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Conference Report

FATA- In the Shadow of the Military Pullout from Afghanistan

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Inaugural Session

Cognizant of political developments taking place in the Af-Pak region and the strategic significance of FATA, the Institute of Strategic Studies Islamabad (ISSI) and the Danish Institute for International Studies (DIIS) co-hosted a two-day conference titled, "FATA- In the shadow of the military pullout from Afghanistan." The conference was inaugurated by the President of Pakistan, H.E. Mr. Mamnoon Hussain. The keynote address was delivered by former Chairman Joint Chiefs of Staff Committee, Gen. (R) Ehsan ul Haq.

In his welcome remarks, Ambassador (R) Khalid Mahmood, Chairman ISSI, drew attention to FATA's strategic significance while also discussing the potential of insecurity in the region that stems from the impending drawdown of foreign troops from Afghanistan. With the Afghan presidential elections approaching, the Chairman recommended that it was imperative to evaluate the situation and take appropriate steps.

Dr. Rasul Bakhsh Rais, Director General ISSI, opined that policy-oriented research had hardly been explored and FATA, in particular, had been neglected. The paucity of empirical, policy-oriented research on critical issues made it important to organize conferences that would bring scholars together to deliberate on the emerging challenges faced by Pakistan.

In his keynote address, Gen. (R) Ehsan ul Haq focused on the security challenges in FATA; prospects of which are expected to further deepen following the drawdown of US forces and the resulting instability in Afghanistan. He deplored the negative role played by successive Afghan governments in disturbing regional peace by laying claims to territories under Pakistan's control, not accepting the international border and refusing to seal or regulate cross border movements in accordance with accepted international procedures. Besides subverting the loyalties of the tribes on the Pakistan side of the border, the Afghan government also refuses to adhere to the timetable for the repatriation of Afghan refugees.

To counter terrorism, Pakistan has displayed strong resolve by undertaking major military operations against the militants in FATA. In six out of the seven agencies of FATA, militant activities have been contained yet the threat remains very real. While discussing the strategy of negotiations, Gen. Ehsan explained that kinetic operations are employed only to provide time and space to work out a political solution. In the context of FATA, agreements allow the political administration to ingress and retain/extend the writ of the state while isolating undesirable elements. However, for agreements to be effective, he argued that it was important that these be negotiated from a position of strength with effective mechanisms for enforcement. He also mentioned that Afghanistan and Pakistan relations have been susceptible to a trust deficit, which is expected to worsen. The limited capability of the ANSF, the presence of TTP sanctuaries and increased cross border incursions make peace agreements even more difficult. The Indo-Afghan Strategic Agreement was also discussed as an instrument to extend Indian interference in Baluchistan and FATA.

Highlighting Pakistan's Afghan Policy, Gen. Ehsan emphasized that Pakistan has always been committed to a peaceful and stable Afghanistan. It is in Pakistan's own interest that political, military and economic transition in Afghanistan emerge successful. As a way forward, he recommended that in the larger regional context, Pakistan develop a new narrative on the regional security dynamics and counter terrorism/extremism. Militancy and extremism can also not remain confined to FATA given their

complex nature that requires a holistic approach, conducted at the national level. While international practices may be applicable in certain circumstances, localized solutions will be far more efficient and applicable in tackling internal challenges. Gen. Ehsan lauded the government's announcement of a National Internal Security Policy and stressed the need to invest in developing an cohesive security system comprising border forces, intelligence and surveillance system, as well as police and emergency services. With U.S/NATO force withdrawing from Afghanistan, it is imperative for Pakistan to consolidate control over all territories, including North Waziristan Agency. The Pak-Afghan border control and regulation remains a contested topic as does the issue of refugees. While the state attempts to de-radicalize Madrassahs, involving religious political parties and ulema is necessary.

The President of Pakistan, H.E Mr. Mamnoon Hussain while expressing his views on the subject briefly traced the history of FATA and highlighted its transition from a peaceful region to a hub for refugees, weapons and illicit drug trade. While speaking about initiatives introduced by the government, the President stressed that socio-economic development was of high priority and a Sustainable Development Plan for FATA has been devised which provides a coherent framework to address the basic needs and problems of FATA and its people. In order to create synergy, harmony and increased coordination in programmes of various institutions, a FATA Youth Commission is also being setup to help implement the Youth Policy, monitor performance and provide overall guidance on youth initiatives.

On the issue of national security, the President cautioned that the US-ISAF drawdown from Afghanistan would bring new challenges for Pakistan. Regional peace and security were imperative not only for the Afghanistan's stability but also for Pakistan's progress. He opined that the presence of foreign troops and drone attacks promoted pro-conflict ideology. However, Pakistan was determined to meet its security challenges in FATA and was deploying every possible means, including dialogue, with the militants for peace and stability in the region.

Mahwish Hafeez, Research Fellow

Session I: De-radicalization & Disarmament of FATA

Speakers: Brig (R) Mohammad Ayaz Khan, Mohammad Amir Rana, Shahzad Qazi, Manzar Zaidi, Thomas Galasz Nielsen

Predicting that the withdrawal of U.S. troops from Afghanistan will limit U.S. ability to counter extremism in the region, it was discussed that the use of soft measures such as counter extremist messaging or CVE Messaging in FATA would become necessary in the fight against terrorism.

The use of these measures is dependent upon two factors. The first is gaining access to accurate and currently unavailable data on issues regarding perceptions of extremism and extremist groups. The second requirement is a value-driven approach that presents facts alongside counter-extremist messages that promote values, identities and a worldwide view that resonates with Pakistanis, thereby engaging the audience and effectively changing the narrative.

Premised on a prior study suggesting that an audience interprets messages on the basis of how an issue is framed, it was determined that a similar method could be used in counter-extremist messaging in FATA. As the majority of the population in the region is traditional and religious, it would perhaps be most effective to incorporate religious values in counter-extremist messaging. In effect, the strategy would be based on identifying what the residents of FATA want and using those beliefs and values to influence their opinions.

Dr Manzar Zaidi, Counter-Terrorism project advisor at the British High Commission in Pakistan, shed light on the constitutional status of FATA explaining that under Article 247, the Parliament cannot make laws for FATA unless the President directs otherwise and the judiciary has no jurisdictions in FATA unless the Parliamentary bylaws provide them any support. Article 51 of the Constitution grants FATA 12 seats in the National Assembly while Article 59 reserves 8 seats in the Senate.

The administration of each agency is run through the Political Agent, Assistant Political Agent, Tehsildars, Khassadars, security forces (Levies or Scouts) and Maliks. The tribal administration and justice system is based on the concept of territorial, tribal (collective) and protective responsibility. Adjudication is through the Jirga system, comprehended and accepted by the tribesmen. The administration takes cognizance of only those offenses, which are committed in protected areas. It generally avoids interfering in the offenses occurring between the tribes.

However, the Political Agent, the most powerful person in a tribal agency, controls tribesmen through a system of territorial responsibility. Reporting to the Governor, he interferes only in grave situations and wields the powers of district magistrate and session judge. In addition to this, he also has executive, judicial and revenue powers and is responsible for maintaining law and order and suppressing crimes in the tribal areas.

The Frontier Crime Regulations 1901, popularly known as FCR is responsible for maintaining administrative justice in the tribal areas. It is the supreme law in FATA where other civil and criminal laws are not extended. Until 1997, the Commissioner acted as a revisional court but in 1997 it was amended into the appellate forum and the powers of revision of the Commissioner's verdict were given to the tribunal consisting of secretaries of the Home and Law Department. The FCR is a direct contravention of the Constitution of Pakistan 1973, as well as the Juvenile Justice System Ordinance

(JJSO) 2000, the Universal Declaration of Human Rights (UDHR) 1948, the Covenant on Civil and Political Rights 1966, and the Covenant on the Rights of the Child (CRC) 1989.

Saba Imran, *Research Fellow* & **Suliman Yousuf**, *Research Associate*

Session II: FATA's Importance for Future Afghan-Pak Relations

Speakers: Zardasht Shams, Ahmad Rashid, Amina Khan and Saleem Safi

Twelve years after the fall of the Taliban, as international troops begin to withdraw, Afghanistan has seen significant developments that will enable it to face the challenges that loom on the horizon. The panel highlighted many important developments that have helped set Afghanistan on the right track. Since 2001, the country has seen significant changes some of which include bold steps to reunite the country with an improved infrastructure, better education, better health facilities and improved access to information technology. Today, forty percent of the 11.5 million school going children are girls. On the economic front, the foreign exchange reserves have improved considerably. During Taliban rule, Afghanistan was an internally isolated country with no functioning state institutions while the people of Afghanistan were deprived of their basic rights. In contrast, the Afghanistan of today is committed to the ideals of peace, security, democratic governance and economic development.

However, a young democracy with nascent institutions does not come without its fair share of problems. Apart from deteriorating law and order, the drawdown of foreign troops and the transfer of power to Afghan forces is the most difficult challenge.

Economic challenges still confront Afghanistan and continued international assistance is required to keep the economy running. However, the security transition process has so far proven to be both a strategic and tactical success. Attacks by the Taliban elicit stronger responses and condemnation from the population. The upcoming elections are also a ray of hope as the country is ready to vote and the preparations of these elections are more advanced than previous electoral cycles. Today, 35,200 Afghan soldiers and police officers as part of the Afghan National Forces are providing security to more than 90 percent of the Afghan population. Despite capacity building, the ANSF is subjected to cross border attacks, painting a bleak picture for FATA in a post-2014 Afghanistan. The Afghanistan government has taken the initiative of opening peace negotiations with the Taliban leadership. Cooperation between Pakistan and Afghanistan has increased; a move imperative to usher in regional peace and stability as Afghanistan enters its transition period.

However, troop drawdown in Afghanistan has severe implications for Pakistan. Illustrating only limited gains, Afghanistan is far from being stable. With the transition process and the upcoming Presidential elections, several outcomes are now possible ranging from a patchy power-sharing set-up between the Afghan Taliban and the central government to the outbreak of a fourth round of civil war.

The panel also provided insightful analysis on the future of FATA and the failure of successive Pakistani governments to integrate it into the rest of the country. Since the 1980's, FATA has been used as a dumping ground for weapons and opium. When the Taliban took over in 1992, madrassahs were established in the tribal areas and FATA was used to train Taliban recruits. In a post 9/11 world this practice became even more precarious. Improper handling of the tribal areas has impacted the entire region, making it a breeding ground for extremist groups. The repercussions resulting from ignoring FATA over the years have further complicated the situation. Today, young people in FATA demand political and economic changes; opportunities for which have been severely lost. Until FATA is integrated into the constitution of Pakistan, the Durand Line will remain a contentious issue between the two neighbours. Furthermore, absorbing not only Afghanistan's drug trade but also Afghan refugees makes FATA increasingly vulnerable to volatility.

In addition to a number of other concerns, FATA is extremely fertile for militancy due to its direct links with Afghanistan; whether cultural linkages, historical linkages or land linkages. Turning the tribal areas into a land dominated by proxy warfare is the U.S practice of testing drone technology in the region and the al Qaeda practice of recruiting its suicide bombers from and in FATA. It is likely that Pakistan will once again have to face the brunt of the turmoil in Afghanistan as it did during the 90s after Soviet withdrawal.

The panel stressed the need of an intra-Afghan dialogue as well as an intra-Afghan Reconciliation process which will directly benefit Afghanistan and FATA as well. Border management was deemed necessary to curtail cross border militant movement in order to control the further destruction of FATA. It is essential for Pakistan to formulate a holistic and pragmatic strategy within the context of its national interests to safeguard itself from the plausible challenges that will emanate from Afghanistan post 2014.

Mahrugh Khan, Research Fellow & Sarah Akram, Research Fellow

Session III: Strengthening Local Democracy

Speakers: *Amb. (R) Ayaz Wazir, M. Zahoor, Habib Malik Orakzai, Zartaj Gul Wazir, Ikramullah Jan Kokikhel*

During the last 66 years, the people of FATA have suffered tremendously due to smuggling, drug trafficking, gun running, extortion, abduction and suicide attacks. The speakers stressed the need to end this suffering by empowering the local population. Adult franchise was only allowed in FATA in 1996. Since all governance systems in the only five urban centres of FATA are apolitical in nature, different tiers of government lack any political linkages. This has created tensions between provincial and local politicians with the local tier being viewed as a competing structure of “patronage.”

The 2012 political and administrative reforms i.e. the extension of Pakistan’s Political Parties Order (PPO) of 2002 to FATA and the amendments in FATA’s Frontier Crimes Regulations (FCR) helped to fulfill some long standing demands of the people. Though the people of FATA participated in the 2013 elections, more steps are required to help them enhance their political awareness, identify reform priorities, and unite their voice for developing FATA.

There was consensus among major political parties that local bodies elections must be held in FATA, Article 247 of the Constitution of Pakistan should be amended, media should extend its coverage and the powers of executives should be separated from Judiciary. Other reforms were also introduced that involved a social transformation of FATA from a rural-tribal society to a more urbanized, cosmopolitan and progressive society.

The role of Political Agents in FATA was criticised by the speakers. A three way relationship – Political Agents, tribal leaders and religious leadership – has led to corruption, forcing these institutions to not only lose control but also legitimacy in the eyes of the people. Socio-economic indicators of the tribal areas also illustrated a dismal scenario. The literacy rate in FATA stood at 24% male and 3% female. In the health sector there was only one bed for every 2,327 people. Only 43% people in FATA have access to safe drinking water. Overall, 60% of the population in FATA was living under the poverty line and war on terror has further deteriorated social economic development in this region. No commercial banks were allowed to operate in tribal areas and no industrial estate was willing to invest in this region.

The issue of negligence by higher authorities and the federal government were debated in details. It was argued that while FATA had been exploited numerous times by world superpowers, the people of the tribal areas were never given control over their own territory. The elected representatives of FATA only invested money to maintain a vote bank yet rarely bothered to accord attention to its development. There is an urgent need to strengthen local democracy at the grass root level, which can help uplift socio-economic conditions and curb extremism. Creating awareness among local population and holding local body elections will improve the situation on ground. There was also a need to accommodate the local traditions of the jirga system into the local democracy process.

It was widely believed that existing laws and system exploited the local population and there was a need to initiate an effective local government system in FATA. In order to attain this, a new level of thinking and leadership was necessary that believed in integrating FATA into mainstream Pakistan. Furthermore, the election process should be made transparent, which would also help end corruption in FATA. The session concluded by reiterating that the solution to FATA’s problems lay in empowering the local population.

The panel recommended that the Pakistani government must strive to understand the grass root problems of FATA and accord its citizens equal political and civil rights as those in the rest of the country. A legal framework should be promulgated for the introduction of local government in urban and rural areas of FATA. Union councils in FATA must prepare ground for holding local bodies elections immediately. A grass root level transparent and accountability system should be in place to create public awareness and identify additional reform priorities and areas of consensus. The media should play a positive role to create political awareness amongst the local population. Lastly, it was argued that there was an urgent need to separate the executive and judicial powers in FATA.

Malik Qasim Mustafa, Senior Research Fellow & Mehreen Khaskheli, Intern

Session IV: Building Resilient Political Institutions and Ensuring Service Delivery in FATA

*Speakers: Naveed Ahmad Shinwari, Yousaf Rahim,
Hussain Shaheed Soherwardi, Mahreen Farooq*

The fourth session examined conflict resolution mechanisms such as socioeconomic development, community building, and peace negotiations. The panelists focused on the role of strong political institutions and development from the ground up in mitigating conflict.

The first panelist provided a development framework for FATA and outlined the challenges of development in the region. The FATA Secretariat has formulated a sustainable development plan which provides a coherent framework for addressing the basic needs in FATA and introduces development interventions in FATA in four areas: infrastructure and improved connectivity, improvement in social service delivery, economic growth and new and innovative initiatives.

Legal and political reforms have also been introduced, such as amendments in the Frontier Crimes Regulation (FCR), the extension of 189 laws to the tribal areas and the introduction of the FATA Local Government Regulation in 2012. Such reforms are vital steps towards bringing FATA into the mainstream and recognize that the FCR can no longer be considered a sacred cow.

Furthermore, a number of new initiatives have been undertaken in the region, such as directorates for media and sports, a women's empowerment cell, a youth policy, indigenous goods market and mineral development. However, key challenges remain, such as poverty, unemployment, low literacy rates, the perilous security situation and limited access to social services, which are becoming hurdles in the way to progress. These challenges can be addressed through further reforms including the extension of laws to FATA, area-specific and integrated development, strengthening political institutions and public private partnership.

As Pakistan moves closer towards peace talks with the Pakistani Taliban, it is necessary to consider the machinations of negotiation as a conflict resolution mechanism and counterterrorist strategy. As a general rule, terrorists are rarely open to compromise as their demands usually involve a radical change in the status quo.

The state can respond to terrorist demands through diplomacy, which is the preferred option but is unlikely to work in most cases. The state can also try to undermine terrorist support or opt for a direct military confrontation. Given that terrorists thrive on media attention, it is necessary to temper media coverage and ensure that the media reports responsibly and provides context for its coverage. This is especially pertinent in the case of a vibrant yet sensationalist Pakistani media.

A number of factors come into play during peace negotiations with an armed group or terrorist organization. The most important factor is the organization's internal cohesion and whether the TTP is in control of all the local commanders. Accounting for the sponsors of the terrorist organization in question is also critical as is the timing of the negotiations and for the state to find the optimal strategic point for negotiations; if, for example, an organization is asked to negotiate as it is being defeated, it may prefer to escalate the violence in the form of one final push against the state.

In the case of Pakistan, it is also pertinent to consider the elements that need to come together in a documented counterterrorism policy. This includes reforms in the judicial system, empowering local government and providing economic incentives and regulating the relationship between terrorist activity and media coverage.

A vibrant and active civil society can transform FATA by informing communities on issues, checking the power of political leaders, creating social harmony and resolving local conflicts. The most important factor to recognize is that reforms in FATA must come from within and the first step in doing so is to support the development of a strong civil society that can facilitate reforms from the bottom up. Local mechanisms for implementing reforms include traditional Muslim networks (such as ulema), local activists and apolitical local tribal elders.

A classic example of the role civil society can play in a conflict situation is of the 2009 military operation in Swat, when the army was able to mobilize public support for the operation because the media, civil society, policymakers and the military were on the same page. There are five channels that can be explored for promoting peace, including public awareness campaigns, educational programming to reduce intolerance, social welfare assistance to offset extremist recruitment, faith-based communities challenging extremist organizations at an ideological level and finally, public statements by prominent intellectuals to denounce attacks on innocent civilians.

However, local institutions in FATA are weak and underdeveloped and therefore implementing reforms will take time. In addition to the precarious security situation, there is a lack of government and international funding and support as well as restrictions on operating in FATA. There is also the risk that incumbent power brokers will resist reforms that will weaken their power. Moreover, it must also be recognized that even if change in FATA comes from the top-down, it has to be based on local input and be in line with the social norms of the region; for example, while criminal and civil codes should be extended to FATA, it might also be advisable to maintain traditional dispute mechanisms alongside.

FATA is one of the poorest and most disenfranchised regions in Pakistan. Given that peace and development go hand in hand, conflict and instability in FATA have acted as a barrier for development in the region and created an environment conducive to militancy. The panelists touched upon the importance of economic development and political reforms in developing a long-term, growth-oriented solution to the conflict that will counteract the insurgency and its apparent foothold in FATA. All three panelists agreed that the government needed to focus on improving the abysmal socioeconomic indicators for FATA while also pushing ahead with a more participatory governance structure and bringing FATA into mainstream Pakistan. Moreover, such meaningful development must go hand-in-hand with a cohesive counterterrorism policy, as discussed in the second panel, which would also have to include governance reforms and economic initiatives.

Maliha Tariq, Research Fellow & Anjum Saeed, Research Associate

Session V: Role for International Community

Speakers: Brig (R) Said Nazir Mohmand, Khalid Aziz, Marvin Weinbaum, Hassan Abbas, Christian Wagner

The last session of the conference was devoted to discussing the role of the international community in FATA. It was widely agreed that post-2014, the international community would remain engaged with FATA primarily because it viewed the region as a sanctuary of terrorists where al-Qaeda and its local affiliates were thriving thus posing a threat to global peace and stability. However, making this engagement beneficial for the region and its inhabitants required strategic and political changes.

It was suggested that the international community part with its previous mode of engaging and empowering only Pakistan's military establishment and focus on engaging and empowering its people and civil society. The Pakistani government was urged to meaningfully engage the international community as no country could exist in isolation. Up until the writ of the state was not extended to FATA, any amount of foreign aid would go to waste.

The international community can help Pakistan in improving the situation in FATA in various ways, some of which include bolstering the rule of law, institution building, de-radicalization, improvement in the quality of life of the people of FATA through efficient service delivery, and support for civil society. A strong emphasis was placed on building resilient political institutions particularly an effective local government system. In this context, the KP Local Government Act 2013 has served as a counter-insurgency measure as it will create 45,000 village councilors, and will involve a transfer of Rs. 50 billion for an annual development programme.

Previous international practices of ignoring FATA have had tremendously damaging consequences for not only Pakistan but also the global community. Given the precarious situation, FATA can easily become the epicentre of global terrorism and a source of increased tensions between Pakistan, Afghanistan and India.

It was concluded that the international community would remain engaged with Afghanistan post 2014, as it had not forgotten the consequences of disengaging from Afghanistan in the wake of the Soviet-withdrawal. However, the nature and scope of this engagement would be different and contingent upon various developments and factors, both internal as well as external. The Bilateral Security Agreement (BSA), the transparency of the upcoming presidential elections, and the status of human rights in the country were mentioned as some of the internal factors that would influence the nature and scope of international engagement with Afghanistan.

Notwithstanding this commitment there are risks that the international community could be forced to turn its attention away from Afghanistan. The security challenges for the European states in the Western part of the Middle East, where Europe has much bigger interest in terms of securing energy supplies, combating terrorism, and preventing refugee influx into Europe, could be bad news for Afghanistan as aid could be diverted to these areas.

Kashif Mumtaz, Senior Research Fellow & Sherbaz Khetran, Research Fellow