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Towards a Durable Peace in Waziristan

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Towards a Durable Peace in Waziristan

Shabana Fayyaz¹

Introduction

As one seasoned observer of the situation along the Afghanistan-Pakistan border observed at the end of 2005:

“After years in Afghanistan, the US struggle to bring peace to a troubled land and purge it of the Islamic obscurants, has so far failed to produce tangible results. There is a resurgence of the Taliban in the Pushtun areas of Afghanistan, while the al-Qaeda operatives circulate among the Pushtun tribes of the east and south. They use the Federally Administered Tribal Areas of Pakistan as a sanctuary. The result: the once peaceful FATA, especially Waziristan, both north and South, has become a hotbed of militancy. The Pakistan Army at this point in time is locked in quelling the unrest. What had once been calculated by the US policymakers as a cut and dried surgically swift operation has become a festering sore which at any time could end up destabilizing Afghanistan [and Pakistan]”.²

More than a year later the situation is little changed and there is an urgent need to re-assess the strategy of using military means to counter the Taliban insurgency in Afghanistan and across the border in Pakistan. The dilemma for the policy makers in Islamabad is how to deny the space to the militants, extend the writ of the government, and restore public confidence in the policies of the central government. To begin to understand the complexities of the situation in Waziristan it is important to first discuss the geographical, political, and historical contours that define this unique area.

Waziristan: A Unique Entity within Pakistan

Waziristan, the home of the Wazirs, stretches over an 11,327 sq km strip of territory bordering Afghanistan's Paktia and Paktika provinces and is divided into two tribal agencies namely of North Waziristan (Miran Shah) and South Waziristan (Tank in D.I.Khan in winter, and Wana in the summer).³ North and South Waziristan are two of the seven political units (agencies)⁴ comprising the Federal Administered Tribal Areas (FATA) also known as the 'Tribal Areas' located in a narrow belt which runs along the 2,400 kilometers long Pak-Afghan border, named by the British as the

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² Col. Mohammad Yahya Effendi, "The Failure of American Policy in Afghanistan", *Central Asia*, No. 57, winter 2005, Area Study Centre, University of Peshawar, pp: 139-140.

³ For the detailed account of the history of the Wazirs see, Dr S Ifthikhar Hussain, *Some Major Pukhtoon Tribes Along the Pak – Afghan Border*, Third and Revised Edition, Peshawar: Area Study Centre Peshawar, 2005.

⁴ The seven political agencies are: Bajaur, Mohmand, Khyber, Orkzai, Khurram, North Waziristan and South Waziristan.

Durand Line⁵. The Durand Line has been an issue of discord between the Kabul and Islamabad since 1947, as successive Afghan governments have questioned its legality as an international border between the two states. Similarly, Kabul has periodically made irredentist claims on Pakistan's Pashtun – majority NWFP, FATA and the Pashtun belt in Baluchistan.⁶ To quote an analyst, Iftikhar Durrani:

“the Federally Administered Tribal Areas (FATA) are a political construct defined by its unique structure of governance and its demography. As with the British, the Government of Pakistan often viewed FATA as a buffer zone and part of Pakistan only in the sense that was not part of Afghanistan. For decades virtually no development activity was undertaken. The writ of the government in the area has never been strong and people of the area were seen as primitive, wild and fractious. Areas of the FATA close to Afghan border were considered ‘inaccessible’ until several years ago.”⁷

The Tribal Areas have a chequered history and a strategically important position. The British demarcated this region as a buffer zone against the threat of expansive Tsarist Russia and controlled the area indirectly through a special system of political and administrative structures. The Frontier Crimes Regulation Act (FCR, 1901) that the British enforced in FATA allowed local customary laws to prevail and *Jirga* (council of elders), Maliks, Sardars and political agents formed the system of governance.⁸ Later on, the Pakistan government retained and reinforced this system. Experts have called this “an oppressive arrangement”⁹ that empowers the few stake holders like Political Agents (Pakistan government representatives), Maliks, and Tribal elders, at the expense of about six million tribal people. To quote an eminent Peshawar based journalist Rahimullah Yusufzai:

“The real power in the tribal agencies has historically rested with the political agents, who represent the federal government and maintain control through the colonial-era FCR. The regulations allow the political agent to impose collective punishment for crimes committed by an individual and to deliver prison sentences without due process or right of appeal. ... Individual tribesmen have limited rights while the political agents wield vast administrative and funding powers and collect and distribute revenue”.¹⁰

Most analysts argue that the lack of political reforms and continuation of the colonial era legal and administrative structures, such as FCR, are a source of resentment among the Tribal population. Only in 1997 was adult franchise extended to the area and FATA has representatives in the National Assembly and the Senate, but not in the provincial Assembly of the North West Frontier Province (NWFP). Despite the presence of popularly elected tribal representatives, parliament can play no role in the

⁵ British named this border as the Durand Line after Sir Mortimer Durand whose survey established this division during Raj in 1890. Its been a porous border

⁶ Frederic Grare, “Pakistan-Afghanistan Relations in the post-9/11 Era”, Carnegie Papers, No. 72, October 2006, p.8.

⁷ Iftikhar Durrani, “The country and the territory”, *The News*, 4 February, 2007.

⁸ Mohammad Amir Rana, *The Seeds of Terrorism*, London: New Millennium, 2005, pp: 216 – 279.

⁹ Imtiaz Gul, “Military operations in FATA Since 2004: Achievements and Backlash” in Pervaiz Iqbal Cheema, et.al, Edit, *Political Violence and Terrorism in South Asia*, Islamabad: IPRI, 2006, pp: 29 – 36.

¹⁰ Interview, Rahimullah Yusufzai, Executive Editor, *The News*, November, 2006.

affairs of the area. Article 247 of the constitution of Pakistan provides that no act of parliament applies to FATA, unless the President so desires. Only the President is authorized to amend laws and promulgate ordinances for the tribal areas. FATA remains the least developed area in all aspects whether economic, social, political, or legal as compared to the rest of Pakistan.

FATA lags behind rest of Pakistan in almost all socio-economic comparisons. Per capita income is half that of the very low national per capita income of \$500; some 60 per cent of the population lives below the national poverty line. Per capita public development expenditure is reportedly one third of the national average.¹¹ The literacy rate in FATA is just 17 percent, well below the 45 percent in Pakistan as a whole. Only three percent of females receive any education. There is one hospital bed for every 2,327 people in the FATA, compared to one in 1,450 in Pakistan as whole. Furthermore, there is only one doctor for every 8,189 people. Its total irrigated land is roughly 1,000 square kilometres. Natural resources, including minerals and coal, are nominally explored and exploited. Most locals depend on subsistence agriculture since there is little industrial development and few jobs. Only 43 per cent of its people have access to clean drinking water. 30 percent of FATA is inaccessible both politically and administratively.¹²

Though state run schools are present in the area, the influence of the Islamic seminaries called Madrassas have substantially increased in the region. The backwardness of the FATA was recognized in the country's sixth five-year plan and it was declared to be the least developed area of Pakistan.¹³ Holding the Federal government responsible for this situation, a former FATA member to the National Assembly, Latif Afridi comments:

“FATA has been kept deliberately backward ... By raising the bogus threat of Pashtun separatism, the central government has denied Pashtuns their basic economic and political rights and kept a natural part of NWFP under federal control”.¹⁴

Thus FATA is a unique political entity that is both a part of Pakistan and apart from Pakistan too. Tribal allegiance and Islamic brotherhood is a strong factor and national identity is very much secondary. The combination of “religious conservatism” and Pushtun honor code called “Pushtunwali”¹⁵ ingrained in the tribal psyche have enabled the tribal groups to survive the external influences while sustaining a governance mode largely based on, “Islamic Faith, Customs and Traditions”.¹⁶

The area has been a base of resistance for decades.¹⁷ North and South Waziristan served as a launching pad and supply line of Mujahideen operations during the Soviet occupation of Afghanistan, with the support of the West (particularly US), Pakistan,

¹¹ FATA Development Statistics 2005, Bureau of Statistics, Planning and Development Department, government of NWFP, Peshawar.

¹² Iftikhar Durrani, “The Country and the territory”, *The News*, 4 February 2007.

¹³ Amir Rana, op.cit, p: 252.

¹⁴ Quoted in International Crisis Group Asia Report, “*Pakistan's Tribal Areas: Appeasing the Militants*”, 11 December 2006, p:9.

¹⁵ Pushtunwali is based on logic of violent reaction: vendetta, provision of sanctuary to fugitives, honor and cohesion against external interference of any kind.

¹⁶ Rahimullah Yusufzai, “Analysis: Pakistan's Tribal Frontiers”, *BBC Online*, 14 December 2001.

¹⁷ Interview, Maj General Shaukat Sultan, Pakistan Army Spokesman, February 6, 2007.

and Saudi Arabia. Reportedly, North and South Waziristan agencies were Osama bin Laden's base of operations versus the Soviets.¹⁸ Linking the past and the present scenario, an eminent analyst has observed:

“The roots of Islamic militancy (in FATA) lie in the regional and international patronage of religious extremists during the anti-soviet jihad, during the (Afghan) civil war and Taliban rule which radicalized the area”.¹⁹ As a result, “the Taliban heavily influenced the politics of the area and the people were influenced by their Islamic ideologies ... donations were showered on the Jamiat Ulema-e-Islam, a Pakistan organization ideologically associated with the Taliban movement, which then established a network of Islamic schools and had funds to operate them.”²⁰

Following the Soviet Union's retreat from Afghanistan in 1989, though the United States lost interest in the area, the regional players (particularly, Pakistan, India, Iran, and so on) continued to interfere in the Afghan civil war by aiding one group against another. With the coming of Taliban to power in Kabul (1996) Afghanistan was turned into a “safe haven for local, regional, and global terrorists”.²¹ While Pakistan and Saudi Arabia were two of only three countries to recognize the Taliban as the representative of the Afghanistan, the spill-over of radicalization of the region was inevitable.

Housing almost 4 million Afghan refugees in NWFP and Baluchistan provinces, the extremism, drug trade, arm smuggling flourished all along the Pak-Afghan border and remained unchecked by the successive governments in Pakistan. Indeed Pakistan's reliance on non-state actors (particularly, Jihadis) and militant Islam as the undeclared state's security tools led to the militarization of the society as a whole. The popularity of the Taliban and by association al-Qaeda, ensured anti-Americanism emerged as a dominant theme in the Tribal areas, particularly in Waziristan.

Waziristan as a “Safe Haven” for Anti-American Militants

Most of the media, think tanks, and government reports, both of western and Pakistani origin testify to the presence of the pro-Taliban militants (whether of foreign origin or local) and widespread anti-American feelings in the tribal areas within and across the Pak-Afghan border. In the words of one such author,

“Indigenous people in the tribal areas along the border sympathies with and help the Taliban and do not distinguish between Al-Qaeda and other Jihadi groups. Madrasas situated near the border also sympathize with the jihadi groups. There is very little sympathy for the coalition of Pakistani and western military units' in the region. The advantage in the campaign for “hearts and minds” in the Frontier Provinces is with the

¹⁸ ICG Asia Report No 125, op.cit, p: 14.

Note: Osama bin Laden was with the American in the Afghan Jihad vis-à-vis the Soviets, and he turned against America when it sent its forces into Saudi Arabia, the sacred land of Islam, during the Gulf War.

¹⁹ Quoted in ICG Report No 125, op.cit, p: 13.

²⁰ Amir Rana, op.cit, p: 236.

²¹ Vali Nasr's testimony before the US Senate Foreign Relations Committee, 14 July 2004.
Http: [www.Foreign.senate.gov/testimony/2004/Nasr Testimony 040714.pdf](http://www.Foreign.senate.gov/testimony/2004/Nasr%20Testimony%20040714.pdf).

jihad and stopping al-Qaeda and Taliban mujahideen crossing in either direction is a tall order”.²²

Jihad literature and pamphlets being distributed by the Taliban militancy across the region call for the defeat of America and the restoration of the independence of Afghanistan. Likewise it calls for the allies of the Americans, which includes the Musharraf government, to abandon its support for the West and aid the present Jihad. For instance, according to the report in *Zarb-e-Momin* (5 February 2004), about 2000 Ulema have issued fatwahas of jihad against American forces and the Karzai government.²³

Following the ousting of the Taliban in December 2001 by the US-led coalition forces in Afghanistan, Pakistan’s tribal areas particularly Waziristan agencies became a retreating zone for the Afghan Taliban and scores of al-Qaeda members. According to Pakistani officials, some 500-600 foreign fighters (mostly Arabs, Uzbeks, and Chechen) sought shelter there following U.S.-Led offensives against them in Spinghar (White Mountain) near Tora Bora in December 2001 and in Operation Anaconda in Shahikot valley, Paktika in March 2002.²⁴ Given the close proximity of religious and ideological views, the Afghan Taliban along with their foreign allies and the local militants, continue to use Waziristan agencies as base of recruitment, regrouping, training, and carrying out cross-border attacks against the International forces and Afghan security personnel and officials. To quote another keen observer Imtiaz Gul:

“Most of these people, staunch believers in Islam with strong commitment to the tradition of shelter, and a propensity to side with all those who oppose the Americans, have been unable to reconcile with the new situation in which yesterday’s *Mujahideen* and *Taliban* are being chased as terrorists. The hatred of the urban pragmatism (Pakistan’s policy changes) and a dislike for America combined with an oppressive system all had combined to fuel anti-government and anti-military sentiment in the tribal areas and also provide ammunition to the militants. For them, al-Qaeda means being staunch Muslims and Pashtoonwali demands these brothers must be protected”.²⁵

Sheltering the Taliban and al-Qaeda has not been without cost for tribal groups. Many have been reduced to hostages at the mercy of the various hard-line groups loosely labelled Taliban. These are a mixture of Afghan Taliban, foreign Jihadis (Arabs, Uzbeks, Chechen) and their local sympathizers. The weak writ of the Pakistan government and the role of the Political Agents have been greatly reduced. According to the FATA Lawyer Zubair Mehsud: “In Waziristan, the Taliban are in complete control and run their own judicial system, collect taxes, and execute people allegedly involved in offences like murders, extortion, liquor, and narcotics trade.”²⁶

²² Amir Rana, op.cit, p: 217.

²³ Ibid, p: 225.

²⁴ Quoted in ICG Asia Report no 125, op.cit, p: 13.

²⁵ Imtiaz Gul, op.cit, p: 35.

²⁶ Interview, Zuabir Mehsud, Law College, University of Peshawar, 19 February, 2007.

In this context of a constant state of fear, “writing truth is equal to inviting your own death”²⁷ maintains senior journalist Rahimullah Yusufzai, based in Peshawar. “In Wana in South Waziristan 26 journalists used to work, but now only one journalist Ashfaq is left. All others left Wana area due to hostile environment. Out of 25 journalists in North Waziristan only five are now working. Others have migrated to safer places in the settled districts such as Bannu and Peshawar”.²⁸

It must also be noted that not all of the tribal people, even reluctantly, provide refuge to al-Qaeda and Afghan elements. The Shia tribal people in the Para Chinar area, because of their Sunni/Shia religious differences with the Taliban and al-Qaeda, are helpful to Pakistani forces in actions against the militants. According to one source, at least five major operations in this area have been conducted on the basis of information provided by the Shia tribals.²⁹ The tribes that have rendered help against the Taliban and al-Qaeda include sub-tribes of the Waziris known as the Zali Khel, the Kari Khel, the Yar Gul Khel, the Naziri Khel, plus the Masood Zai and the Ahmad Zai tribes. The tribes are spread through North and South Waziristan, Bajaur Agency, Bannu and Dera Ismail Khan.³⁰

Pakistan’s response to Waziristan Fiasco

Almost six years since the ousting of the Taliban from Afghanistan, Pakistan has at various times deployed as many as 80,000 army and paramilitary troops in FATA. The key stated goals of government policy have been, “to eradicate terrorist and deny them sanctuaries; develop the area and; integrate FATA into the national mainstream”.³¹ The task is far from complete. The state policy continues to be a mix of military campaign, amnesty, economic embargo, verbal and written peace deals, development plans, and empowering the traditional tools of governance, that is of Political Agents.

From 2004 to 2006 the military, urged by the US to act against al-Qaeda and Taliban there and curb cross-border attacks, launched what it called anti-terrorism operations in South and North Waziristan Agencies. It claims to have captured or killed more than 600 foreign militants and has suffered close to 700 casualties.³² The March 2004 Kalusha operation concentrated on a 50 – sq. km. area near Wana, South Waziristan’s district headquarters, around the villages of Shin Warsak, Daza Gundai, Kalusha, Ghaw Khawa, and Kari Kot.³³ This area was under the control of five Islamist militants – Nek Mohammad, Noor-ul-Islam, Mohammad Sharif, Maulvi Abbas and Maulvi Abdul Aziz – suspected of harbouring foreign terrorists and having links with the Afghan Taliban. The operation backfired, as local and foreign militants ambushed troops, inflicting heavy losses and took officials hostage.³⁴ Reflecting on the Kalusha

²⁷ Rahimullah Yusufzai, “National Hearing, of Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights”, 6 March 2007, Holiday Inn, Islamabad.

²⁸ Ibid.

²⁹ Amir Rana, op.cit, p: 253.

³⁰ Ibid.

³¹ Interview with ISPR (Inter Services Public Relations) chief Major General Shaukat Sultan, February 6, 2007.

³² Rahimullah Yusufzai, “Accord and Discord”, *Newsline*, October 2006.

³³ Owais Tohid, “The new frontier”, *Newsline*, April 2004.

³⁴ Rahimullah Yusufzai and Sailab Mahsud, “Waziristan clashes death toll rises: 16 troops, 23 military vehicles lost”, *The News*, 18 March 2004.

operation, former director general of Inter Services Intelligence (ISI), Lt General (retd.) Asad Durrani said, “military action was taken in haste. Regular channels of conflict resolution and dialogue should have taken precedence over the use of military force, which undermined the capacity of the administration and local tribesmen to neutralize, contain and de-weaponise the militants through non-military means.”³⁵

Shaikai Agreement – April 2004

With public opinion running against military actions in South Waziristan, the army opted for an unwritten peace deal known as, “Shakai agreement” with the pro-Taliban militants on 24 April 2004. The Shakai deal offered the local militants amnesty and financial incentives in return for good behaviour and pledges to renounce violence. They were also asked to surrender al-Qaeda and other foreign militants or register them with the authorities and ensure that they would not use Pakistani territory for cross-border attacks.³⁶

However, the Shikai agreement never fully materialized as foreign terrorists failed to register and surrender something aided by the local pro-Taliban militant support. Following this, economic sanctions were applied to the area under the collective responsibility clause of the FCR.³⁷ The administration closed shops, impounded dozens of vehicles and arrested Zalikhel (sub-clan of Ahmedzai Wazir) tribesmen, including thirteen elders.³⁸ Along with this, military air strikes were renewed, targeting the militant sanctuaries in the Shikai area. Distributors of militant propaganda were also targeted in one of the operations. In June 2004, One of five Islamic militant Nek Mohammad who was said to be key link to al-Qaeda in the area was killed in a missile attack.³⁹ Army spokesman Maj General Shaukat Sultan maintained, “During 2004-2005, foreign militants have been eliminated in South Waziristan, and the remaining small groups are on the run in North Waziristan”.⁴⁰

Sra Rogah Peace Deal – February 2005

In February 2005, another six-point peace deal was inked between the defiant local pro-Taliban militant Baitullah Mehsud and the military through the mediation of the local jirga. Baitullah Mehsud surrendered in Sra Rogah (February 2005), with the JUI-F playing a central role and was given amnesty by the government afterwards. According to the terms of the agreement, Baitullah Mehsud and his associates would not attack government functionaries and forces, would not shelter and assist al-Qaeda and other foreign terrorists and would aid the government’s war on terror. If they violated the accord, they would be punished in accordance with the local customs and existing laws.⁴¹

³⁵ Quoted in, ICG Asia Report no 125, op.cit, p: 15.

³⁶ “Amnesty offer renewed for foreigners in tribal areas”, *Dawn*, 21 June 2004.

³⁷ “Wana bazaar sealed, more tribesmen held”, *The News*, 31 May 2004.

³⁸ “6,000 shops in Wana closed down”, *Dawn*, 31 May, 2004.

³⁹ Sailab Mahsud and Rahimullah Yusufzai, “Nek Muhammad, five others killed in missile attack”, *The News*, 19 June 2004.

⁴⁰ Quoted in, Imtiaz Gul, op.cit, p: 30.

⁴¹ ICG Asia Report no 125, op.cit, p: 17.

Despite the peace deals the situation remained quite unstable as cross-border infiltration, targeted killing of the pro-government tribal chiefs, plus attacks on the military check posts continued. The agreement of 2005 was more on paper than on ground. In fact, the pro-Taliban/Taliban commanders such as Baitullah Mahsud and Haji Omar, who concluded peace deals with the government in South Waziristan in 2005, have publicly stated that they will continue to wage their “jihad” against the US-led coalition in Afghanistan.⁴² Reportedly, during 2005, in North And South Waziristan as many as 108 pro-Government tribal leaders including four chief *Maliks* or elders, at least four Government officials, informers and two local journalists, were assassinated by militants. In the North Waziristan agency, during the later half of 2005, 25 bomb blasts, 32 Sniper and rocket attacks on FC (Frontier Constabulary) and Army camps were reported. Plus, hundreds of houses were demolished for sheltering the militants in the military operations.⁴³

Military Action in North Waziristan – 2006

2006 witnessed the re-grouping of the militants in the North Waziristan, enhanced cross border attacks, and hit and run attacks on the Pakistan’s security forces. In March 2006, for instance, security forces targeted an alleged militant hideout in the border town of Danday Saidgi. The military claimed that 45 people, including 30 foreigners, mostly Chechens were killed in the attack. The militants retaliated with the attack on a Frontier Corps convoy near Mirali town, two days later. As a result heavy fighting spread to Miramshah, North Waziristan’s district headquarters.

The costs of violence on the local population grew day by day. According to reports, “the growing influence of militants and resultant insecurity have forced tribesmen in the restive North and South Waziristan agencies to migrate to adjacent districts of the NWFP”.⁴⁴

Parallel to this, military planners in Islamabad began to revisit their strategy to handle the deteriorating situation in Waziristan. It was felt that the use of force was counter-productive and local youth was gravitating towards the Taliban.⁴⁵ Thus, another peace initiative was launched by the newly appointed NWFP governor Lt. General (retd) Ali Mohammad Jan Orakzai in May 2006. Orakzai vowed “to put out the fire that engulfed the entire Waziristan and turn it into a land of peace”.⁴⁶ Believing that the army operation had weakened al-Qaeda and dispersed them, it was time for the political dialogue, thus the government put together a Grand Jirga to hold negotiations with the warring elements for a peace truce.⁴⁷

⁴² Rahimullah Yusufzai, “Putting out the fir in Waziristan”, *The News*, January 19, 2007.

⁴³ Figures quoted in, Imtiaz Gul, op.cit, p: 34.

⁴⁴ *Dawn*, January 18, 2006.

⁴⁵ Interview, DG ISPR, Maj General Shaukat Sultan, Feb 6, 2007

⁴⁶ “Orakzai for talks to end tribal unrest”, *Dawn*, , 25 May 2006..

⁴⁷ Interview, Governor NWFP, Lt General (retd) Al Mohammad Jan Orakzai, 22 November 2006, Peshawar.

Miranshah peace Agreement- September 2006

Though criticized by the Western governments, media and think tanks as a “policy of appeasement”, the deal was termed by Pakistan as “historic” and “unprecedented”.⁴⁸ JUL-F national parliamentarian Maulana Syed Nek Zaman who was also involved in the mediation process said: “Misunderstandings between the administration and (Pakistan) Taliban led to unpleasant moments but we are happy that a new beginning starts today”.⁴⁹

According to the translated text of the North Waziristan⁵⁰ agreement, the Utmanzai Tribe of the North Waziristan (that also incorporated the militants representatives, religious and local leaders) and the Government signed the peace deal on September 5, 2006 at Miranshah, in a move to establish enduring peace in the area⁵¹. Six months on, the key issue, arguably, is how successful these deals have been in terms of the aims of the Pakistan government, in particular in terms of the denial of safe haven for the Taliban and al-Qaeda.

Assessing the “Peace” Deals

Reflecting on the Peace agreements and their aftermath the senior journalist Rahimullah Yusufzai observed:

“Such accords were signed as a necessity to reduce losses to the military and our people by employing traditional peacemaking methods such as jirgas. Pakistan has to look after its own interest first instead of bombing villages on the basis of incomplete

⁴⁸ Ibid.

⁴⁹ Quoted in, “A welcome move”, *The Nation*, September 6, 2006.

⁵⁰ Obtained from the ISPR, Nov 2006.

⁵¹ The elements of this deal were: (1) Clauses to be Fulfilled by the Utmanzai Tribe: (a) No attacks shall be launched against Law-enforcement personnel, Armed Forces, and Government institutions. Also there would be no “Target Killing”(b) Parallel Administration shall be set up in NWA (North Waziristan Agency) and the writ of the Government of Pakistan would be accepted. The Political Administration would be approached for the solution of the local problems and all issues shall be solved under the “Riwaj” (Law of the land) and the Frontier Crimes Regulation (FCR) with the cooperation of the Utmanzai Tribes and their Elders. (c) Nobody shall be allowed to cross border to take part in military operations in neighboring Afghanistan. However, there will be no ban on traveling to Afghanistan in line with the existing traditions and law for trade purposes or meeting relatives. (d) No interference shall be carried out in Settled Districts adjoining North Waziristan and no effort shall be made to establish parallel administration there. (e) Foreigners shall leave North Waziristan. Those unable to do so will have to live peacefully in the area and respect the existing laws as well as the terms of the Peace Agreement. (f) all Government assets including vehicles, weapons, wireless sets, etc captured during fighting shall be returned”.⁵¹ (2) In return for the above listed commitments from the Tribals the Pakistan government agreed to adhere to the following promises in its interaction with the North Waziristan in future: (a) All those persons arrested during the military operations shall be freed and will not be re-arrested under the same cases. (b) All privileges and benefits allowed to the tribes in the past shall be restored. (c) New check posts set up on roads by the Army shall be dismantled. While only “khassadras” and Levies shall man the old check posts as was the practice earlier. (d) All confiscated vehicles, weapons, and other assets shall be returned to the tribesmen. (e) Once the agreement is signed, the ground shall halt all ground and aerial military operations and in future resolve all issues under the terms of tribal customs and traditions. (f) All innocent victims of the military operations shall be compensated for human and material losses. Owners of properties that were damaged shall also be paid compensation. (g) There shall be no ban on carrying arms in keeping with the existing tribal traditions and practices. However, the ban on heavy weapons shall continue. (h) Implementation of the peace agreement shall begin with shifting of Pakistan Army troops from road check posts to their camps and bases”.

and faulty intelligence by the US and NATO. However, the peace agreements need to be implemented in letter and spirit and regularly monitored and reviewed. The country cannot afford its territory to be used for launching attacks across the Durand Line border in Afghanistan. This cannot be allowed at any cost because involvement of Pakistani fighters in the fighting between the Afghan government and Taliban is drawing Islamabad into the conflict and jeopardizing the country's security. Any sanctuaries for Taliban must be removed."⁵²

According to national and international media reports and Pakistan government officials, the situation on the ground remained tense in the later part of 2006 and continues to be so. The militants, who are no longer fighting Pakistani troops, are instead using the region as a hub for cross-border attacks. This is more than evident in the deaths of locals militants during clashes in Afghanistan.⁵³ According to the people belonging to the area, "In North and South Waziristan, the writ of the government remains weak and most of the time it's absent. Excessive use of force by Pakistan army has alienated the civilians".⁵⁴

The Peace Accord of September 2006 was heavily criticized in the western media as an attempt to cut deals with the militants to protect Pakistan's troops while exposing western forces operating in Afghanistan to harm. For instance, an international think tank observed: "The militants now hold sway in South and North Waziristan Agencies and have begun to expand their influence not just in other tribal agencies such as Khyber and Bajaur but also in NWFP's settled districts".⁵⁵ Similarly, within Pakistan some political parties and groups criticized North Waziristan peace agreement as empowering the militants at the expense of the security of the common man. In its editorial, a major national daily stressed:

"On the face of it, the agreement reads as a breakthrough, but if one reads the finer print, it appears that the government has all but caved in to the demands of the militants. More ominously, the agreement seems to be a tacit acknowledgement by the government of the growing power and authority of the local Taliban".⁵⁶

With respect to whether stability and peace prevailed in the immediate wake of the September 2006 Peace Agreement, one analyst observed in December 2006:

"There is no doubt that the Waziristan agreements brought relative peace to the tribal belt straddling the Durand Line border with Afghanistan and helped stop the bloodshed. Rocketing of military and government installations almost came to halt, improvised explosive devices (IEDs) are no longer planted to blow up military convoys and ambushes have ceased. Occasionally, violations of the peace agreements do occur and targeted killing of pro-government tribal elders or those accused of spying for the US hasn't stopped. But the situation is much calmer now and the tribal people have heaved a sigh of relief after having suffered the consequences of military operations originally launched to hunt down foreign militants linked to al-Qaeda and

⁵² Rahimullah Yusufzai, "Putting out the fire in Waziristan", *The News*, January 19, 2007.

⁵³ "Bodies of four militants brought from Afghanistan", *Dawn*, 17 October 2006.

⁵⁴ Interview, Zuabair Mehsud – Lawyer, Law Department, Law College, Peshawar. 19 February, 2007.

⁵⁵ International Crisis Group Asia Report No 125, op.cit, p:20.

⁵⁶ "Back to square on?", *The News*, 7 September 2006.

Taliban”.⁵⁷ The peace deal of 2006 (North Waziristan Agreement) was an attempt by the government to seek peaceful resolution of the disputes “instead of killing its citizens through the use of superior firepower and exposing its soldiers to retaliatory strikes by the militants”.⁵⁸

Continued Uncertainty in Waziristan

In the first three months of 2007, Waziristan continues to see-saw between tension, violence and uneasy peace. The Pakistan military claimed to have carried out two air strikes in Gurwek (North Waziristan) and in Salamat village of Shak Toi (South Waziristan) in January, to destroy the militants (foreign) hideouts. This perception runs against the commonly held view that the US military used its unmanned, CIA-operated Predators to fire the missiles that hit these targets inside Pakistani territory.⁵⁹ The strikes led to violent protests in Tank which serves as the gateway to South Waziristan and the protests spread to other areas as well. The air strikes were also widely condemned by the religious political stalwarts as well as secular and nationalist parties’ leadership.

Parallel to this, the government tried to regain the trust of the local population by engaging the moderate elements and promising more development aid for the area. Nevertheless as tension grips any one of the seven tribal agencies the ripple affects are felt in the North and South Waziristan agencies too. Similarly, with the rise in Taliban insurgency within Afghanistan and counter actions by the international forces based there, the pro-Taliban (as well as pro-Al Qaeda) sentiments continue to rise all along the tribal belt on the Pakistan side of the Durand Line. At times it is extremely difficult to bifurcate local population into the pro-Taliban or pro-Al Qaeda groups and draw clear distinctions. This complexity is captured in the following lines:

“The US has given itself the right to launch pre-emptive strikes anywhere in the world to protect its interests and it seems objections by Pakistan or other weaker nations to this policy don’t count much in President Bush scheme of things. It is another matter that such strikes cause so much ‘collateral damage’ that America makes more enemies than it can kill after each such attack”.⁶⁰

In circumstances where the Pakistani government’s credibility is increasingly doubted by the intelligentsia and external actors too, clashes in March in the Azam Warsak area in South Waziristan between the foreign militants (mainly Uzbeks) and the local Tribesmen were characterized by the government as an attempt by the locals to evict the foreign militants from the area. The death toll has been above 120, which included 30 local tribesmen and the rest foreign, mostly Uzbekistani militants and their tribal supporters from the area and beyond.⁶¹

This has been interpreted as a success for the peace agreements concluded earlier in Waziristan, where locals were to ensure that foreign elements either leave the agency or live in peace according to the tribal customs. It seems that the government is

⁵⁷ Rahimullah Yusufzai, “Pakistan First” policy and peace accords, *The News*, 15 December, 2006.

⁵⁸ Ibid.

⁵⁹ Rahimullah Yusufzai, “Putting out the fire in Waziristan”, op.cit.

⁶⁰ Ibid.

⁶¹ “Toll 127 as clashes intensify in Waziristan”, *The News*, March 22, 2007.

employing the local elements by supporting them to stand up against the foreign elements. There were reports that the army may be pounding the hideout of foreign elements on behalf of the local tribesmen, though this is denied by the government spokesmen.

To quote an Islamabad based analyst Farhan Bokhari:

“A week of fighting between al-Qaeda loyalists and tribal militants in a remote Pakistani border region has almost completely destroyed camps used by a leading terrorist from Uzbekistan, Pakistani intelligence officials claimed on Thursday. “There’s no way to confirm if Yuldashev himself may be dead. But what I know for certain is that his group has suffered heavy casualties,” said one Pakistani intelligence official. “It’s hard to imagine if the Uzbeks have any firepower remaining to carry on in the tribal areas”. Meanwhile, Abdul Sattar, Pakistan’s former foreign minister, said the challenge of militancy in the tribal areas was too complex to be resolved quickly. “The people of the tribal area are fed up of militants present among them. But the militants have had a long-term presence in the tribal areas. You can’t get rid of them in one go.”⁶²

Conclusion

First, there are limits to the utility of military force as a means to achieve the desired objectives, whether in the Tribal Areas, or in Afghanistan and elsewhere. That is, it is virtually impossible to have peace in one sector of the war while other sectors remain turbulent. This implies that unless peace and stability returns in Afghanistan, the situation will remain volatile in the adjoining border areas, particularly Waziristan. Most of the time, military action can be counter-productive. Taliban sanctuaries within the tribal areas can only be removed through local support and thus by the generating trust of locals in Pakistan government policy. That trust in turn depends on engagement and reconciliation through dialogue, and on meaningful incentives to stop fighting and be integrated into the mainstream politics.

Secondly the complexity of the situation in Waziristan requires an integrated approach that is based on the sustained development of the entire FATA in economic, social, educational, and political terms. This in turns calls for the gradual integration of the FATA into the mainstream of Pakistani politics and the enlisting of widespread public support for this.

Thirdly, the fact of the matter is that the Pakistan government is walking a tight-rope in handling the uncertain and unstable situation in Waziristan. Its policy continues to be a mix of, force, political dialogue, and incentives. One can argue that present policy has incorporated a new element, that is, exploiting the differences between the adversaries (here, local versus foreign Taliban), dividing them and indirectly supporting pro-government elements (locals) versus foreign elements. The dilemma for the Pakistani government is how to interpret the current fighting in Waziristan: Is it a success of the earlier peace deals that asked for the foreign elements removal from the region? Or is it a reflection of the absence of the writ of the state in the area? Or is

⁶² Farhan Bokhari, “Pakistan al-Qaeda camps destroyed”, *Financial Times*, March 22, 2007.

it time to recognize the vital and critical role of non-state actors in the security makeup of Pakistan, particularly in FATA?

In a nutshell, the situation in Waziristan can best be described as an uneasy state between peace and war. An integrated long-term approach based on institutional and political reform in FATA, accompanied by investment in education and the economic uplift of the area can offer a plausible way out of the quagmire.