacity to provide a barrier at the Durand Line. This would be due to many reasons. Firstly, the porous nature of the Pak-Afghan border would render it impossible to guard it all along the tribal belt. Secondly, the dearth of communication facilities in the FATA to carry out large scale movement of Pakistani troops from Cantonments to the border area and thirdly, the incapacity of Pakistan Army to conduct low-intensity conflict operations in the FATA region. (Aziz L. G., 2012)

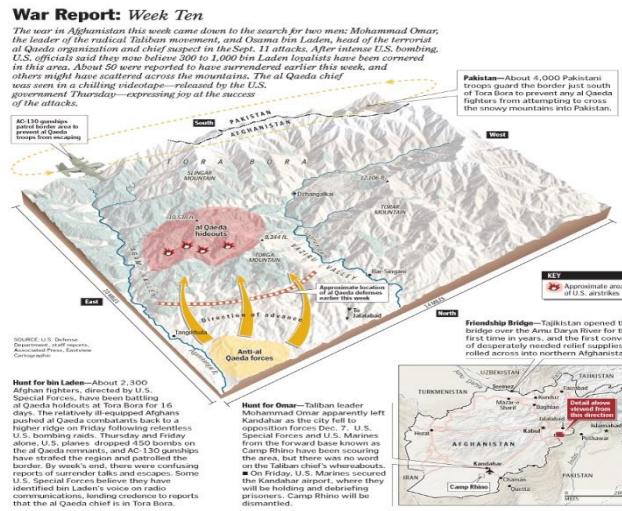


Figure 1

Source. By Gene Thorp/The Washington Post

This flaw in the US policy and oversight on the part of Pakistan had a multidimensional impact on Pakistan in general and on the FATA in particular.

Political Impact

When militancy rocked FATA after the US war in Afghanistan, the role of the *mulla*, grew up. Now he had weapons and money and he could mobilize men for fighting. (Ahmed, 2013) These resources were provided by Pakistani and their allied intelligence agencies. The government bypassed the other two pillars of authority, i.e. the tribal elder (*Malak*) and the Political Agent (PA) and went directly to these *mullas*. The role of *mulla* was elevated to a primary leadership in the FATA. The new power structure in the FATA weakened the governance system and the newly emerged society began to upset the delicate balance among the three pillars of authority in FATA. (Ahmed, 2013)

Militarization of FATA

The US inability to effectively apply the hammer and anvil strategy in Afghanistan prompted Pakistan to move its armed forces to the FATA in a rash manner in 2003. Pakistan Army moved into FATA for the first time and moved for the kill. Meanwhile, the US shifted its operations to Iraq and turmoil in Afghanistan was left to its own fate. Pakistan Army's inexperience with the low-intensity conflict, coupled with the acute dearth of communication infrastructure in the area led to the settlement of the fleeing militants in the FATA and subsequently spread to the other cities of Pakistan. The *Taliban*'s cause and the *Al Qaeda* fighters' wealth bought them the sympathies and relationships of people in the tribal areas of Pakistan. (Musharraf, 2008) The armed religious forces took the lead and the political administration took back seat the affairs of FATA. *Malak*'s were ruthlessly killed in and the *mullas* held sway. The century-old governance system was razed to the ground.

When the Pakistan Army moved into FATA in 2003, the *Al Qaeda* fighters and their tribal associates put up stiff resistance. The porous Pak-Afghan border facilitated to and fro movements of these fighters and FATA were used as a transit route for the passage of these international terrorists. The Al Qaeda started carrying out terrorist activities in Great Britain and other parts of Europe. (Musharraf, 2008)

Pakistan's security forces conducted a military operation in the *Laal Masjid* (The Red Mosque) and *Jami'a Hafsa* (religious seminary for Muslim girls) in July 2007. A few hardened *Ulama* of the mosque and the seminary had mobilized students against some irreligious/secular practices in Islamabad. According to the intelligence sources, there were large dumps of arms and ammunition in the mosque and a *Taliban* type armed struggle was expected to be initiated by the *Ulama* of these institutions. The subsequent military operation led to the death of hundreds of children, including girls, and women, too. This aroused a mass reaction from the people of Pakistan and FATA in particular. *Tehreek-e Taliban Pakistan* (TTP) was established in Waziristan whose *Mehsud* leaders pledged to take revenge from the State of Pakistan on account of the massacre of these innocent children. (Ahmed, 2013)

In the aftermath of *Lal Masjid* operation, a new spree of suicide bombing unleashed in the country with Peshawar as the main target. The US policy to carryout state-building in Afghanistan caused the erosion of state authority in FATA. The excessive assassination of the tribal leaders (*Malaks*) by the militants created a political vacuum which was filled by the militants. These militants were now intoxicated with the idea of the Holy War against infidels (the US) and its allies (the armed forces of Pakistan). Soon the *Al Qaeda* and TTP were handed in hands in FATA in a Holy War against the US-led NATO forces on one hand and Pakistan's security forces on the other.

Fencing of Durand Line

Since the porous nature of Pak-Afghan border was facilitating the cross border movement of the militants in the FATA region, the Government of Pakistan decided to fence its border with Afghanistan (the Durand Line) in 2017. Kabul objected to the erection of border fence on the plea that FATA (Waziristan) and Pakhtunkhwa (KP and some parts of Balochistan) belonged to the old Afghan kingdom.

About the legality and constitutionality of Afghan argument on Durand Line, former Vice-Chancellor of the University of Peshawar Prof. Dr. Azmat Hayat Khan argued, "Durand Line is a legal and constitutional border between Afghanistan and Pakistan. Most of the people do not know that it was *Amir Abdur Rehman Khan* of Afghanistan who requested the British Indian Government to demarcate its boundaries with his Kingdom so that he can get rid of tribal incursions from the south. Sir Mortimer Durand's nomination was requested by the Afghan Government itself. Moreover, the same agreement was ratified time and again by the successive Afghan *Amirs* and Kings and the Durand Line is as legally recognized international border between Afghanistan and Pakistan as the international border between America and Canada is."

Pashtun Tahafuz Movement (PTM)

Mehsud tribe of Waziristan migrated to Dera Ismail Khan and other parts of the country after Pakistan Army began its operations in the area. The *Mehsud* population faced numerous problems and these miseries pained some young students of the tribe. They raised their voices for the protection of the rights of *Mehsud's*. They launched *Mehsud Tahafuz Movement* (MTM) under the leadership of Manzoor Mehsud (later on gained popularity as Manzoor Pashteen). The main demand of the MTM was to struggle for the protection of the rights of *Mehsud* IDPs living in Dera Ismail Khan and elsewhere in Pakistan. Their main demand was the removal of landmines from South Waziristan. They also raised their voice against the erection of excessive security checkpoints in the area and the humiliation that was caused by the security personnel to the people of the area. They demanded the production of the forced missing persons who had been arrested by the security forces.

In early 2018, a young *Mehsud* boy was killed in an alleged fake police encounter in Karachi. Naqeebulah Mehsud had migrated from South Waziristan to Karachi a few years back. His alleged killing by the police and the subsequent negligence of the Sindh Government to make proper inquiry of the case infuriated the already charged and discontented *Mehsud* youth. MTM held strong protests in Islamabad and *Mehsuds* were joined by other tribes of FATA in their protest against the law enforcing agencies (LEAs). Consequently, MTM was converted into *Pashtun Tahafuz Movement* (PTM) and its leadership tone became more aggressive against the LEAs. Adhering to their previous demands, the MTM turned PTM announced that they will no more tolerate their inhuman treatment by the State of Pakistan and they demanded the protection of their natural and constitutional rights.

Mainstreaming of FATA and Divergence Political Views

The mainstreaming of FATA created a mix response in the country. While a lot of people welcomed the integration of FATA with Pakistan, there were quite a few political figures who showed their reservations about FATA's merger. Mehmood Khan Achakzai of PMAP and Maulana Fazl ur Rehman of JUI (F) were of the view that the Government of Pakistan must have ascertained the opinion of the people of FATA through a general referendum before deciding its future constitutional dispensation.

However, Mehmood Khan Achakzai went as far as to recommend that the Government of Pakistan should also detach the *Pukhtoon* districts from Balochistan province and include them in the Greater *Pukhtoonkhwa* for which his party is struggling.

Maulana Fazl ur Rehman's stand on the question of FATA's merger was restricted only to the demand that a referendum should have been held in FATA before deciding its future constitutional status. He demanded neither the creation of Greater *Pakhtoonkhwa* nor supported the return of certain *Baloch* territories to Afghanistan.

Strategic Impact

After the US counterattacked the *Taliban* regime, the *Taliban* fighters, along with their *AQaeda* associates took refuge in the Tora Bora region in eastern Afghanistan. Subsequently, these fighters moved to the FATA region when the US aerial bombardment made their stay in the cave complex impossible. Thus, the geostrategic center of gravity shifted from Afghanistan to Pakistan having dire consequences for the peace, order, and stability of FATA.

FATA's Merger

The Government of British India and Russia had made Afghanistan as a buffer state through their Treaty of Gandamak in 1879. That Treaty had stopped Russia's advances towards the South. After the British withdrawal from the Indian sub-continent in 1947, the new dominion of Pakistan faced an unfriendly Afghanistan towards its northwest and a superpower (former the Soviet Union) across Afghanistan. Pakistan had to maintain the special status of FATA as had been guaranteed to the tribal people by the colonial British Indian Government. The reason behind this policy was that FATA served as a buffer to buffer and that would provide a cushion to Pakistan defense in any eventuality from its northwestern frontier. These strategic considerations kept the FATA region largely undeveloped. However, the post 9/11 activities in FATA dawned it upon Pakistan's establishment that keeping FATA in the same status was no more tenable. This realization came from two reasons. Firstly, Afghanistan was no more in a position to blackmail Pakistan on the question of *Pukhtoonistan*. Secondly, the Soviet Union had dismembered and its Southwards drive to reach warm waters was now the story of the past. (Ahmad, 2018) FATA was merged with the KP on 24th May 2018.

Economic Impact

FATA's economy was mainly based on individual enterprises and irregular activities. The state had a minimum intervention. People usually involved themselves in the transport sector and the main sources of the economy were

livestock. Due to its mountainous nature and absence of a formal irrigation system, very less agricultural land was available in the region. Due to special strategic considerations, the FATA region received a very small portion of the developmental budget from the Federal Government. (Khattak, 2018) It was because of the minimum intervention by the state that the people had evolved an informal economic system for themselves. People living close to the Pak-Afghan border carried out small cross border trade and would sustain their families quite comfortably.

During the 1970s, the Government of Pakistan started issuing Passports to the tribal people and a large number of people from the FATA went to the oil-rich countries and started making money. A new phase of economic prosperity unleashed in the region. Not only that the tribal people earned money but they also experienced the new lifestyles and civic amenities in the newly developing Gulf countries where they were now making new fortunes, thanks to the wealth of oil that the Arabs had now discovered. (Zahab, 2016)

Soviet invasion of Afghanistan in 1979 and the resultant Pakistani response added new dimensions to the fate of FATA. FATA became the focus of the world's leading societies and a new economic process was generated. Modern weapons appeared in the region and its smuggling became the most lucrative trade. It also developed a new business of drugs trafficking. Since it was also a very lucrative business, it changed the life of the people in the region. Smuggling and transportation of sophisticated weapons and drug trafficking replaced the semi-agrarian and barter trade economy of the tribal people. The government had turned a blind eye on this entire game. (Ahmed, 2013)

After stability returned to the region in the recent past followed by the Pakistan Army's military operations in FATA, massive infrastructural development projects were launched by the Federal Government which was mainly sponsored by the USAID. This was the time for the contractors' mafia to make their fortunes. However, due to harsh visa regime enforced by both Afghanistan and Pakistan after 2014, the medium-scale economic activities of the people that lived close to the border came to an abrupt end because now the NATO troops and Pak Army were deployed on both sides of the Durand Line which discouraged cross border movement to a great extent. (Chataan, 2018) This led to the drastic economic and social deprivation of the people of FATA and the informal economic activity of the ordinary tribal people came to naught. The people of FATA lost their economic life, they suffered from social alienation and their political/governance system got evaporated to a large extent. The killing of their tribal leaders (*Malaks*) by the newly emerged militants deprived them of the opportunity to raise their voices and struggle for any betterment.

Social Impact

The Durand Line had been divided the people of the same tribe into two countries. After the Soviet invasion of Afghanistan in 1979, millions of Afghan refugees migrated to Pakistan where they stayed for the next one generation. These Afghan refugees established their own business, got educated in various institutions and also entered into cross marriages with various Pakistani families. After the US drawdown from Afghanistan by the end of 2014, the cross border movement of these Afghans was made very limited and the passport and visa regimes were tightened by both Islamabad and Kabul. The situation of 1947 was once again repeated and the newly established families again experienced difficulties in cross border movement. This led to a lot of problems for various *Pukhtoon* families on both sides of the Durand Line.

The weakening of the Tribal Code has put the situation in quandary. The tribal elders have been killed, so jarga is incapable of settling conflicts. There is no effective presence of political administration and the presence of the military in FATA has made the situation even worse. Religious zealots carry the sway and the old system of *Pukhtoonwali* vanishes. The old FATA structure of governance has gone, and the Government of Pakistan is carving out a new system to replace the old one. The deficit of trust between the central government and the people of FATA has grown. At the moment it is not the system of governance that is important for the FATA people but the very existence of the FATA itself that is important. Bringing FATA to the mainstream of national political arena was an uphill task. The drivers of the change in FATA structure need to be selected with extreme caution and the process followed relentlessly. Now after the fencing of the Pak-Afghan border and the enforcement of visa regime by both Kabul and Islamabad, the exigencies of the people have grown manifold with the no solution in sight in the near future. (Chataan S. A., 2018)

Conclusion

One of the most successful political officers, Robert Sandeman in India enunciated what became the British philosophy of tribal administration: "To be successful on the frontier a man has to deal with the hearts and minds of the people, and not only with their fears." The British realized that an efficient and minimal administration providing a semblance of justice in maintaining law and order would be far more effective than the gun and the

whip. The militants and extremists appeared in the FATA for killing the people. They targeted the tribal code in the very outset and they systematically attacked each and every pillar of authority in the governance structure of the FATA. Now in the changed socio-political scenario, the Frontier Crimes Regulation (FCR) that governed the Tribal Areas and the excessive and unchecked powers of political officers must be scrapped. The role of traditional elders should be limited because they normally compromised with the administration. The tribal population's limited participation in elections and, above all, the sense of isolation should also go. In any case, these past traditions and structures will hardly survive keeping in view the scale of the changes which is taking place in the region. It is no denying the fact that wise and authentic tribal leadership, genuinely educated and scholarly religious leaders, and efficient and honest state officials are crucial to the reconstruction of the Tribal Society.

Domestic instability in the power elite of Afghanistan always compelled Afghan rulers to seek an ambitious posture in Afghan foreign relations and that would always find its manifestations in putting an irredentist claim on Pakistan. *Pukhtoonistan* issue was a nightmare for the policymakers of Pakistan as well and when Pakistan got the opportunity to settle its score with Afghanistan, they never hesitated to mitigate this threat. The Soviet invasion of Afghanistan brought to the fore new geopolitical realities and this region became the hub of international machinations and policies. The *Taliban* regime in Afghanistan and its association with *Al Qaeda* changed the overall security paradigm of the region with FATA becoming the focus of all attention. It is time that both Kabul and Islamabad play their cards judiciously and take cognizance of the present-day geopolitical realities. When neighborhood and geography cannot be changed, compromise is the sole panacea to live peacefully.

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Interviews

Serial	Interviewee	Interviewee's Status	Place	Date
1	Prof Dr. Azmat Hayat Khan	Former Vice-Chancellor University of Peshawar	Peshawar	05.05.2018
2	Prof Dr. Shabir Ahmad	Director Area Study Centre for China, Russia & Central Asia, University of Peshawar	Peshawar	08.05.2018
3	Prof Dr. Ijaz Khattak	Former Head of Department of International Relations, University of Peshawar	Nowshera	14.05.2018
4	Mehmood Khan Achakzai	Chairman Pakhtunkhwa Milli Awami Party, Pakistan	Islamabad	09.05.2018
5	Akhunzada Chatan	Leader of Pakistan Peoples' Party	Bajaur	10.05.2018
6	Mehran Wazir	Political Activist of PTM, South Waziristan	Peshawar	25.05.2018