

The Pashtun Tribal Identity and Codes: At Odds with Pakistan’s Post-9/11 Policies

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Almost all ancient societies from Greek city-states to Indian kingdoms have disappeared from the surface of the earth but not before laying the foundation of modern civilizations. The strongest currents of modernity, scientific and technological revolutions, and most recently globalization, undoubtedly made a profound impact on humankind; yet due to a number of reasons, some of the tribal societies proved to be resilient enough to preserve their own distinct identity, culture and way of life. In the present South Asian region, the Pashtun, known for their love of freedom, codes of honor and hospitality are one such society. Estimated to be more than twenty-five million members, ethnic Pashtun constitute the largest tribal group of the world. There is no unanimity among scholars over the origin of Pashtun tribes,¹ yet many anthropologists are of the view that about a thousand years ago, ethnic Pashtuns moved from the area around Ghor to the present day Afghanistan-Pakistan border areas.

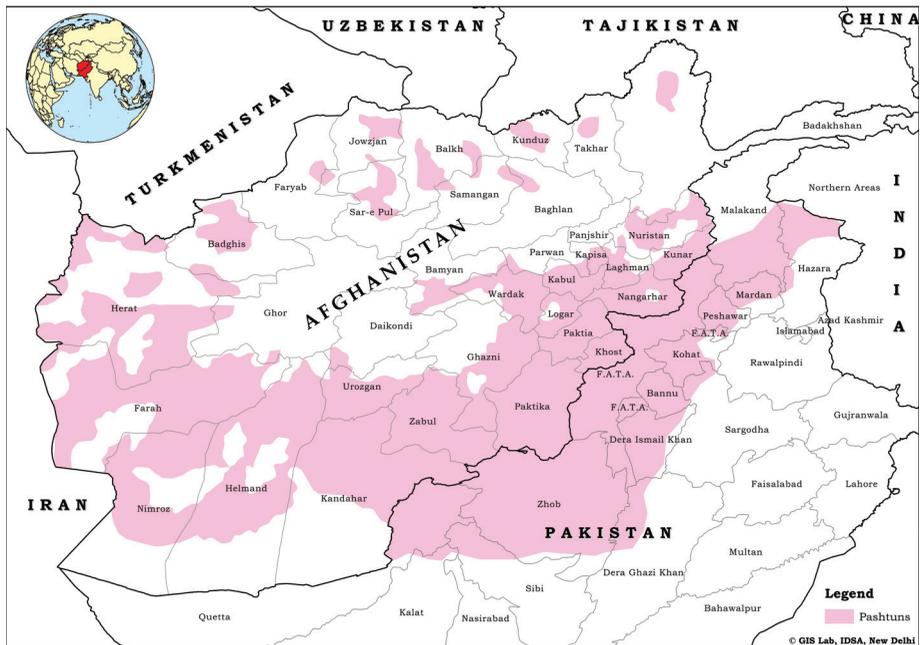


Figure 1
Pashtun Tribal Areas in Afghanistan and Pakistan. Source: GIS Lab, IDSA, New Delhi.

The Pashtuns are broadly categorized into two major groups — Nang and Qalang. The Nang (Highland Pashtuns) primarily reside in the mountainous regions, while the Qalang (Lowland Pashtuns) live in the fertile lowland areas. According to David B. Edward, Nang societies are “acephalous and segmentary in structure” and their codes of conduct are bound by traditional codes of honor. In contrast, Qalang Pashtuns are hierarchical and their social interactions are asymmetrical and structured primarily by the economics of patron-client relations.²

Qais Abdur Rashid, an Arab contemporary of Prophet Mohammad (PBUH), is believed to be the ancestor of all Pashtuns. As per the oral Pashtun tradition, the four super-tribal confederacies — the Durrani (sometimes referred to as Abdali, are located in the south and southwest of Afghanistan as well as adjacent areas of Pakistan), the Ghilzai (are primarily based in the east of Afghanistan), the Ghurghust (reside at the southwest edge of the core Pashtun region and also in the east) and the Karlanri (located astride the Pakistan-Afghanistan border; a majority of them are based in the Khyber Pakhtunkhwa province of Pakistan) — trace their descent to four sons of Qais Abdur Rashid. Some scholars add one more major grouping called Sarbani into the list of super-tribal confederacies.³ It is commonly believed that at least 350 tribes come under the above mentioned confederacies. These tribes are further divided into a number of clans or *Khels*.⁴ These *Khels* are comprised of various *Kahols* — extended family groups — which are further divided into *Koranays* — nuclear families. The Karlanri Pashtuns are notorious for fighting for their honor and freedom. They include some of the fiercest and most warlike tribes such as the Afridis, Dauris, Jadrans, Ketranis, Mehsuds, Mohmands and the Wazirs.⁵ Among these, the Wazirs of greater Waziristan are considered to be the most conservative and irascible, who proudly claim never having paid taxes to any sovereign.⁶ The Hill Tribes, bordering Pakistan and Afghanistan, are fiercely independent in their nature and thus never thought of compromising their freedom for the sake of anything.⁷ Akbar Ahmed compares these tribes with the thistle and argues,

Love of freedom, egalitarianism, a tribal lineage system defined by common ancestors and clans, a martial tradition, and a highly developed code of honor and revenge — these are the thistle-like characteristics of the tribal societies.⁸

Pashtuns are one such society/ethnic group that not only preserved their centuries-old culture, tradition and identity but also effectively and, in most cases, successfully challenged every attempt of subjugation by mighty kingdoms as well as powerful modern states.

In late 1585, the great Mughal Emperor Akbar, with the aim of subduing the Yusufzai tribal confederation in Swat and Bajaur, sent his army under Zain Khan Koka. The mighty Mughal army initially forced many Yusufzai chiefs to submit to Mughal authority. However, a relief force, in difficult mountainous terrain, met disaster which resulted in the death of about 8,000 Mughal soldiers, including the famous court-wit Raja Birbal.⁹ In 1672, Aurangzeb, another Mughal Emperor, sent his army to subjugate the Afridis. The Mughal army was ambushed in the Khyber resulting in the death of 10,000 soldiers, while about 20,000 were captured alive. The tribal assault was so deadly and brutal that only Amin Khan, Aurangzeb's governor along with four others barely escaped and returned to Peshawar.¹⁰

The British, who ruled over the Indian subcontinent after the Mughals, also could not establish the state's writ in the tribal areas, even at the height of their colonial empire. They suffered heavy casualties at the hands of deadly Pashtun tribes in most of their armed interactions. The tribal areas, during colonial times, were infamously referred to as *Ghair Ilaqa* — the alien land — because the British could never fully integrate the region into India. It is remarkable that during the First Anglo-Afghan war (1839-42), the British Army suffered a humiliating defeat and failed to capture Kabul. In early 1842, the army was ordered to retreat from Kabul. On its return journey, the deadly tribes, occupying the heights of the passes, massacred the entire British Army with the exception of only one soldier.¹¹ It was William Brydon, covered in blood with several deep wounds and a slashed open skull, who survived the onslaught and told his masters about the massacre.¹² Some scholars suggest that tribes deliberately let Brydon go so that he may tell the tale to others.

During the Soviet invasion (1979-1989), these tribes along with other *Mujahideen* fighters and warlords played an important role in driving out the Soviet Red-Army from Afghan soil. In their efforts to defeat the Soviets, they received substantial support from Pakistan, the United States and Saudi Arabia. At present, many of these Pashtun tribes, under the Afghan Taliban leadership, are engaged with the North Atlantic Treaty Organization (NATO) and International Security Assistance Forces (ISAF) in Afghanistan. Some of the tribes under the banner of Tehreek-e-Taliban Pakistan (TTP) are targeting the Pakistani State apparatus, partly for its role in helping Americans against their Afghan brethren and partly in order to establish a Taliban-style rule in Pakistan.

The Distinct Pashtun Identity and Codes

Ethnic Pashtuns are acephalous in nature and organized around a segmentary lineage¹³ system. The Pashtun saying, “every man is a Malik”, rightly captures their love of freedom and equality. In the early 20th century, Jaggar from Abdur Rehman Khel of the Mehsud tribe suggested to the then British administrator in Waziristan, Sir Evelyn Howell, “Let it be ‘field’ and blow us all up with cannon or make all eighteen thousand of us Nawabs.”¹⁴ The suggestion points out a very pertinent fact that Pashtuns prefer martyrdom over subjugation by outsiders.

Their identity is determined as per the “patrilineal pedigrees” and egalitarian character of their society.¹⁵ In most cases, the tribes are named after their common ancestor. The fierce Wazir tribe is named after their ancestor Wazir, while the Yusufzai tribes are named after their ancestor Yusuf. More or less, it is the same with the tribal units in which they live. North and South Waziristan Agencies are named after the Wazir tribe, the Orakzai Agency after the Orakzai tribe and the Mohmand Agency after the Mohmand tribe.¹⁶

***Pashtunwali* — the Pashtun Way**

Pashtun society is not entirely homogeneous. However, consensus exists on some core values which cannot be compromised in any circumstances. *Pashtunwali* is composed of two words --- Pashtun (the ethnic group) and *Wali* (pertaining to), thus, *Pashtunwali* means pertaining to Pashtuns or the Pashtun way. It is a set of unwritten codes to which every single Pashtun claims adherence. This uncompromising social code governs almost every aspect of Pashtun life — from birth to death. The importance of *Pashtunwali* is summed up in a proverb which says, “Pashtuns obey only one law — the *Pashtunwali*”. It sets rules and regulations for social interaction among the Pashtuns. Distinguished scholar James Spain argues,

Despite the fact that it has perpetuated the blood feud, [*Pashtunwali*] provides for what is probably the maximum amount of law and order in a society of warrior tribes. While it is true that for the most part it is the individual who acts on the code, the community at large judges with remarkable unanimity the righteousness of his action and supports it or opposes it. [*Pashtunwali*] is still by all odds the strongest force in the tribal area, and the hill [Pashtuns]...accept no law but their own.¹⁷

There are four vital components of *Pashtunwali* — *Ghairat* (honor), *Melmastia* (generous hospitality), *Nanawatey* (sanctuary or refuge) and *Badal* (revenge). In order to maintain a high sense of dignity and identity, all members of Pashtun society are required to give utmost priority to these codes. *Ghairat* is the most important component, which according to Ahmed Rashid, the noted journalist, “is maintained by constant feuding revolving around *zar* (gold), *zan* (women) and *zamin* (land).¹⁸ Given the male-dominated character of the society, the weight of tribal honor rests on the shoulders of the male members of the community. Weapons are considered to be the only jewelry for these men. Traditionally, these weapons included a sword or dagger. In the present context, however, Kalashnikov assault rifles have become very common. Every male member carries a weapon with him which determines his status “as the protector of his community” in tribal society. The status of a Pashtun family sharply declines in society if the male members of the family are not able to uphold their honor. Such individuals are called *dauz* — a person without honor. In battles if an individual Pashtun retreats, he loses his honor; however, if a group, realizing the impossibility of victory, retreats it will not cause loss of honor.¹⁹

Melmastia requires the Pashtuns to welcome their visitors “without expectation of favor”,²⁰ and provide them utmost care, protection and other facilities to maximize their comfort. Generally, the guests, while in the care and company of their Pashtun hosts, can neither be harmed nor surrendered to the enemies. However, if a foreigner, anyone other than a Pashtun, is the cause of war, he will have to leave.²¹

By invoking *Nanawatey*, anyone can ask for protection against their enemies. The code of *Nanawatey* is very flexible in nature. Among Pashtuns, requesting protection under *Nanawatey* is a sign of weakness and a kind of self-humiliation. However, once requested, the other party is obligated to honor the request, even if it comes from people who did considerable harm in the past. The party which grants *Nanawatey* protects the seeker, even at the cost of his own life. Although *Nanawatey* is granted temporarily, its time frame depends on mutual understanding between the protector and the seeker.

Badal signifies both revenge and exchange. It is worth noticing that revenge is much referred to rather than exchange. Revenge follows the principle of “an eye for an eye and a tooth for a tooth”. If one suffers dishonor — due to grievous acts by others such as murder, theft and rape — his family, sub-clan or clan is required to protect his honor by exacting revenge from the transgressor’s family, sub-clan or clan. In Pashtun society this is

considered the only way of ensuring stability and correcting a wrongful act. Unlike modern societies where the slogan “justice delayed is justice denied” is common, in Pashtun societies it may take generations to settle scores. Like *Nanawatey*, there is no fixed time period to take revenge which is rightly captured in a Pashtun proverb, “I took my revenge after a hundred years and I only regret that I acted in haste”. As far as the second meaning of *Badal* is concerned, it may be understood with an example: in a *Badal* wedding, suggest Johnson and Mason, two brides are exchanged, one from each family for a son of the other.²²

The *Jirga* System

In order to avoid bloodshed and settle disputes and long-lasting rivalries between families, sub-clans or clans, there is a *Jirga* system. The *Jirga* system is closely associated with the *Pashtunwali*. Some suggest it is an element of *Pashtunwali* itself. The *Jirga*, an assembly of adult Pashtuns, is a customary judicial institution of conflict resolution in Pashtun society. Generally, a *Jirga* is called on to resolve serious issues pertaining to Pashtun society. During the *Jirga*, people sit in a large circle to discuss and deliberate on important questions related to specific matters. The *Mashars* or *Spin Giris* (white bearded elders), because of their knowledge of the codes and their experience, command great respect in society and play an important role in passing judgement. The system works on the principle of consultation and consensus and dispenses speedy justice. According to Barnett R. Rubin,

Jirga includes all adult males and rules by consensus. In theory, a *Jirga* can be convened at any level of tribal organization, from the smallest lineage to an entire confederation. *Jirgas* are most commonly held at the lineage level but there are larger tribal or even inter-tribal *jirgas* as well, at least among eastern Pashtuns.²³

Besides mediating in disputes, the *Jirga* holds the authority to declare war or work out a peace agreement between the conflicting parties. Given the egalitarian character of the society and a strong sense of independence, an overarching central authority could never be established. The *Mashars*, argues Akbar Ahmed, “rely on personal charisma, wisdom, bravery, knowledge of the code and other personal characteristics to lay claim to authority”.²⁴ In most cases, estimated to be 95 percent, the *Jirga* succeeds in resolving the issue. The remaining 5 percent issues are settled by force. A Pashto proverb reflects the reality regarding the unresolved 5 percent cases: “What is not decided in the *Jirga* will be decided by bloodshed”.²⁵

Pakistan's Policy toward Pashtun Dominated Tribal Areas



Figure 2
Pashtun tribal areas in Pakistan. Source: GIS Lab, IDSA, New Delhi.

The British, even at the height of their colonial power, realized that these Pashtun tribes could not be controlled and governed like the rest of India. To deal with the tribes, they devised a mechanism emphasizing “masterly inactivity” which required non-interference in tribal affairs. Thomas Barfield refers to this as the “Swiss Cheese Model” of governance. According to this model, the central governments

expected their writs to run completely only in the most populated and economically prosperous parts of the country. The people in the poorer high mountains, steppes and deserts were left to fend for themselves as long as they did not challenge state authority. If they did, the state resorted to a range of weapons well short of direct rule to get them to cease. These included internal rivals, denial of access to vital urban markets and one-off punitive campaigns designed to emphasize the cost of resistance.²⁶

On the Indian side along the Durand Line,²⁷ which divides Pashtuns between Afghanistan and Pakistan, the British created autonomous tribal agencies. The Frontier Crimes Regulations, introduced in 1901, combined the colonial legal framework with the traditional tribal customs and norms. It created the institution called the Political Agent with wide powers and

finance to secure the loyalties of various influential tribal chiefs. The loyalty of the tribal chiefs was ensured through regular subsidies,²⁸ thus the Pashtun-dominated areas enjoyed a semi-autonomous status.

On the Pakistani side, the Pashtun are primarily concentrated in the Federally Administered Tribal Areas (FATA) which are comprised of seven tribal agencies — Khyber, Kurram, Orakzai, Mohmand, Bajaur, North Waziristan and South Waziristan. Johnson and Mason claim that the name of the area is a misnomer and cannot be considered federally administered as Islamabad could never maintain legal jurisdiction over more than 100 meters on both sides of the few paved roads in the tribal areas.²⁹

Pakistan, after coming into existence in 1947, did not interfere with the system created by the British. Soon after the partition of British India into India and Pakistan, these bordering tribes pledged their allegiance to Pakistan and signed over thirty instruments of accession that cemented the ties between the unruly tribes and the new Pakistani government. Mohammad Ali Jinnah, the Quaid-e-Azam, on 17 April 1948, convened a Tribal *Jirga* at the Governor House in Peshawar and interacted with the tribesmen. During the interaction, Jinnah stated,

Keeping in view your loyalty, help, assurance and declarations we ordered, as you know, the withdrawal of troops from Waziristan as a concrete and definite gesture on our part - that we treat you with absolute confidence and trust you as our Muslim brethren across the border. I am glad that there is full realization on your part that now the position is basically different. It is no longer a foreign Government as it was, but it is now a Muslim Government and Muslim rule that holds the reigns of this great independent sovereign State of Pakistan. Pakistan has no desire to unduly interfere with your internal freedom. On the contrary, Pakistan wants to help you and make you, as far as it lies in our power, self-reliant and self-sufficient and help in your educational, social and economic uplift, and not be left as you are dependent on annual doles, as has been the practice hitherto which meant that at the end of the year you were no better off than beggars asking for allowances, if possible a little more. You have also expressed your desire that the benefits, such as your allowances and *khassadari* that you have had in the past and are receiving, should continue. Neither my Government nor I have any desire to modify the existing arrangements except in consultation with you so long as you remain loyal and faithful to Pakistan.³⁰

Thus, the semi-autonomous status of the area was not disturbed even

after Pakistan's creation. Allowances and *khassadari* to influential tribal chiefs continued as before. The army, deployed in the FATA region, was withdrawn. This allowed the three distinct power-centers to co-exist — Malik (the tribal elders), Mullah (the religious leader), and Political Agent (the federal government's representative). Maliks derived their authority from the lineage based system and *Pashtunwali*. Mullahs were appointees of tribal elders to provide Islamic education to children and lead the prayers in mosques, while the Political Agents received powers from the federal Pakistani government. It is important to note that the position of Mullahs was inferior to tribal elders in Pashtun society and they did not have a say in important matters. They were completely dependent on the tribal elders for their income and security of mosques.³¹ They were also not a part of the *Jirga* system that would take important decisions pertaining to Pashtun society. Their job was to lead prayers, at every meeting, for the success of the *Jirga*. In special circumstances, when an invasion in the tribal areas seemed imminent, they took the responsibility of rallying tribesmen by giving a call for *Jihad*.

The first major attempt to introduce change in the tribal areas came during Zulfikar Ali Bhutto's tenure. In the 1970-1971 General Elections, Bhutto's Pakistan People's Party (PPP) emerged as the single largest party in West Pakistan (present day Pakistan); yet in two strategically important provinces — the North West Frontier Province (NWFP), now Khyber Pakhtunkhwa, and Balochistan — regional parties formed the governments. The National Awami Party (NAP) and Jamiat-ul-Islam (JUI) formed a coalition government in the NWFP, while the NAP alone came to power in Balochistan. Bhutto wanted to break the hold of regional parties in these provinces. He tried to cultivate tribal areas to check his rivals in the NWFP. For the first time, since the creation of Pakistan, the federal government attacked the privileges granted to tribal elders and promised adult franchise in these areas as well. The government established the FATA Development Council and the FATA administration was brought under the new Federal Ministry of State and Frontier Regions.³² It is worth noting that these administrative reforms did not alter the prevailing system in the tribal areas. Bhutto's regime was toppled by the military before some of these reforms could take effect on the ground. On 4 July 1977, General Zia-ul-Haq took over as Chief Martial Law Administrator. In his first address to the nation, on 5 July 1977, he described himself as a "Soldier of Islam", and stated that "Pakistan was created in the name of Islam and it will survive only if it sticks to Islam".

Due to Zia-ul-Haq's policies, the Mullahs gained prominence in the

tribal areas. During the Soviet invasion³³ of Afghanistan, the Zia-ul-Haq administration excessively relied on the Mullahs to rally tribesmen and other Muslims for the “Holy War” against the Soviets. The bypassing of two important power-centers — the Maliks and the Political Agents — by the federal government altered the power-balance in the tribal areas. The Mullahs, earlier dependent on the Maliks for their income and protection, now had more than enough money and weapons with themselves. In the words of Akbar Ahmed, “Almost overnight, the Mullahs had been elevated to a primary leadership role in Waziristan in the most significant war in the region in living memory”.³⁴

The 9/11 Incident and Subsequent Developments

The September 11 terrorist attack on the United States, popularly known as the 9/11 incident, is considered to be a watershed in the history of international relations. It was the biggest challenge, in the post-Cold War era, faced by the United States — the sole superpower of the contemporary world — which guided structural changes in the international system.³⁵ The impact of this incident was such that a number of states of the international system had to make substantial changes in their foreign and security policies. It did not take much time for the US administration to determine that the Afghanistan based al-Qaeda, under the leadership of Osama bin Laden (now dead), was responsible for the gruesome attacks. To deal with the situation, the Bush administration decided to launch a “Global War on Terrorism” with the explicit aim of eliminating top al-Qaeda leadership, defeat the Taliban and dismantle the infrastructure of terror worldwide. US policymakers rightly concluded that in order to succeed in Afghanistan, Pakistan’s support was essential, as it was the only country bordering Afghanistan, having close ties with the Taliban regime and situated beside the Indian Ocean. To get Pakistan’s approval and support for “The Global War on Terrorism”, the administration in Washington increased diplomatic pressure coupled with threat to brand Pakistan as a terrorist state and punish it accordingly. Richard Armitage, the then Deputy Secretary of State, had gone to the extent of threatening Inter-Services Intelligence (ISI) Chief Lieutenant General Mahmood Ahmed that Pakistan would be bombed back to the “stone age” if it refuses to align with the US.³⁶

General Pervez Musharraf, then the Chief Executive of Pakistan, found

himself in a tight corner and after thoroughly probing all the available options, decided to join the US in its “Global War on Terrorism” as a frontline ally. Before the commencement of Operation Infinite Justice (OIF), later renamed Operation Enduring Freedom (OEF), Musharraf made repeated attempts to persuade Mullah Omar to hand over Osama bin Laden and avoid an outright confrontation with the US. He assigned the job to ISI Chief Lieutenant General Mahmood Ahmed who led a few delegations to the Afghan leadership in Kandahar. Instead of persuading Mullah Omar, as is widely believed, Lieutenant General Mahmood assured him of ISI’s support.³⁷ In an interview given to Shuja Nawaz, he later said that he did not try to persuade Mullah Omar to do anything against his belief.³⁸ He stated, “I am a Muslim. Why would I go against another Muslim?” Mullah Omar, on his part, justified his decision of not handing over Osama bin Laden to the Americans by invoking the *Pashtunwali* principal of *Melmastia*. It is surprising that Mullah Omar did not face tough opposition, as he wrongly interpreted the *Pashtunwali* principle. Indeed, *Pashtunwali* is meant to protect the weakest members within the tribe. For outsiders, the rules are not the same. If an outsider is a “cause of war”, he is required to leave.³⁹ It was against the basic ethos of *Pashtunwali* to invoke *Melmastia* in Osama bin Laden’s case, as the noted terrorist was both a foreigner and cause of a war.

When attempts to persuade the Taliban regime to hand over Laden failed, the US launched a military operation in Afghanistan. In less than two months, under heavy bombardment from the coalition forces, the Taliban regime collapsed. In order to escape death, members of the Afghan Taliban along with al-Qaeda and other foreign elements decided to retreat from Afghanistan to the lawless tribal areas of Pakistan. Prior to the 9/11 incident, the area had been an important source of support for the Afghan Taliban.⁴⁰ In the post-9/11 period, it became critical for the physical survival and regrouping of Taliban and al-Qaeda fighters. It was natural for Pashtun elements, given the kinship ties and familial relationship, to find safe haven in the Pashtun dominated bordering areas of Pakistan. On the one hand, the government had no capacity to stop the terrorists due to the limited writ of the state in the bordering areas, and on the other, the Pakistani establishment had for long seen and nurtured such elements as “strategic assets” to be used in accomplishing regional objectives. Thus, under intense pressure, General Pervez Musharraf officially agreed to make Pakistan a frontline ally in the “Global War on Terrorism”, and later sent the military to conduct operations in the tribal areas.⁴¹

Military Operations and Aerial Drones in the Tribal Areas

The Pakistani establishment was well aware of the situation in the bordering tribal areas. As mentioned earlier, Jinnah had ordered the withdrawal of the army from the tribal areas to preserve the semi-autonomous status of the area. It was only in the year 2002 that the army was allowed to enter all the tribal agencies for building roads and fostering economic development.⁴² In a completely changed environment, due to the 9/11 incident and subsequent US retaliation, Pakistan knew how difficult it was to strike a balance between growing US pressure to act against the retreating terrorists and the semi-autonomous status of fierce Karlanri Pashtuns with ties across the border. The military establishment adopted a dual approach. To gain the confidence of the US and the international community, it decided to target, albeit halfheartedly, al-Qaeda militants responsible for the 9/11 attack; yet with the same token deliberately spared Afghan Taliban, especially the top leadership.

Under intense US pressure, the Pakistan Army entered into the tribal territory and on 22 June 2002, conducted its first ever operation against al-Qaeda at Azam Warsak in South Waziristan.⁴³ The operation was a failure as the locals were sympathetic towards the defeated Taliban regime and their al-Qaeda allies. Realizing this, on 27 June 2002, a number of army officers, including Brigadier Shaukat Hayat and Colonel Saeed Khan, approached a tribal *Jirga* and promised the elders that they would be given a chance to handle the precarious situation on their own before taking any future military operation against al-Qaeda.⁴⁴ Traditionally, the Political Agent, who knew the area and people better than any military officer, was responsible for this very job. Bypassing the office of the Political Agent was the first major mistake on the part of the military regime.

The Pakistan Army, on 2 October 2003, supported by 12 helicopter gunships, violating their own pledge, air-dropped approximately 2,500 commandos into the Baghar village near Angor Ada. The subsequent operation was led by Major-General Faisal Alvi which resulted in the death of several high-profile al-Qaeda commanders, including Abdul Rahman Kennedy.⁴⁵ The operation also left 31 Pakistani soldiers dead. Despite resentment among the Pashtun tribes, the Pakistan Army continued its small scale operation against the foreign terrorists who had been given shelter under *Pashtunwali*.

In March 2004, armed forces surrounded a house in Kaloosha

(South Waziristan) in which Tahir Yuldashev, the leader of the Islamic Movement of Uzbekistan (IMU), was residing along with his supporters. A deadly fight ensued when armed forces asked the terrorists to surrender. At this point, the rumor of Tahir Yuldashev's death reached the local tribes. Agitated by the news of Tahir's death, Zillikhel tribesmen surrounded the corps laying seige to the house. The deadly fighting left at least 80 Pakistani soldiers — South Waziristan Scout and Frontier Corps — dead.⁴⁶ This was a serious setback for the strongest institution of Pakistan. After regrouping, the Pakistan Army launched a major operation, known as the Kaloosha Operation, with full force. It was a conventional offensive in which heavy artillery, helicopter gunships and fighter bombers were used.⁴⁷ The operation was a complete failure because on one hand the army and local tribesmen suffered heavy casualties and on the other, it failed to dismantle the power and capabilities of the terrorists. Most importantly, the operation further alienated the local tribesmen. According to Imtiaz Gul,

The Kaloosha Operation, undertaken jointly by the Scouts and the army to flush out foreign militants from a fifty-square-kilometer area near Wana, sowed the seeds of dissent among many locals, created a feeling of hatred for the army and laid the groundwork for a new concentration of militants in Waziristan under the leadership of the Taliban and al-Qaeda.⁴⁸

Local tribesmen considered the Kaloosha Operation a betrayal on the part of the Pakistani state and army because it was launched at a time when the political administration was negotiating with the locals regarding the presence of foreign elements in the area. Imtiaz Gul quoted an Ahmadzai Wazir saying,

We were stabbed in the back... We were promised dialogue and development funds but all the time plans for a military operation against our tribes was well underway.⁴⁹

Since then, the Pakistan Army has conducted a number of military operations (both small and large scale) in the tribal areas and whenever the army suffered heavy casualties, they resorted to peace deals. The Army's operations, starting from 2002, included Operation Al-Mizan (2002), Operation Kazha Punga (2002), the Kaloosha Operation (2004), Operation Zalzal (2008), Operation Silence (2009), Operation Rah-e-Rast (2009), Operation Khwakh Ba De Sham (2010), Operation Brekhna

(2011), Operation Koh-e-Sufaid (2011) and Operation Zarb-e-Azb (2014). In most cases, after each intensive military operation, a short-lived ceasefire or peace deal was negotiated.

The first peace deal took place after the failed Kaloosha Operation in 2004. The Pakistani military officers, amid the mounting casualties and desertions in the Frontier Corps, approached Nek Mohammad Wazir for negotiating a peace deal. Under *Pashtunwali*, approaching for peace in your rival's territory is virtually considered as surrender. The final round of negotiation took place at a Deobandi *madrassa* near Wana on 27 March 2004. Nek Mohammad Wazir, Hazi Mohammad Sharif with eighteen other members including tribal elders and local *Ulema* (associated with JUI) participated in the grand *Jirga*.⁵⁰ The agreement reached at the *Jirga* is known as the Shakai Agreement.⁵¹

Lieutenant General Safdar Hussain, after signing the agreement, hugged and garlanded Nek Mohammad Wazir and said, "I congratulate Nek Mohammad and his colleagues on their courageous decision. You are our brothers and your allegiance pledge is exemplary."⁵² It required Pakistan to release all individuals taken prisoner during the operation, pay compensation for casualties and collateral damage, not to take action against Nek Mohammad and other wanted individuals, and allow foreign Mujahideen to live peacefully in Waziristan.⁵³ On their part, tribesmen agreed that local Mujahideen would not take action against Pakistan and Mujahideen-e-Waziristan would not take part in any action in Afghanistan.⁵⁴ The other peace deals included the Sararogha Agreement (2005), the Miranshah Peace Accord (2006), the Khyber Agency Pact (2008), the Swat Agreements (2008) and others.

The United States, dissatisfied with the Pakistan Army's ground operations, started using drones to target terrorists in the tribal areas of Pakistan. There was a secret agreement between the military regime in Pakistan and the United States over the drone campaign. In many cases, Pakistanis provided the ground intelligence, while CIA conducted strikes. This was probably the reason that the Pakistan Army tried to cover up the initial strikes and took credit for killing the terrorists. On 17 June 2004, the Central Intelligence Agency (CIA) fired the first drone strike in South Waziristan which killed Nek Mohammad Wazir. The Pakistani authorities denied any US involvement and claimed that the attack was carried out by Pakistani forces.⁵⁵

Emboldened by the accuracy of the target, the CIA launched another drone strike in North Waziristan on 5 November to kill al-Qaeda activist Abu Hamza Rabia. The attack was accurate and resulted in the death of 8 people including Rabia's wife and daughter, however, Rabia himself was fortunate enough to escape with a broken hand and a leg. He was finally killed in a drone strike on 1 December 2005. Pakistani authorities again tried to cover for the drone strike by claiming that Rabia was killed in an accidental blast from explosives inside the house. However, the shrapnel found at the site made it clear enough that it was a US guided Hellfire missile attack which killed him. The local people had seen the initials "AGM 114", "US" and "Guided Missile" on a metal piece which left no room for confusion.⁵⁶ The tribal journalist Hayatullah Khan, who broke the story of Rabia's death in a drone strike, was later abducted, possibly by Pakistan's intelligence agencies, tortured and killed. His wife Mehrunnisa accused intelligence agencies of the killing and also claimed that her husband met such a fate because he refused to backtrack on his report that Rabia's death was caused by a US Hellfire missile. A few months later, Mehrunnisa too was mysteriously killed and suspicion again fell on intelligence agencies.

When the use of drones by CIA came into the public domain, the military government changed its tactics. Now it started publically condemning the drone attacks, while privately providing ground intelligence. The top secret CIA documents and Pakistani diplomatic memos, accessed by the Washington Post, later revealed that "Despite repeatedly denouncing the CIA's drone campaign, top officials in Pakistan's government have for years secretly endorsed the program and routinely received classified briefings on strikes and casualty counts".⁵⁷ The most controversial part of drone strikes is that despite being precise and accurate, they indiscriminately kill people and cause collateral damage. There is no denying the fact that a number of high value targets were successfully achieved through drone strikes which included Haitham al Yamani, Abu Hamza Rabia, Midhat Mursi, Khalid Habib, Baitullah Mehsud, Hakeemullah Mehsud, Wali-ur-Rehman and many more. However, one cannot ignore the numerous innocent people who fell prey to the CIA drones. It is equally important to understand that everyone residing in the tribal areas is not a terrorist.

A report prepared jointly by a study of Stanford Law School and New York University's School of Law suggests that the number of "high-level" targets killed as a percentage of total casualties is extremely low — about 2 percent.⁵⁸ It is important to note that drone strikes

actually accelerated recruitment in the terrorist organizations. *Badal*, an important component of *Pashtunwali*, requires the relatives of the killed Pashtun to take revenge by killing the accused or his dearest ones. This very fact was underlined by Asfandyar Wali Khan, President of Awami National Party (ANP), in a lecture delivered in New Delhi on 21 April 2011. In an answer to a question, he stated that when the British were in the area, they respected the tribal culture and tradition and never tried to violate it but the problem with the Americans is that they do not respect the traditional way of life and thus, people oppose them and in some cases fight with them.⁵⁹

Riding on the wave of growing anti-Americanism in Pakistani society and a feeling of revenge among Pashtun tribesmen, terrorist forces intensified their recruitment process which ultimately ended in increasing control of the tribal areas by the militant organizations. It was conceded by none other than the Taliban spokesman Muhammed Umer that although the CIA's drones created some difficulties, it guided the recruitment process and with the flow of new blood in the organization the Taliban became more powerful.⁶⁰

Now given the history of the tribal areas, Pakistan's policies and post-9/11 military operations, the CIA's drone attacks caused great resentment among the Pashtun tribes who were sympathetic to the Afghan Taliban and their associates such as al-Qaeda and IMU. Various extremist groups (patronized, nurtured and trained by Pakistan to achieve foreign policy objectives) tried to exploit the situation to increase their power and influence in the region. This brought them in direct confrontation with the state of Pakistan, especially with the military establishment. Until 2007, various Pakistani Taliban commanders such as Baitullah Mehsud, Maulvi Nazir, Mullah Fazlullah, Maulvi Faqir and others had confined themselves to different tribal agencies and were loosely organized. However, as mentioned before, in the wake of a series of military operations coupled with CIA fired drones, militants (both local and foreign) felt the need for a central command figure that could transcend tribal regions. Baitullah Mehsud,⁶¹ the Taliban commander in South Waziristan, was found to be a unifying force. Various local commanders, with active help from foreign terrorist outfits, accepted Baitullah Mehsud as their leader and in late 2007 announced the formation of the Tehreek-e-Taliban Pakistan.

The principle objectives of this Pakistani version of Taliban are — uniting disparate pro-Taliban groups active in the FATA and NWFP

(Now Khyber Pakhtunkhwa), assisting the Afghan Taliban in its conflict across the international frontier and establishing a Taliban-style state in Pakistan and perhaps beyond.⁶² Nobody in Pakistan knew at that time that the group would prove to be the most dangerous outfit in Pakistan. In less than a year after its formation, as per various reports, it was found involved in most of the incidents in the tribal belt which included abductions, targeting of officials, military convoys, government infrastructure and such. Once the TTP consolidated its position in the tribal areas, it started mutating the very basics of *Pashtunwali*. Although it did not spare anyone opposing its ideology, program and vision of an Islamic state (based on selective interpretation of verses from the Quran), tribal elders were the prime target, as they had considerable power and influence in the traditional structure. As per some estimate, more than 1,000 elders who did not approve TTP's program and style of working have been brutally killed so far. The TTP's way of achieving its organizational goals has led people to believe that "Maliks have gone, Jirga is ineffective and *Pashtunwali* is dead".⁶³

Endnotes

- 1 A tribe is a socio-cultural-ethnic entity or an association of kindred groups which are composed of various families. For details, see Sahlins, Marshal D. (1961), *The Segmentary Lineage: An Organization of Predatory Expansion*, *American Anthropologist*, *New Series*, 63 (2): 322-345.
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- 3 Johnson and Mason talk about five loose groupings — Durrani, Ghilzai, Sarbani, Ghurghust and Karlanri. For details, see Johnson, Thomas H. and M. Chris Mason (2008), *No Sign until the Burst of Fire: Understanding the Pakistan-Afghanistan Frontier*, *International Security*, 32 (4): 41-77.
- 4 Some larger *khels* are also divided into sub-*khels*.
- 5 Johnson, Thomas H. and M. Chris Mason (2008), *No Sign until the Burst of Fire: Understanding the Pakistan-Afghanistan Frontier*, *International Security*, 32 (4): 41-77.
- 6 Ibid.
- 7 Khan Abdul Ghaffar Khan's Khudai Khidmatgars are considered an exception in this regard. Under the leadership of Khan Abdul Ghaffar Khan, in 1929 thousands of Pashtuns non-violently mobilized to oppose the British Colonial Empire. It is believed that around 100,000 Pashtuns joined the movement and pledged to serve the people in the name of God. For details, see Kurtz, Lester (2009), *The Khudai Khidmatgar (Servants of God) Movement: Badshah Khan and the Northwest Frontier in British India (1933-1937)*, [Online: web] Accessed 11 December 2014. URL: <http://www.nonviolent-conflict.org/index.php/movements-and-campaigns/movements-and-campaigns-summaries?sobi2Task=sobi2Details&catid=17&sobi2Id=15>
- 8 Ahmed, Akbar (2013), *Thistle and Drone: America's War on Terror or War on Tribal Islam*, Lahore: Vanguard Books, p. 5.
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- 13 Pashtun society is based on a distinct type of kinship structure which is referred to by anthropologists as a segmentary lineage system. In such a system, a particular society is divided into various segments. Members of each segment are ideally descendants of a common ancestor. At a higher level, principally all the Pashtuns are descended from a common ancestor. For details, see Trainter, Joseph A. (2001), *Pashtun Social Structure: Cultural Perceptions and Segmentary Lineage Organization*, [Online: web] Accessed 26 August 2014. URL: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1934940
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- 16 Ahmed, Akbar (2013), op cit., p. 20.
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- 40 Fishman, Brian (2013), The Taliban in Pakistan: An Overview, in Peter Bergen (eds.), *Talibanistan: Negotiating the Borders Between Terror, Politics and Religion*, New York: Oxford University Press.
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