



[\[Back \]](#)

[USIPeace Briefing](#)

Troubles on the Pakistan-Afghanistan Border

By [C. Christine Fair](#), Nicholas Howenstein, and [J. Alexander Thier](#)
December 2006

- [Internal Dynamics of the FATA](#)
- [Changes in FATA](#)
- [A New Taliban and its Sanctuary in Pakistan](#)
- [Pakistan's Will Versus Pakistan's Ability To Do More](#)
- [Moving Forward](#)
- [Notes](#)

At dawn on October 30, 2006, two missile strikes rocked the Zia-ul-Uloom madrassah in Chinagai, a border village in the Bajour province of Pakistan's Federally Administered Tribal Areas (FATA). The attack, which killed 82 people, was one of many recent military incursions into the tribal areas. Pakistani officials later claimed that the targets were al Qaeda and pro-Taliban elements. But, the attack occurred even as negotiations for a peace deal—along the lines of an earlier deal in the neighboring province of North Waziristan—were ongoing between the government of Pakistan, tribal leaders, and local militants in the area. The timing of the attack and the alleged involvement of U.S. military and intelligence assets in the strike caused considerable suspicion throughout the tribal areas and beyond.¹ The incident and its aftermath raised broader questions regarding the stability of the tribal areas along the Pakistan-Afghanistan border, Pakistan's policies toward these areas, the effects of tribal militancy upon international efforts to stabilize Afghanistan, and the longevity of the United States and Pakistani relationship.

The United States Institute of Peace convened a panel of experts on November 7, 2006, to address the implications of the Bajour strike as well as the wider concerns with regard to the Pakistan-Afghanistan border. The panel included Lt. Gen. David Barno (ret.) of the National Defense University, [C. Christine Fair](#) and [J. Alexander Thier](#) of the U.S. Institute of Peace, Larry Robinson of the Asia Policy Research Organization, and Marvin Weinbaum of the Middle East Institute. This USIPeace Briefing summarizes their presentations as well as some of the insights offered by other conference participants.

Internal Dynamics of the FATA

The FATA is comprised of seven agencies, or districts—Bajaur, Momand, Khyber, Orakzai, Kurrum, and North and South Waziristan—all but one of which sit astride the Durand Line, the disputed international border between Pakistan and Afghanistan. (In addition, a few areas adjacent to the settled districts of Tank, Bannu, Dera Ismail Khan, Kohat and Peshawar are also part of FATA.) Most of the residents of FATA are Pashtuns, (this is the most commonly used spelling for this word and the most picked up by Google) and because many tribes straddle the Durand



Line, cross-border movement is substantial and difficult to control.

The area is governed by the Frontier Crimes Regulation Ordinance (FCR), which the British implemented in 1901, ostensibly based upon tribal customs (*riwaj*) and the Pashtun code of ethics known as *Pashtunwali*. Under the FCR, governance rests in the hands of the Political Agent (PA), representing the government, along with the *maliks*, or tribal elders. The PA retains all local executive powers. The FCR relies upon the concept of "collective responsibility," according to which the government may hold an entire tribe or sub-tribe accountable for the actions of alleged wrongdoers. This legal framework and concomitant mechanisms for law enforcement are specific to FATA and have been long decried by some segments of the tribes and Pakistani human rights organizations. Even the Pakistan Supreme Court has deemed it unconstitutional.



Afghanistan-Pakistan Border. (Source: [University of Texas Libraries](http://www.utexaslibraries.org))

The tribal areas along the Pakistan-Afghanistan border present a number of challenges for both countries and for the international community. Taliban and al Qaeda militants have taken refuge in the remote villages of these areas, which the militants use to launch attacks against Afghan and international forces in Afghanistan. These Taliban fighters have also allied with local insurgents based in Waziristan, raising several disquieting questions about Pakistan's own internal security and ability to exert control over this area.

Despite more than fifty years of independence, the Pakistani state has failed to invest either in the human development of this area or in the physical infrastructure that would connect FATA to the rest of Pakistan. Moreover, successive governments have elected to continue the colonial-era legal system that is inconstant with Pakistan's own constitution. Few in FATA enjoy the rights of Pakistanis elsewhere and arguably, as a result, most FATA residents have a negligible sense of responsibility and allegiance to the Pakistani state.

Panelists agreed that Pakistan's objectives toward the region are unclear and they noted a number of persistent questions, including: Does Pakistan actively support the Taliban and its allies even while cooperating with the United States against al Qaeda? If so, what level of the government provides this support and what form does this support take? The speakers also questioned the will and capability of President Musharraf to deal with the pressing issues in the tribal areas. Nearly all of the panelists noted the increasing constraints on Musharraf's actions. After six years in power, his policies have alienated and angered most Pakistanis. One need only look at the recent coup attempt "within the military" to see that it is no longer just the militants that are unhappy with President Musharraf.

Changes in FATA

Scholars such as Mariam Abou Zahab, Robert Nichols, Thomas Barfield, and several courageous and diligent Pakistani journalists have identified the fundamentally altered traditional power structures in FATA as a serious source of regional instability. They posit several explanations for the numerous socio-political changes in FATA. First, the influx of Arab mujahideen in the 1980s and of Taliban and al Qaeda fighters since 2001 brought political Islam, money, and illicit economic activity to the region and buttressed emergent Islamist leadership.

Second, changes in the demographic strength of certain tribes and the infusion of new resources have caused struggles within the traditional hierarchy. This has allowed new charismatic, religious leaders to emerge as political entrepreneurs using political Islam as their instrument of mobilization. These Islamist leaders also gained considerable credibility and resources with the influx of foreign fighters from the Soviet-jihad period and the persistent flow of financial and Islamist resources during the period of Taliban consolidation in Afghanistan. Critically, these new Islamist and militant leaders have robust ties with Pakistan's chief Islamist parties (such as the Jamiat-e Ulama-e Islam and the Jamaat Islami), with the Taliban and its allied militants, as well as with al Qaeda.

Third, migration has affected power structures in FATA. To escape the poverty and underdevelopment of the tribal areas, many tribals left for the settled areas of Pakistan or to the booming oil economies in the Gulf. These workers have provided substantial remittances to their families, many of whom come from traditionally lower tribal lineages with relatively low social and tribal prestige. These families now seek power and influence consonant with their new wealth. Migrants have also become aware of inequities in the tribal areas and have garnered greater appreciation for the rights that Pakistani citizens enjoy everywhere except in FATA.

A fourth consideration is the expansion of the role of *mullahs* and political Islam into FATA and adjoining areas. In 1996, the government introduced adult franchise into FATA. However, mainstream parties were not allowed to mobilize in FATA as the elections were supposedly held on a non-party basis. However, because the Islamist parties controlled mosques and madrassahs, Islamist candidates effectively had the opportunity to lobby for votes. Consequently, the tribal residents elected *mullahs* to represent FATA in the national assembly in 1997. This situation continued in the 2002 national assembly elections, which also witnessed the election of the *mullahs*. The election of religious leaders to represent FATA in the national assembly was and remains an important departure from the past when *maliks* chose their tribal representatives to the parliament on secular and tribal bases. Now, *mullahs* are important power brokers and they enjoy the resources once reserved primarily for the *maliks*. One panelist argued that the collapse of the malik is one of the most important changes in FATA, along with the declining quality of bureaucratic talent in the Political Agency.

Finally, military operations by the United States in Afghanistan and Iraq and by Pakistan in the tribal areas have contributed to the ever-shifting social and power structures and the deepening turn toward Islamism and even Islamist militancy in the region. The Pakistan military's defeats in South and North Waziristan—and concomitant peace deals—have empowered, enriched, emboldened, and legitimized the socio-political role of the *mullah*, the militants, and their Taliban allies. These operations have led to widespread dissatisfaction and a sense of betrayal among the tribes, as the operations are viewed as excessive and indiscriminate uses of force. (In 2004, Pakistanis compared these incursions into South Waziristan to Israeli operations against Palestinians.) Simply put, it is difficult for many tribal residents to understand how the *mullahs* and militants, who were once considered heroes and given support during the effort to repel the Soviets from Afghanistan, are now branded as enemies.

These and other factors have contributed to the decline of traditional tribal governing structures and have vitiated the authenticity and legitimacy of the *maliks'* leadership in particular. The *maliks'* diminished standing has been exacerbated by the fact that the political agents have long favored those *maliks* whose cooperation can be bought over hereditary *maliks*. This is unfortunate. Because the tribes no longer recognize these non-hereditary *maliks* as their legitimate representation, they have turned to other political forces in their stead, namely charismatic religious and militant leaders. These new leaders have effectively captured the various forms of simmering discontent within the tribes and have emerged as more legitimate defenders of tribal interests. Thus, the *mullahs* have now become respected representatives of the tribes, as have key Islamist militants in FATA.

Simultaneously with the decline of the malik and the ascendance of the *mullah*, the role of the Political Agency has continued to erode both due to the diminished quality and rank of the civil servants assigned to the position and due to the ever-expanding corruption within the agency since 1947. In recent years, the army has further supplanted the PA's authority in key agencies such as North and South Waziristan.

Taking note of these varied changes in FATA, several panel speakers argued that the foundations of Pashtun identity have changed with perhaps a permanent turn toward Islamism and movement away from traditional secular, tribal leadership. It would seem that new centers of power, the influence of political Islam and the rise of the *mullah*, and the commingling with so-called "foreigners" have upended the traditional tribal identification.

A New Taliban and its Sanctuary in Pakistan

One panel member emphasized that international forces now confront a fundamentally different Taliban than they did in October 2001. Initial United States assessments projected that the Taliban would soon be defunct. Instead, the Taliban has replenished its revenues, recruited new cadres, and adopted Iraq-like tactics, such as improvised explosive devices and suicide bombers. In 2004, there were six suicide bombings in Afghanistan compared with approximately 90 such attacks so far in 2006. This rejuvenated Taliban is not simply confined to guerilla-style warfare. Now, large units of Taliban fighters also confront U.S. and coalition forces in head-to-head combat.

The Taliban has a robust sanctuary in Pakistan's tribal areas and this is a major factor in their resurgence. The tribal areas have historically been "no-go" zones for the Pakistani military, and the Pakistan armed forces have not performed well in operations there since 2004. More disturbing is the panelists' observations that since 2005, Pakistan appears more ambivalent about pressuring the Taliban and rolling back their protected zone.

Several speakers expressed concern that the "peace deals" signed by the government and militants in South Waziristan (in 2004) and in North Waziristan (in September 2006) undercut international efforts to fight the Taliban in Afghanistan and to deny access to their safe haven in FATA. These deals and the way in which they were negotiated suggest that the government surrendered to the militants while giving thin assurances of militants' future good behavior.² These deals recognized the militants and religious leaders as legitimate tribal representation and handsomely "compensated" the militants for their losses while allowing them to retain their weapons stocks. As a consequence, militant and Islamist leaders emerged as triumphant victors over a vanquished Pakistani army, thus eroding any vestiges of authority exercised by the government in FATA.

Pakistan's Will Versus Pakistan's Ability To Do More

Some participants questioned Pakistan's intentions vis-a-vis the Taliban and allied fighters, suggesting that the intelligence services could do more to exert control over the area if it chose to do so. Several speakers also questioned the capabilities of the Pakistani army, noting that they are less capable than is generally believed. Initial U.S. assessments found Pakistan to have very limited counter-insurgency (COIN) abilities. One panelist pointed out that the Pakistani army seems too focused on technological enhancements such as artillery, precision-guided munitions, and night-vision goggles. This same speaker was not convinced that Pakistan is interested either in enhancing the human element of its COIN capabilities or in operating effectively in FATA. Without this commitment, there is little prospect for Pakistan rolling back the sanctuary of the Taliban and its allied fighters. These assertions were challenged, however, by an attendee with extensive knowledge of the Pakistani army. This individual argued that the key for Pakistan's execution of these operations is indeed matériel—including secure communications, night-vision goggles, ground transportation, and a better fleet of helicopters.

Leaving that debate aside, another speaker argued that it matters little whether the Pakistani army is committed because, at this point, Pakistan simply cannot deliver what Kabul and the international community demands. President Musharraf lacks credibility and his diminished domestic standing constrains him considerably. However, President Musharraf cannot ignore the external pressure to "remain committed." This means that he must maintain the fiction that the government can control the situations developing in FATA and in Balochistan, even though these claims are continually belied by the facts on the ground. Both FATA and Baluchistan are fast becoming "states within states," with separate systems of taxation and justice, while Islamabad seems unable to reverse course. The attack in Bajour may have the unintended consequence of displaying President Musharraf's weakness despite his best efforts to appear capable and in charge.

Moving Forward

Amid conflicting accounts about the perpetrators and victims of the Chinagai raid, panelists generally agreed that the perception of U.S. involvement is more important than discerning true culpability for the attack. The strike raises fundamental questions about the costs and benefits of such actions and casts doubts about Pakistan's approach to FATA. Some panelists contended that such actions encourage public support for insurgency while securing too few gains in law and order and security. One panelist suggested that, with such predictable and negative fallout, a law enforcement operation might have been preferable. That speaker conceded that authorities may have considered—but ultimately rejected—such an approach fearing that the deeply compromised police forces cannot maintain operational security or that the militants had superior firepower to that of the police. However, the panelist maintained that strikes such as this undermine the rule of law in FATA and beyond and only serve to galvanize the popular support enjoyed by the Islamists and militants. Several panelists agreed that due to the pervasive distrust of the Pakistani government of within FATA, the government needs to be seen as acting with accountability and, notwithstanding the antiquated FCR, within the purview of Pakistan's constitution.

Several panelists agreed that Pakistan must bring FATA into Pakistan's mainstream. This involves doing away with the FCR and extending Pakistan's legal framework throughout FATA. It also requires Islamabad both to foster a sense of political rights and responsibility within FATA and to make massive investments in FATA's human and infrastructural development. One speaker warned that in the short term, political liberalization might have undesired or adverse consequences, such as greater electoral victories for Islamist leaders. That panelist also cautioned that development will be difficult and may ignite discontent as old political and social structures are dismantled and new ones are introduced. The speaker also cautioned that security will be critical to any development in FATA; without security, development projects will be difficult to complete. Moreover, development of FATA will likely entail working with the religious leaders, given that they are now legitimate interlocutors for the tribes and are important sources of authority for the militancy in FATA. Several panelists argued for an explicit need to engage those tribals who have felt alienated and who have turned toward the Taliban for inspiration and representation. One panelist even suggested that the time has come to negotiate with the Taliban, given the proven failures of military solutions.

Speakers also concurred that Pakistan and the United States should make military actions in the region as selective and intelligence-driven as possible. (As a related and cautionary aside, one panelist noted that the United States misdiagnosed the degree of support the Taliban enjoyed in Afghanistan because the United States had limited assets to assess their underlying basis of support.) Panelists argued that military approaches impose opportunity costs upon Pakistani and international forces, particularly when those operations fail to achieve their objectives. Such failed assaults foster a belief that the security forces are incompetent and encourage support for the militancy.

Islamabad must begin the process of serious engagement with the tribal areas. This engagement can only come about by addressing the crises of trust and legitimacy that have been fostered by years of neglect of the tribal areas and their populations. One panelist argued that it will be difficult for Pakistan to bring democracy to the tribal areas under the military leadership of President Musharraf when robust democracy throughout Pakistan is a scarce commodity.

Notes

1. M. Ilyas Khan, "'Shock and awe' on Afghan border," BBC News, October 30, 2006. Available at http://news.bbc.co.uk/2/hi/south_asia/6099348.stm. Last accessed November 14, 2006.

2. It is well known among Pashtuns that when one surrenders, one goes to the person(s) to whom he is surrendering. To prevent the perception of surrender, the Pakistani authorities should have insisted on formalizing the agreement in a neutral place.

Of Related Interest

- [Resolving the Pakistan-Afghanistan Stalemate](#)
Special Report, October 2006
- [Afghanistan and Its Neighbors: An Ever Dangerous Neighborhood](#)
Special Report, June 2006
- [U.S.-Pakistan Engagement: The War on Terrorism and Beyond](#)
Special Report, July 2005
- [The United States and Pakistan: Navigating a Complex Relationship](#)
Congressional Testimony by Christine Fair, June 30, 2005
- [India and Pakistan Engagement: Prospects for Breakthrough or Breakdown?](#)
Special Report, January 2005
- [Afghanistan in the Crosshairs](#)
Peace Watch, April/May 2006
- [Oral Histories Project on Stability Operations: Afghanistan](#)
- [Events: Asia](#)
A complete listing of USIP event related to Asia, including Afghanistan Working Group events

This USIPeace Briefing was written by [C. Christine Fair](#), senior research associate, [Center for Conflict Analysis and Prevention](#); Nicholas Howenstein, senior program assistant, [Center for Conflict Analysis and Prevention](#); and [J. Alexander Thier](#), senior rule of law adviser, [Rule of Law](#) Program; all at the United States Institute of Peace. The views expressed here are not necessarily those of the Institute, which does not advocate specific policies.

The United States Institute of Peace is an independent, nonpartisan, national institution established and funded by Congress. Its goals are to help prevent and resolve violent international conflicts, promote post-conflict stability and democratic transformations, and increase peacebuilding capacity, tools, and intellectual capital worldwide. The Institute does this by empowering others with knowledge, skills, and resources, as well as by its direct involvement in peacebuilding efforts around the globe.

[See our complete list of USIPeace Briefings.](#)

United States Institute of Peace - 1200 17th Street NW - Washington, DC 20036
(202) 457-1700 (phone) - (202) 429-6063 (fax)