

Re-emergent Pre-State Substructures: The Case of the Pashtun Tribes

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Declaration of Authorship

I, Mohamed Umer Khan, hereby declare that this thesis and the work presented in it is entirely my own. Where I have consulted the work of others, this is always clearly stated.

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Abstract

This study explores borderlands as a function of the imposition of the post-colonial state upon primary structures of identity, polity and social organisation which may be sub-state, national or trans-state in nature. This imposition, particularly in the postcolonial experience of Asia, manifests itself in incongruence between identities of nation and state, between authority and legitimacy, and between beliefs and systems, each of which is most acutely demonstrated in the dynamic borderlands where the competition for influence between non-state and state centres of political gravity is played out.

The instability in borderlands is a product of the re-territorialisation of pre-state primary structures, and the state's efforts in accommodating, assimilating or suppressing these structures through a combination of militarisation, providing opportunities for greater political enfranchisement, and the structure of trans-borderland economic flows.

The Pashtun tribes of the Afghan borderland between Pakistan and Afghanistan are exhibiting a resurgence of autonomy from the state, as part of the re-territorialisation of the primary substructure of *Pakhtunkhwa* that underlies southern Afghanistan and north-western Pakistan. This phenomenon is localised, tribally driven, and replicated across the entirety of *Pakhtunkhwa*. It is a product of the *pashtunwali* mandated autonomy of *zai* from which every *kor*, *killi* and *khel* derives its security, and through the protection of which each is able to raise its *nang*, and is able to realise its position within the larger clan or tribe.

Other examples of competition between postcolonial states and primary structures are the Kurdish experience in south-eastern Turkey and the experience of the Arab state. While manifesting significant peculiarities, all three cases - the Kurds, the Arabs and the Pashtuns - demonstrate that the current configuration of the postcolonial state system in Asia is a fragile construction, imposed upon enduring, pre-state primary structures which are resurgent through competition with the state.

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List of Acronyms

ANA. . . Afghan National Army

ANP ... Awami National Party

ATT...Afghan Transit Trade

BRA...Baluch Republican Army

BLA... Baluchistan Liberation Army

BLF ...Baluchistan Liberation Front

CDA...Capital Development Authority

FATA ... Federally Administered Tribal Areas

FC ...Frontier Corps

FIA ...Federal Investigation Agency

IB...Intelligence Bureau

ISI...Inter-Services Intelligence

KESC ... Karachi Electric Supply Company

KP...Khyber-Pakhtunkhwa

LeT... Lashkar –e-Tayaba

MI... Military Intelligence

MQM...Muttahida Qawmi Mahaz

NATO...North Atlantic Treaty Organisation

NAP...National Awami Party

NWFP...North West Frontier Province

PATA...Provincially Administered Tribal Areas

PDPA...People’s Democratic Party of Afghanistan

PML... Pakistan Muslim League

PML-N ...Pakistan Muslim League Nawaz

PML-Q ...Pakistan Muslim League Quaid – e – Azam

PPP...Pakistan People's Party

RAW...Research and Analysis Wing

SSP... Sipah Sahaba

TNSM ...Tehreek-e-nifaaz-e-shariat-Muhammadi

TTA... Tehreek-e-Taliban Alami

TTP... Tehreek-e-Taliban Pakistan

TTS ... Tehreek-e-Taliban Swat

US... United States

USSR... Union of Soviet Socialist Republics

Glossary of Terms

Arbakai	Another term for <i>lashkar</i> , a tribal militia responsible for defending the <i>zai</i> .
Atrapay	Territory associated with a tribe, similar in meaning to <i>zai</i> . Used predominantly amongst the Ghilzai.
Badal	Retribution, a core component of <i>pashtunwali</i> . Often emphasised as a right, and a function of time.
Baraney	Refers to non-residents of <i>Pakhtunkhwa</i> , or resident non-Pashtuns.
Jirga	<i>pl. (Jirgaey)</i> Consultative assembly and forum for decision making, on a clan, tribal and pan-tribal level.
Khan	Position of authority usually within a <i>khel</i> or <i>kor</i> , but sometimes within a tribe. Of Turkish origin and widely used among the Ghilzai, Yusufzai.
Khel	Unit of patrilineal organisation, usually approximating a clan, but sometimes used as a suffix in the name of a tribe.
Khpal	<i>lit.</i> 'One's own' referring to one's blood relatives within a <i>kor</i> , or homestead.
Killi	Village or hamlet, usually occupied by a single <i>khel</i> or expanded <i>kor</i> .
Kor	<i>lit.</i> House. Refers to homestead, and refers to nearest blood relatives.
Lashkar	Militia of a clan or tribe, not necessarily standing but often is.
Lewaney	'Mad Mullah', a term variously employed to describe a Mullah who calls for a jihad in times of an external threat, but is characterised by a reliance on spiritual preparation and conduct of conflict as opposed to conventional, temporal preparation.
Lungi	Form of payment made by Political Agent to a <i>khan</i> or <i>malik</i> , in exchange for keeping peace.
Madrassa	Seminary for learning of Islamic textual knowledge.
Malik	Position of authority within a <i>khel</i> or <i>kor</i> , widely used among the Karlanri.
Melma	<i>lit.</i> Guest. Often describes travellers passing through a <i>zai</i> and is used in contrast to <i>baraney</i>
Melmastiya	Core component of <i>pashtunwali</i> , <i>lit.</i> hospitality, measured in terms of hardship undertaken by the host and the degree of comfort or ease provided to the guest.
Mullah	Religious leader, usually on a clan level, but at times emergent on a tribal or pan-tribal level.

Nanawatey	Core component of <i>pashtunwali</i> . <i>Lit.</i> To enter, the provision of unconditional protection to whomsoever seeks it.
Nang	<i>lit.</i> Honour, the pursuit of which is a driving factor behind Pashtun social interaction. Also term employed by Ahmed (1976: 73) in reference to tribal Pashtuns, in contrast to <i>qalang</i> Pashtuns.
Nikkat	Same as Lungi.
Paighore	<i>lit.</i> Shame, or the social isolation and condemnation that arises in society as a result of the inability to defend nang.
Pakhtunkhwa	Territory considered by the Pashtun as a larger, collective homeland within which the autonomous tribal <i>zai</i> have a space.
Pashto	(<i>Pakhtu</i>) language of the Pashtuns. Also refers to conduct in terms of <i>pashtunwali</i> , in the expression <i>Pashto kol</i> (doing Pashto).
Pashtunwali	Code of conduct for tribal Pashtuns encompassing individual and collective behaviour. Core aspects with strategic and political impact include <i>badal</i> , <i>melmastiya</i> , <i>nanawatey</i> , <i>jirga</i> , <i>nang-o-namus</i> .
Qabeela	<i>pl.</i> Qābail. Arabic word for tribe, indicating its primary nature in terms of identity. In Pashto, can refer to <i>Khel</i> , or <i>zai</i> .
Qalang	Describes Pashtuns who have settled in agricultural areas and adapted <i>pashtunwali</i> to a sedentary, pastoral lifestyle. Employed by Ahmed (1976: 73) in contrast to <i>nang</i> Pashtuns.
Qawm	In Arabic, similar to nation, used to describe the people associated with a language, region or related group of tribes. In Pashto, used to describe a large tribal confederation such as the Ghilzai, Durrani, Yusufzai.
Qazi	Judge in a Sharia court, also known as <i>Qazi</i> court.
Shajara	Tree charting patrilineal descent.
Sharm	<i>lit.</i> Embarrassment, usually in the context of providing inadequate <i>melmastiya</i> .
Shura	<i>lit.</i> Consultation. Used in reference to the command council of the Taliban, alleged to operate from Quetta. Also used in some Mehsud and Waziri clans to mean <i>jirga</i> .
Taboorwali	Agnatic rivalry between paternal cousins, often over land entitlements. Subsides in face of threat to the <i>kor</i> , <i>khel</i> or <i>zai</i> .
Tor	Core component of <i>Pashtunwali</i> . <i>lit.</i> Black or dark stain, usually in reference to crimes committed against women. There is no <i>nanawatey</i> for the perpetrator of Tor.

- Zai** *lit.* Place, referring to the territory associated with a particular *khel* or tribe. Can be used as singular or plural.
- Zameen** *lit.* land. Usually used in the context of *Zan, Zar, Zameen*, meaning Women, Gold and Land, a poetic allusion to the cause of most disputes among tribes
- Zan** *lit.* the self, refers to women in the above mentioned phrase.
- Zar** Gold, in the above mentioned phrase.

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1 Pre-State Structures and the Postcolonial State

1.1 Introduction

Volatility in postcolonial states in Asia is perpetuated by incongruity between the contours of these states and of enduring pre-state forms of political authority and identity. The establishment of postcolonial states across Asia largely disregarded preceding national, tribal and clan configurations. Competition between these primary structures of polity and the state is most acutely manifest in the dynamic borderlands between states in Asia. The state has sought to accommodate, assimilate or suppress these primary structures through the militarisation of borderlands, through providing economic and developmental incentives to the borderland populations, and through opportunities for political enfranchisement.

Since 2002, the Pashtun tribes of the Afghan borderland between Pakistan and Afghanistan are exhibiting a resurgence of autonomy from the state, tribally driven within each autonomous *zai*. The resulting militarisation by the state and its international partners has resulted in the proliferation of an anti-state insurgency to which external anti-state elements in the form of trans-national jihadists and elements of the former Taliban regime are also party. As in the case of the wider insurgency in Afghanistan, the insurgency in FATA and contiguous parts of KP is a primarily localised phenomenon that it is being replicated across multiple tribal *zai*. Although it does not evidence a pan-Pashtun nationalist element, the fact that it is a localised phenomenon replicated across the wider primary substructure of *Pakhtunkhwa* demonstrates an attempt to return to a pre-colonial form of polity in which tribal autonomy is unchallenged, and association with the state is nominal.

The competition between primary structures and the state is observable in other regions of Asia. The Kurdish borderland is an enduring national substructure underlying eastern Turkey and northern Iraq primarily. The heavy militarisation of this borderland by the Turkish military, both in Turkey and through cross-border excursions into Iraq particularly since 1999, has diminished the intensity of tribal competition against the state in the borderland. The Arab state, particularly in historical *ash-Shām* and the Arabian Peninsula - which this study refers to as Arabia¹ - demonstrates competition with the enduring trans-state superstructure of pan-

¹ Within the Ottoman administrative context, the Arabian Peninsula, historical *ash-Shām* and Iraq did not manifest a linguistic or cultural Turkification. Beyond Damascus, Jerusalem and the holy sites of Madinah and Makkah, Ottoman administration in *ash-Shām* and the Arabia Peninsula remained primarily nominal, and executed through tribal representatives. Iraq did manifest a greater degree of

Arab identity, acutely manifest in both the amorphous quality of some border areas, and the heavy securitisation of others.

Despite the variation in experience, all three cases - the Kurds, the Bedouin and the Pashtuns - demonstrate that the current configuration of the postcolonial state system in Asia is constructed upon a fragile foundation undermined by enduring, primary forms of polity that precede the postcolonial state and are in competition with it.

1.2 Research Question

This study examines the Afghan borderland as a process of competition between indigenous and primary structures of identity, and the states of Pakistan and Afghanistan. This process determines that the Afghan borderland is in a state of flux, a condition arising from the permanent inter-tribal competition for the autonomy and primacy of the tribal *zai*. The tribal agencies of FATA represent the core of the borderland, a region extended into contiguous settled districts of KP and southern Afghanistan. Within FATA, the Mehsud, Waziri, Orakzai, Mohmand, Shinwari, and Tarklanri tribes are the principal agents of autonomy from the state.

The borderland exists within the larger spatial context of *Pakhtunkhwa*, representing a geographic concentration of the Pashtun who constitute the single largest national group in Afghanistan, and are a significant minority in Pakistan, concentrated in and around the administrative province of Khyber-Pakhtunkhwa (KP). The borderland constitutes a strategic, socio-political, economic and military challenge to the Afghan state and the Pakistani state particularly, arising from the trans-border reality of a tribally organised society bisected by an international boundary. This challenge is compounded by the geography and extreme topography of the borderland region, and by the psycho-social impact of the precepts of *pashtunwali* that generate an identity revolving around the primacy of *khpai*, *kor*, *khel*, and *zai*, within the spatial context of the larger *atrap* of *Pakhtunkhwa*.

This study explores the relationship between the resurgence of localised tribal autonomy in the Afghan borderland, and a wider territorialisation of pre-state and sub-state, trans-border identity. This it does in seeking to answer the primary question: **What are the underlying structural causes of the resurgence of tribal autonomy in the Afghan borderland?** In addition, the study seeks to address the corollary questions:

administrative attention through the formation of the Wilayat of Basra, Baghdad and Mosul by the early nineteenth century. See section 1.7.2. (Arabia). See also al-Rasheed (2002: 26-39).

What is the impact of resurgent tribal autonomy in the Afghan borderland upon Pakistan's political and military policy towards FATA and KP? What is the impact of resurgent tribal autonomy in the Afghan borderland upon prospects for the reconstitution of an effective Afghan state presence in the Pashtun belt? What are the implications for the US and NATO presence in Afghanistan, of resurgent tribal autonomy in the Afghan borderland?

Further to these questions, the study seeks to draw parallels with other examples of pre-state substructures challenging the postcolonial state in Asia. In order to demonstrate the wider applicability of its analytical paradigms and findings, the study addresses the case of the Kurdish borderland and the borderlands between the Arab states in historical *ash-Shaam* and the Arabian Peninsula.

This enquiry is particularly pertinent at a time where significant resources are being employed globally in the prosecution of wars ostensibly being fought to resolve the ideological and political ramifications of the aforementioned incongruities of nation and state, which are in fact flaws in design and need to be articulated and tackled as such. It is intended that this study shed light upon the Afghan borderland as perhaps the most salient case study possible, to illustrate the severity of the implications of the design flaw inherent in the imposition of the postcolonial state in Asia. It is hoped that this study will facilitate a wider dialogue on both the theoretical and practical aspects of the emerging challenges inherent in the design of the current international system in the context of Asia, and potential resolutions to its most significant shortcomings.

1.3 Contextualisation

1.3.1 Asia

Asia is a vast and varied geographic region across which political experience varies greatly, both over time at a specific place in Asia, and spatially across Asia at a given point in time. Currently in Asia, heavily securitised praetorian principalities contrast with transnational states such as India and China which demonstrate functioning, institutionalised political processes. Iran represents an enduring polity driven by a preponderant national grouping, while Pakistan demonstrates significant contusion along the lines of national groupings.

Within this varied geo-political context, this study identifies two periods as determinant in the subsequent political experience of a number of states in Asia. The first is the concurrent Persian and Turkic administration of the overwhelming majority of the geographic regions of

West Asia and Central Asia between the thirteenth and nineteenth centuries, along with the Perso-Turkic Mughal dynasty in South Asia during the same period. The second is the European colonisation of West Asia and South Asia during the nineteenth and early twentieth centuries. Section 1.6 (Postcolonialism) of this chapter identifies the attributes of the aftermath of the European colonial experience in Asia, primarily the territorial design of the postcolonial states, that characterise these state with a volatility most acutely manifest in the borderlands between them.

India, Pakistan, Afghanistan, Iran, Iraq, Turkey, Saudi Arabia and Yemen are all experiencing varying degrees of volatility in their respective borderland regions. Syria, Jordan, Saudi Arabia, Yemen, Pakistan and Afghanistan manifest a further quality of indeterminacy with respect to the configuration of parts their respective borders.

This study addresses the competition between these postcolonial states and the primary substructures that underlie them within the common experiential context of Asia. Specifically, this study examines the case of the Pashtuns in Afghanistan and Pakistan, drawing parallels with the experience of the Kurds and of Arabia.

1.3.2 Defining the nation

The nation is an abstract quantity that is difficult to define, but generates a socio-economic, political and strategic impact upon the enterprise of the state. The term 'nation' conveys a wide meaning and significant variance.² A nation is a *community with common territorial, linguistic and phenotype attributes*. These attributes occur in varying degrees and vary over time. A population, or indeed an individual, may manifest characteristics of more than one nation. This study distinguishes between the nation, as a primary form of identity and association, and the state.

In contrast to the nation, the modern state represents permanent sovereignty over defined territory. The state may exhibit the preponderance of a single nation within it. It may be comprised of a number of nations. It may exhibit no discernable national identity. Thus, this study considers the state and the nation to be exclusive quantities in origin.

This study addresses the experience of three nations: the Kurds, the Arabs and the Pashtun. In each case, the study identifies the national grouping as constituting a form of collective

² Influential works exploring varying understandings of the term include Smith (2002), Gellner (1983), Hobsbawm (1997), and Anderson (1991).

identity and association in contrast to the state, with each of the three nations experiencing territorialisation which is contrasted with the territoriality of the state. Hence, this study employs the terms nation and national as relating to the Kurds, Arabs and Pashtun as collective and territorial identities exclusive from the state.

1.3.3 Defining tribes

While the etymology of the term tribe reveals a Hellenistic origin describing a non-genealogically based, administrative tripartite division of the polis (Nagy 1990: 276-78), the reality of the term as it is employed in anthropological and political discourse refers to *a form of identity, association and organisation based upon common genealogical origin*. As is evident from this definition, tribes vary in their forms, degrees of stratification, and size. Tribes can function as a primary unit of strategic and political function, or may constitute an amorphous and largely retrospective form of identity. In the case of the Arabs, the Kurds and the Pashtun, tribes constitute the primary structure of identity and association within the nation.

From among the three nations considered, the Pashtun demonstrate the greatest degree of organisation, stratification, and territorialisation of the tribe. In the Pashtun experience, there is a sequential progression from *kor*, to *khel*, to *qabeela*, to *qawm*. *Kor* refers to the family, and is interchangeably used with *khpal*. *Khel* describes the clan which is a collection of *kor*. However, the size of the *khel* varies greatly from a few hundred individuals to tens of thousands, depending on the tribe in question. *Khel* amalgamate to constitute a *qabeela*, which this study refers to as the tribe. The *qawm*, or nation, is the aggregate of multiple *qabāil*.

Territorialisation varies between tribes. Some are nomadic while others have an historical association with a particular area. Pashtun tribes exhibit territorialisation in the form of the *zai* which is the space within which the tribe has existed, the autonomy of which is a primary concern for every *khel* and ultimately *kor*.

1.3.4 The segmentary nation

This study asserts an understanding of the *segmentary nation*. Insofar as tribes represent structures of identity, association and authority arising from the recognition of a common genealogical origin, the segmentary nation represents the aggregate of tribal structures that identify with a common genealogical origin and manifest commonalities conventionally associated with the nation as identified in section 1.3.2.

This study considers the Pashtun an example of segmentary nationhood, a phenomenon elaborated upon extensively through chapter 2. While the territorial and linguistic commonalities among the Pashtun nation distinguish it from other national groupings, it is tribal identity that is preponderant among the Pashtun, territorially in the form of the *zai* and structurally in the form of the *kor, killi, Khel, zai, qawm* matrix discussed in section 2.6. Hence, tribalism is the determinant characteristic of the segmentary nation. This attribute renders more conventional understandings of the nation, in which the state is a prime component,³ invalid in describing the phenomenon of the segmentary, or tribal, nation in which the state remains ineffective as a structure of authority and legitimacy, those features being the preserve of the tribe.

1.4 Borderlands

1.4.1 Defining borderlands

The term 'borderland' as it occurs in conventional use, refers to the property of indeterminacy. In general linguistic use, the term borderland refers to where things overlap: 'The indeterminate area between two conditions, categories, or activities that is hard to define because it contains features or qualities of both'.⁴ While a functional definition will not address all the determinant attributes of such a varied phenomenon as a borderland, it will provide an adequate understanding upon the basis of which further detailed realities can be introduced as they are deemed to be of relevance to the subject matter of the study.

*A borderland may be defined as a populated geographical region contiguous with an international border in which the social, political, cultural and economic overlap between populations in the two states separated by the border is not effectively mitigated by it.*⁵

³ Gellner (1983), Smith (2002), Hobsbawm (1997), and Anderson (1991) all assert the abstract nature of the nation, with Smith offering that a nation may transcend ethnicity altogether and exist as an ideational community. There is significant variance between these authors over the processes that lead to the expression of the nation through nationalism. However, in all cases the state is central, whether pejoratively or prescriptively, to the expression of nationhood through nationalism. In contrast, the segmentary nation may exist as a sub-state or trans-state substructure, underlying the state and in competition with it, driven by tribes as centres of political, economic, military and organisational gravity.

⁴ 'Borderland'; http://encarta.msn.com/dictionary_1861591914/borderland.html. Accessed 9th April 2010.

⁵ Definitions for the term 'borderland' within the discipline of political studies vary, some focusing on the remoteness of the borderland from the state's core, with others addressing the indeterminate nature of borderlands. The definition used here highlights the fact that, while borderlands may vary in their constitution, the principal factor underlying the term 'borderland' is the reciprocal interaction across the border among populations separated by it. It is the degree of this interaction, often in contravention of the legal environment of the state, which gives the borderland its characteristics.

Every state has borders and, by the definition established above, potentially every state bordered by another will have a borderland, in so far as populations move across the state's borders. However, the definition offered here for 'borderland' seeks to illuminate specific conditions that emerge as a result of the interaction between populations across borders within a determined geographical space around a border. The degree of development of these conditions and the extent of the geographical space within which they emerge is dependent, in turn, upon the nature of the particular states and of state responses to cross-border population movements.

1.4.2 Non-borderlands

Where the state is highly developed and integrated, with a stable and enduring institutionalised legislative and executive authority, it is highly likely to retain exclusive legitimacy and authority over the vast majority of its population. If a neighbouring state enjoys such characteristics, and the two states are not in a condition of belligerence towards each other or a third state or entity, then cross-border interaction between the populations of these states is unlikely to lead to the development of a unique set of conditions relating to identity and attitudes towards the state in the populated geographical space around the border. This is particularly the case where the population inhabiting the geographic region around the border is not characterised by a pre-existing and sub-state form of identity relating to ethnicity, tribe, language or religion. Hence, an examination of the US-Canadian border, for instance, will reveal that the development of a unique borderland identity and borderland conditions, separate from and in contrast with identity in regions of the state remote from the border, is very limited if at all empirically perceptible.⁶

1.4.3 Variation in the characteristics of borderlands

However, a significant variation in conditions can shape the nature of a borderland greatly. There are a number of characteristics of the condition of the state, its population and its borderland that significantly impact the nature of a borderland and the form of the dynamic between the state and its borderland.

⁶ Stuart Surlin and Barry Berlin assert that identity amongst residents of cities close to the US-Canadian border reflects highly similar aspects. They consider this evidence of a U.S.-Canadian borderland identity. However, their research does not establish whether or not the suggested identity in the borderland is unique to it and in contrast to identity in other parts of Canada and the U.S. Evidence cited in their research actually suggests that the widespread availability of U.S. media in Canada has shaped Canadian attitudes towards identity, leading to a synthesis of Canadian and U.S. cultural norms. They do not establish that this is a unique attribute of communities living in the borderland. See: Surlin, S.H. and Berlin, B. 'TV, Values, and Culture in US Canadian Borderland Cities: A Shared Perspective' *Canadian Journal of Communication* 16:3 (1991); available at <http://www.CJC-online.ca/index.php/journal/article/viewArticle/628/534> . Accessed 21st September, 2010

States that do not have the benefit of stable and enduring political institutions are likely over time to experience crises related to authority and legitimacy in the borderland. The institutionalisation of political processes has the potential to transfer structures of power rooted in non-state structures to state institutions, therein establishing the authority and legitimacy of the state. Where institutionalisation has not effectively taken root, the state tends to be characterised by competition between and amongst pre-existing structures of identity and representation, and those established by the state. The ensuing instability that invariably results is most acutely manifest in the state's borderlands.

States with a heterogeneous ethno-linguistic constitution may find difficulty in politically harnessing borderlands, particularly where an ethno-linguistic grouping is concentrated in a borderland. In such situations, a correlation may emerge between a borderland identity and a sub-state or trans-state *national* identity, both in competition with the identity offered by the state.

In states where the population in the borderland exhibits frequent and relatively unhindered cross-border interaction with communities in a neighbouring state or states, the borderland population invariably forges economic and social links across the border that impede the efforts of the state to politically harness its borderland through creating political and economic dependencies of the borderland upon the core of the state. This situation is compounded significantly where the borderland population is ethnically homogenous, distinct from that at the core of the state, and of the same ethnicity as the population across the border in a neighbouring state or states.

Where the population of a borderland of a state is politically disenfranchised, this may reinforce alternative forms of political representation and political identity. Where a state lacks a participatory political medium, exclusion from political processes leads to a reliance on alternative structures that enjoy local legitimacy. In tribal societies, this is almost always a tribal or clan structure of leadership and representation.

Incongruence between the territorial contours of pre-state polity and those of the modern state is the most significant single factor contributing to the political instability so prevalent in the context of Asia, manifest most acutely in the dynamic borderlands of the region. Indeed, it is an assertion of this study that the matrix of postcolonial states across Asia is, in many cases,

incongruent with pre-existing, and in many cases enduring, forms of polity and associated political identity.

1.4.4 The militarisation of borderlands

Further to these observations is the element of military force and militancy. Wars and insurgency introduce an inherently unpredictable component into the borderland dynamic. In some cases, militarism provides a vehicle for the state through which to forcibly consolidate its presence in the borderland and suppress rival sources of identity, organisation and polity. In other cases, the militarisation of the borderland results in a weakening of the state presence and a strengthening of the position of the borderland in its competition with the state for legitimacy, authority and power.

The effects of the militarisation of borderlands can be seen in the Kurdish borderland between Turkey and Iraq, and in the Afghan borderland. In the case of the former, the borderland manifests many of the characteristics that contribute to the development of a unique borderland identity amongst the Kurdish population of south-eastern Turkey. The Kurds are a distinct national grouping with a unique language, culture and spatial domain. The Turkish military has engaged in a series of large scale military campaigns in recent years targeting alleged Kurdish separatists on both sides of the border.⁷ The extensive employment of military force, combined with the legal environment in Turkey that until very recently considered the assertion of Kurdish identity a crime, has greatly stifled the emergence of a borderland identity amongst the Kurds and Alawites living in the southeast of Turkey⁸ resulting in a situation where the Turkish state effectively dominates the political, economic, social and military spheres in the Kurdish borderland.

The Afghan borderland region is predominantly populated by the tribal Pashtuns. The borderland has seen the employment of the Pakistani military on the Pakistani side of the border since 2002 and US and NATO forces on the Afghan side of the border since 2001, in both cases upon the territories associated with largely autonomous tribal groupings. The

⁷ Between February and May 2008, the Turkish military engaged in a series of operations against Kurdish insurgents based in northern Iraq. See 'Turkey Kills 150 Kurdish Rebels' 3rd May, 2008; http://news.bbc.co.uk/1/hi/world/middle_east/7382150.stm . Accessed 22nd September, 2010.

⁸ Leyla Zana, an MP in the Turkish Parliament was sentenced to 15 years in prison for treason, after having declared herself a Kurd and using the Kurdish language in parliament in 1991, albeit in a statement affirming brotherhood between Kurds and Turks. She was released in 2004 after sustained pressure from the EU and human rights organisations, to be re-imprisoned in December 2008 after being convicted of spreading propaganda for an outlawed organisation. See 'Turkey jails Kurdish Politician' 4th December, 2008; <http://news.bbc.co.uk/1/hi/world/europe/7765734.stm>. Accessed 14th March 2011.

ensuing insurgency has resulted in both an escalation of force on the part of the state, but also an escalation in militancy on the part of the predominantly tribally organised militias or *lashkars* that seek to preserve and enhance the autonomy of their respective *zai*. In the case of the Afghan borderland, the militarisation of the state's approach has catalysed a reciprocal militancy through which the profile of the autonomy of the borderland is being enhanced.

Thus borderlands vary significantly in their characteristics. Some are characterised by limited cross-border interaction and the overt and tangible presence of the state, often in a military capacity. Others are characterised by the conspicuous absence of the state and the relatively unrestricted movement of people across borders. Many are characterised by an oscillation between these two conditions, while some others yet are characterised by degrees of state presence in reaction to man-made and physical challenges to the security of the state.

1.4.5 Borderland identities

The awareness among borderlanders that they inhabit a territory proximal with an international border on the other side of which are individuals, like themselves, who are also cognizant of the same phenomenon establishes an associative cross-border identity. This psycho-social reality forms the foundation of a relationship between borderlanders and the state characterised by varying degrees of detachment from the core⁹ of the state and simultaneously varying degrees of attachment with the population across the border and in the vicinity of it. Resultantly, borderlanders tend to be characterised as viewing patriotism sceptically, and in cases can tend to view the state as an imposition rather than a patron. Thus the borderland identity manifests itself as a duality: on the one hand it is a cultural phenomenon rooted in a psycho-social construct of identity derived from the conditions identified in the preceding sections that are unique to borderlands. On the other hand, from the perspective of the state, it is a spatial reality in which the primacy of the state's authority and legitimacy are challenged by sub-state centres of political gravity. The state's continued treatment of borderlands as a spatial challenge overlooks the borderland identity as a cultural

⁹ Here, 'core' is used to describe the regions of the state that are closely associated with the centres of state power and authority. This will invariably include the capital territories and those populated by the dominant ethnic community, which in turn will tend to reflect the centres of the economic life of the state. This use of the term 'core' in the field of political science is in contrast to the principally economic context of the use of the terms 'core-periphery' as introduced in Immanuel Wallerstein's, *The Modern World System: Capitalist Agriculture and the Origins of the European World Economy in the Sixteenth Century* (New York: Academic Press, 1974). It should be noted, however, that there is a frequent correlation between the 'core' as Wallerstein describes it and the reality reflected in the use of the term 'core' here. Notable exceptions are the physical resource driven economies of the Arabian Peninsula.

element in continuity of the borderland, perpetuating the conditions that lead to the emergence and development of borderlands.

The cognizance of being borderlanders also manifests itself more fundamentally in questions of identity. Identity within the nation-state context is a complex phenomenon from which multiple layers can often be distilled. Being borderlanders entails being on the physical periphery of the state as well as being, potentially, on the political periphery of the state. This increases the potential for contrasting and sometimes contradicting identities to emerge. In multi-ethnic states where the borderland is populated by a distinct ethnic community which differs from that at the state's core, the tendency for an alternative ethnic identity to emerge is relatively high, a phenomenon in contrast to states with a high degree ethnic homogeneity.

Tribal societies in borderlands exhibit further complexes of identity. Where borderland tribal societies are characterised by rigid and defined segmentary structures derived from patrilineal descent, identity tends to be clan and tribal first and foremost, then regional and possibly affiliated with the state. In such contexts, the identity of being a borderlander is associated with, and becomes an expression of, being tribal and then belonging to a specific tribe. The Bedouin who populate the northern border region of Saudi Arabia, Jordan and western Iraq manifest this characteristic quite evidently. This feature is also evident amongst the Pashtun tribes who inhabit the FATA region.

Fig. i
State – Borderland Identity Matrix



1.4.6 Borderland opportunities

Borderlands create opportunities. While borders are demarcated as an expression of the sovereignty of the state over defined territory, their practical manifestation is that of controlling or limiting the movement of people across them. A border is there to keep people out, as well as to keep people in. This barrier to the movement of people creates significant opportunities for those able to cross the border in contravention to the aims of the state that is imposing and enforcing the border. The opportunities arising from such ability extend from

people smuggling and the transit of goods and commodities that form illicit economies, to the movement of military hardware and personnel in insurgencies and conflicts.

In the area of trade, a number of styles and means have emerged through which borderlanders and others have been able to take advantage of the economic opportunities that arise with the imposition of state boundaries. Consequently, borderlands tend to become characterised as places on the periphery of the state's economy, but also as centres of what is known as the 'grey' economy. This 'greyness' arises from two factors. One is the technical illegality of much of the trade in borderlands. Arising from the ability of individuals to cross the border counter to efforts by the state in controlling such movement, the cross-border 'grey' trade is conducted without the payment of custom duties or taxes imposed by the state and collected by the state as a source of state revenue. The second aspect of 'greyness' is the nature of the commodities and goods being traded. Such trade occurs in a variety of goods and commodities that are in origin illegal or contraband. Narcotics, weapons, currency and individuals are traded through these means. While many states do engage in counter-smuggling efforts, such efforts are often selectively engaged in, largely due to the volume of the illegal trade. This selectivity is often attributed by borderlanders to complicity on the part of law enforcement personnel in the borderlands. Consequently, borderlands tend to be characterised by an opaque legal environment that is on the periphery of the state's legal environment.

1.5 Introducing the Afghan Borderland

Conventionally, the Afghan borderland includes the geographic region that comprises FATA, the north-west reaches of Baluchistan province that are contiguous with the Durand Line, the Afghan provinces of Kunar, Nangarhar, Paktia, Paktika, Khost; the south-eastern parts of Zabul, and southern parts of Kandahar and Helmand contiguous with the Durand Line.¹⁰

The Afghan borderland can be illustrated in contrast to the regions which limit it politically and geographically. To the south and east, the borderland is bounded by the settled parts of KP, which in turn forms the buffer between the core of the Pakistani state - the province of Punjab

¹⁰ The city of Kandahar is dynamic in relation to the borderland, in that the Afghan state has an administrative and judicial presence in Kandahar, but the environs of the city can be considered as part of the borderland. Lashkar Gah and Qalat-e-Ghilzai in the provinces of Helmand and Zabul respectively are considered as part of the borderland in this study, primarily on account of the periodic and temporary nature of state and coalition presence in those cities. For general reference, the borderland can be considered to include the territories and population south and east of highway A01, known as the 'Ring Road'.

- and its north-western borderland. With an ethnically distinct population, the province of Punjab contains the social and economic centres of Lahore and Rawalpindi. The former is the historical and cultural centre of pre-partition Punjab; while the latter is the centre of Pakistan's praetorian administration, effectively twinned with the capital city Islamabad which lies 7 KM north of it. Collectively, this arrangement – Lahore, Rawalpindi and Islamabad- forms the core of Punjab, which constitutes the political, military and administrative core of the Pakistani state.

The core has historically sought to exercise its writ in KP and the borderland through Peshawar. Politically marginal but strategically salient, Peshawar represents the political and administrative centre of KP. Importantly, it is the site of the garrison of the Pakistan army's XIth Corps, which is particularly active in counter insurgency employment. With a demographic that is overwhelmingly Pashtun and largely tribal, Peshawar is situated at the physical periphery of the FATA region and was considered a bastion of the federal administration of Pakistan on the edge of the tribe-dominated borderland.

Peshawar constitutes the urban hub of the borderland. It is a regional centre for trade, with the *bara* market lying just west of the city. It also constitutes the medical infrastructure for the Afghan borderland, with unrestricted treatment of Afghans and Pakistanis. It is the largest of the four main cities of the borderland, the others being Quetta, Kandahar and Jalalabad. With Jalalabad being across the Durand Line from Peshawar, and Kandahar being linked directly to Quetta across the border by road, the movement of people between these cities serves to link both sides of the Durand Line forming a common borderland.

Delimiting the Afghan borderland on the Afghan side of the Durand line is a difficult undertaking. Most of the Pashtun belt of southern Afghanistan is tribally organised, and is overwhelmingly non-urban. Further, the preceding decades of invasions and civil wars have consolidated the well entrenched localism that is borne of identifying with the *khpal*, *kor*, *khel*, and *zai* as the principal sources of identity, and have distanced the population from the concept of central governance. The absence of effective state administration in Kabul since the US led invasion of Afghanistan in 2001 has only enhanced this trend.

Within this environment, there are areas which are characterised by a close association with the tribal areas within Pakistan, and are in many cases populated by the same tribe as is found just across the Durand Line in Pakistan. These areas see frequent unregulated movement

across the border, and in some localities the border remains either undemarcated or unrecognised by the tribe through whose *zai* the border passes. Such areas do manifest the characteristics of a borderland and will be considered, by this study, to be part of the Afghan borderland. These areas include the Afghan provinces of Kunar, Nangarhar and Khost. In addition, much of Paktia and southern Zabul are part of the borderland as are southern Helmand, southern Kandahar (province), and southern Ghazni. The cities of Jalalabad and Kandahar are physically (in terms of accessibility) and socio-economically closer to Quetta and Peshawar respectively than they are to Kabul and are hence considered borderland cities.

1.6 Resurgence of the Afghan Borderland

Since 2002, the Afghan borderland has presented a resurgent political and security challenge to the Pakistani and Afghan states. Aside from the near permanent state of inter-tribal siege that perennially characterises much of the borderland, the last nine years have seen a pan-tribal insurgency against elements of the Pakistani state in the borderland on a greater scale than the insurgency of the early 1960s,¹¹ and greater in scope than the uprising of the Faqir of Ipi prior to and during Partition.¹² This pan-tribal insurgency has been lent a global jihadist character brought to it by transnational jihadist elements engaged in the insurgency in Afghanistan against US led NATO forces and their Afghan allies.

Prior to the Soviet invasion of Afghanistan, tribal insurgency in the borderland was a function of tribal militarism as a root component of *pashtunwali*. This type of insurgency typically erupted suddenly, was short lived, and usually dissipated within weeks as clan based fissures soon eroded any element of tribal unity. Exceptions to this have been the millennial uprisings of the 'Pathan revolt' of 1896-1899,¹³ and the less extensive pan-Pashtun insurgency of the

¹¹ In 1961, diplomatic relations between Pakistan and Afghanistan were broken off as Pakistan alleged Afghan involvement in a series of tribal raids across the Durand Line. Afghan missions at Peshawar and Quetta were closed. See Durrani, Mohibullah and Khan, *Ashra Pak-Afghan Relations: Historic Mirror*, Qurtuba University Peshawar, 2009 p. 16 (unpublished).

¹² The Faqir of Ipi's uprising against the British colonial presence in the North-West Frontier was centred around North Waziristan. At its peak it attracted around 1000 tribesmen, drawing a force of 40,000 troops to counter it. See Hauner, Milan 'One Man Against the Empire: The Faqir of Ipi and the British in Central Asia on the Eve of and during the Second World War' *Journal of Contemporary History*, Vol.16 No.1 (Jan. 1981) pp. 183-212.

¹³ Most accounts place the scale of the 1896-99 tribal uprising at around 30,000 insurgents at its peak in 1897. For a contemporary analysis of the revolt from the British military perspective see: Mills, Woosnam H. *The Pathan Revolt in North-West India (1897)* Sang-e-Meel, Lahore 1997. See also Johnson, Robert A. *The 1897 Revolt and Tirah Valley Operations from the Pashtun Perspective*, Tribal Analysis Centre, Williamsburg VA, 2009.

early 1960s fomented by the Afghan government.¹⁴ All of these were insurgencies against the presence of the state in tribal *zai*, and were termed a *jihad* by tribal leaders. Even in these examples, the notion of *jihad* in the Afghan borderland was a largely local affair, a view afforded by the myopic world view of the tribesman whose existence revolved around *khpal*, *kor*, *khel*.¹⁵

The 1980s saw the expansion of that element of jihadism, almost exclusively limited to the Karlanri tribes of FATA in the preceding decades, to the entire Pashtun belt and beyond in the form of the anti-Soviet *jihad*. Having begun as an extension of the ongoing struggle between the predominantly rural and conservative Ghilzai against the progressive and more urban Durrani who had largely associated with pro-Soviet interventionists,¹⁶ the Afghan insurgency of the 1970's expanded by 1980 into a pan-tribal *jihad* against the officially atheist Soviet Union and the Moscow-aligned government in Kabul. US and Pakistani materiél assistance soon saw the development of a jihadist front¹⁷ that brought together Ghilzai, Durrani, Karlanri and Tajik elements in Afghanistan.¹⁸ Incorporating Arab elements that fought for global jihadist objectives, the *mujahideen* as they came to be known were forged in the Afghan borderland in a crucible of pan-Islamist ideology and American materiél assistance. This period saw the Afghan borderland take on a strategic salience of global import, and the Afghan borderlanders become prime agents of transport, accommodation, intelligence and insurgency as the seven agencies of FATA became the staging ground for a barely covert, decade long operation to firstly reverse the Soviet occupation of Afghanistan, and then to uproot any remaining Soviet influence.¹⁹

¹⁴ Durrani, Mohibullah and Khan, *Ashra Pak-Afghan Relations: Historic Mirror*, Qurtuba University Peshawar, 2009 p. 16 (unpublished).

¹⁵ Pashto expression translated as 'one's own, one's homestead, one's clan' in reference to the defensive priorities of a *khan* or *malik*.

¹⁶ Interview with Professor Shaista Wahab, University of Nebraska Omaha, 18th December 2008.

Professor Wahab provided an analysis of how the Soviet intervention in Afghanistan patterns of tribal alliance and opposition.

¹⁷ It should be noted that competition between the elements of the jihad front, known as the *Ittehad-e-Islami da Mujahideen Afghanistan* or the Islamic Unified Mujahideen of Afghanistan, laid the foundations for what became the inter-mujahideen civil war between 1992-96.

¹⁸ For a comprehensive treatment of the anti-Soviet insurgency see; Alam Mohammed Tauqir *The Betrayal of Afghanistan: An analysis of the Afghan Resistance against Soviet Invasion* University of Peshawar and Hans Seidel Foundation, Peshawar 2008.

¹⁹ Operation Cyclone was a decade long CIA program to arm, train and financially support what came to be known as the Afghan Mujahideen between 1979 and 1989. The longest such operation of its kind, it grew to over \$600 million in annual assistance, the bulk of which went to Pakistan. For detailed analysis see: Bergen, Peter *Holy War Inc.* Free Press, New York 2001; Rashid, Ahmed Taliban Pan Macmillan, London 2001.

Following the Soviet withdrawal and the subsequent failure of the *mujahideen* government in Kabul by 1992, the Karlanri tribes of the borderland continued to function as a source of support for the newly emergent Taliban who were relatively successful in subduing opposition to their rise to power in Afghanistan in the mid 1990s.²⁰ Incorporating many elements of the Ghilzai who had fought with the *mujahideen* in the 1980s, the Taliban continued to receive support via FATA, including tribal manpower and Pakistani matériel assistance.²¹ By 1997, it became apparent that the Taliban were facing severe resistance from the Northern Alliance, particularly the Tajik militias under Ahmed Shah Masoud in the Panjsher Valley. Despite having taken Kabul in 1996, to gain full control of Afghanistan the Taliban would need to attract significant Tajik and Uzbek elements away from the Northern Alliance. In order to do this, the Taliban had to demonstrate a degree of autonomy from Islamabad, the regime's principal benefactor. Between 1994 and 1998, Afghanistan was a virtual protectorate of Pakistan and, despite the Islamist nature of the Taliban, an acceptable policy permutation for the US.²² But the Taliban's increasing distance from Pakistan between 1999 and 2000, and increasingly anti-US rhetoric, forced Pakistan to initiate a policy shift away from the Taliban in Afghanistan by early 2001,²³ a direction cemented by General Musharraf in September 2001.²⁴

In the borderland, however, tribesmen had been enjoying an unprecedented period of trans-FATA traffic in trade, population movement and the illicit trade in opiates and weapons. Pakistan's pro-Taliban policy of the 1990's had brought a 'boom' period to the borderland economy.²⁵ The mass movement across the borderland of the refugee diaspora, and re-emergence of pan-tribal militarism that had been a core component of the anti-Soviet insurgency, had led by the mid 1990s to the re-emergence of the borderland as the historical gateway to Afghanistan, controlled by the tribes that controlled the passes through the Suleiman Range and Safed Koh. Hence, Karlanri tribal militarism had gradually given way to tribal entrepreneurialism as FATA came to benefit disproportionately from the unique

²⁰ For a comprehensive analysis of the emergence of the Taliban see: Nojumi, Neamatollah *The Rise of the Taliban in Afghanistan* Palgrave, New York 2002.

²¹ *Ibid.* pp.120-5, 130-3.

²² In 1997, a senior delegation of Taliban was hosted by Unocal at the company's headquarters in Texas. At the time, both US company Unocal and Argentine firm Bidas were competing for the rights to build a trans-Afghan pipeline. See: 'Taleban to Texas for pipeline talks' 3rd December, 1997; http://news.bbc.co.uk/1/hi/world/west_asia/36735.stm . Accessed 9th October, 2010.

²³ Interview with Brigadier A 17th March 2004, undisclosed location.

²⁴ On September 19th 2001, Musharraf gave an address to the Pakistani nation outlining his decision to support US action against the Taliban as a matter of strategic compulsion for Pakistan. Address heard by author on Radio Pakistan, September 19th, 2001 Islamabad.

²⁵ Interview with Muhammad Awan, customs and excise official, Peshawar , 16th August 2008.

constitutional provisions afforded it by the Pakistani state on account of its strategic importance.²⁶

All this changed with the decision by Pakistan to abandon the Taliban in late 2001, a decision that had been looming for over a year.²⁷ With the deployment of the Pakistani military in FATA in early 2002 for the first time since Pakistan's emergence, the tribal autonomy of the Karlanri tribes of FATA had been severely compromised. The initial response of the tribesmen was to join the Taliban opposition to the US led invasion of Afghanistan.²⁸ Reeling from the failure of that opposition, the tribesmen focused their militancy by 2003 upon preserving the autonomy of their respective tribal *zai* against encroachment by the US allied Pakistani military.

Hence, since late 2003, the Afghan borderland has seen an intensifying insurgency against the presence of the Pakistani military in FATA. This insurgency has expanded from two initial nodes, one in northern South Waziristan and the other around Bajaur, to include the whole of FATA. Beyond FATA, the insurgency and the associated tribal autonomy from the state has extended to Dir, Malakand, Swat, Kohat, Dera Ismail Khan, and the environs of Peshawar. Contiguous areas on the Afghan side of the border which are tribally populated have also been subsumed by the greater tribal autonomy that is the associated result of the insurgency.

This dynamic of tribal militancy in the borderland against the state is not unique to the Afghan borderland. The case of the Kurds, for instance, offers parallels as well as notable differences with the example of the Afghan borderland. The Bedouin experience in Jordan, Iraq and Saudi Arabia is another area of particular similarity with the experience of the Afghan borderland, again with notable differences. The principal commonality, however, between the Kurdish, Bedouin and Pashtun experience is that they represent tribal polities, transected by international borders that configure postcolonial states, with whom these tribal polities compete for survival, legitimacy and influence. A natural place for this study to proceed from, therefore, is the discourse addressing postcolonialism and borderlands.

²⁶ Article 247 (3) of the 1973 Constitution of Pakistan establishes that FATA lies outside the legislative authority of Parliament (*Majlis ash-Shura*). This extends to immunity from right of the government to exact taxation. See: 'The Constitution of the Islamic Republic of Pakistan, Section XII, Chapter 3, Article 247.

²⁷ Interview with Brigadier A, Islamabad, 17th December, 2001.

²⁸ In October 2001, 'several thousand' armed tribesmen moved from northern FATA into Afghanistan under the leadership of Sufi Muhammad's TNSM. See: Dawn International 'TNSM men leave for Afghanistan today'; 25th October, 2001 <http://www.dawn.com/2001/10/25/nat26.htm>. Accessed 11th October, 2010.

1.7 Postcolonial Studies

Postcolonialism is a wide and dynamic theoretical area. Conventionally, it addresses the experiences of modern states emerging from the period of European colonisation of Africa, Latin America and Asia during the nineteenth and early twentieth centuries. A number of postcolonialist theoreticians draw parallels between the experiences of the postcolonial states in these different regions, a perspective derived from both the nature of economic flows that characterise the relationship between postcolonial states and their former colonial overseers, but also a result of the intellectual approach of the architects of postcolonialism, which to a significant degree reflects a Marxist derived analytical paradigm.

1.7.1 Orientalism and the subaltern

Amongst the principal architects of postcolonialism as a theoretical area are Edward Said and Gayatri Chakravorty Spivak. A work of particular note is Edward Said's *Orientalism* (1978). In this work, Said suggests that the conception of *Orientalism* as an approach to study *Asiatic* society is an occidental construction, derived from a deliberate historical unfamiliarity with what Said calls the 'Arab-Moslem World' (Said 1978: 50). Through this observation, Said initiates an examination into how the West understands the Middle East in terms of intellectual processes, deriving that western scholarship on the Middle East has tended to be Eurocentric in its analytical paradigms and its judgements. Through his own paradigm in which he describes western orientalism as the construction of an historiography of a subjected peoples, Said makes his greatest contribution to postcolonialism as a critical area.

Gayatri Chakravorty Spivak has made a core contribution to postcolonialism as an academic area through her *Can the Subaltern Speak* (1988) with the introduction of the concept of *subaltern* in a non-military sense to describe the condition of individuals in colonial populations. Chakravorty Spivak's work has paid specific attention to the role of women in Asia during the colonial and postcolonial period. Her work is recognised as the first significant contribution specifically addressing the colonial and postcolonial experience of women in Asia.

Both Said and Chakravorty Spivak explore the legacy of colonialism through critiquing the predominantly western discourse on what is essentially an eastern phenomenon. Both authors propose analytical perspectives exploring alternative approaches to the study of what emerges through their works as postcolonialism, derived partly from Marxist and revisionist perspectives, but most importantly reflecting alternative accounts for elements of indigenous culture and practices largely judged through conventional *Eurocentric* paradigms by preceding

authors. What Said and Chakravorty Spivak do not effectively do, however, is offer a political examination into the impact of colonialism on pre-existing forms of polity in Asia and the continuing impact of these forms of polity upon the postcolonial state. This dynamic, the competition between the postcolonial state and pre-existing polities is, this study will argue, the determining phenomenon in the current conditions of instability and volatility that characterise the postcolonial state in Asia.

One of the most significant authors in the area of postcolonialism over the last ten years has been Robert Young. Young's two most notable contributions are *White Mythologies: Writing History and the West* (2004) and *Postcolonialism: An Historical Introduction* (2001). Through these works, Young makes the case that the historiography of colonialism has tended to address what have widely been considered universal themes derived from a Marxist interpretation of the dynamics driving colonialism and postcolonialism. Young suggests that this perspective is not universal, and is in fact the imposition of a Eurocentric analytical paradigm upon a phenomenon that is as diverse in its manifestations as in the socio-cultural and political foundations of its causal dynamics and structures. In this way, Young is distinguished from the established architects of postcolonial discourse such as Said and Chakravorty Spivak who have tended to interpret postcolonialism through a paradigm significantly influenced by Marxist analytical tools and perspectives which view the socio-cultural impact of colonialism as derived primarily from its economic impact.

Young is correct to distinguish between postcolonialism in Africa, Asia and Latin America. The basis of his differentiation is the variation in pre-existing indigenous cultural, political and economic realities found between and within these regions. Through this, Young challenges the conventional perspective of postcolonialism, both in terms of its theory and its conventional historiography. However, Young does not fully explore the larger theme that is the focus of this study: the struggle for legitimacy by the postcolonial state against competing forms of indigenous political identity that precede European colonialism, that have endured the political and socio-economic impact of the postcolonial state, and that have now re-emerged as a threat to the postcolonial state's survival and influence.

As part of this interpretation, this study proposes an understanding of postcolonialism particular to the experience of Asia, that expands upon the more widely accepted understanding of the phenomenon in the established discourse on the subject by commentators such as Said, Chakravorty Spivak and Homi K. Bhabha.

1.7.2 Arabia

The literature within the field of postcolonialism thus far does not adequately address the experience of states that were not colonised for an extensive period by European powers, but still manifest a number of characteristics that are mirrored in more conventional postcolonial states. This phenomenon is due to the fact that the territorial contours and institutional arrangement of these states were determined by European colonial powers and disregarded the then existent indigenous forms of polity, identity and territoriality. This resulted in the creation of 'artificial' states, since experiencing a crisis of legitimacy and consequently authority

For example, Syria, Jordan, Lebanon and Iraq emerged directly as a result of the Sykes-Picot agreement of 1916 which was concluded by Anglo-French concert during World War I (Kedourie 1976: 159-63). The territories of these states were determined according to Anglo-French strategic considerations more so than in response to any indigenous basis of political identity commensurate with the form of the subsequent Arab states (Fromkin 1989: 286-88).

State authority in the Arab experience has been transnational in both the Ottoman and the preceding Abbasid cases (Muir 1891: 178, 588-91). Both represented polity on a much larger scale than the current Arab state. As a result, the modern Arab state has experienced a crisis of legitimacy from the outset, borne of the fact that it has no natural predecessor and does not represent an indigenous polity that corresponds with its territorial form. Arab society, predominantly tribal in character at the time of the dissolution of Ottoman authority, did not have a local political precedent from which the newly emergent Arab state was derived. Consequently, the Arab state has been very slow to impart an identity upon Arab society, particularly Arab tribal society, derived from the state. This is most clearly manifest amongst the Bedouin tribes of northern Arabia who, as a community, continue to function largely disregarding the Arab state.²⁹

This crisis of legitimacy has been further fuelled by the fact that from the outset, these states were administered by a political system wholly unfamiliar to the populations of those states, derived from unfamiliar sources of jurisprudential and political thought.³⁰ These systems were

²⁹ Discussions with tribesmen of the al-Rashaydah branch from western Saudi Arabia. There was an unprecedented expression of distance from the state, not experienced in previous visits and discussions. Highly likely to have been in reaction to events in Iraq, where tribesmen of the same tribe reside. 5th June, 2007, Kuba, Saudi Arabia.

³⁰ Jordan's Organic Law was established in 1928. After three iterations, the 1952 constitution, still in use today, was adopted. It establishes a hereditary monarchy, and a civil judiciary, both departures

imposed by new authorities which, while indigenous, had little legitimacy due to the unfamiliarity of the system they implemented and the normative values from which the system was derived. This crisis was further exacerbated by the widely held notion that all of this was in concert with aims of European colonial powers, whether or not these powers were previously responsible for the direct administration of the territories which subsequently became the Arab states. The arbitrary territorial design of the Arab states, detached from any historically determinant factors, along with the institutional arrangement of the state in accordance with principles unfamiliar to the populations of these states, has resulted in an enduring crisis of legitimacy that continues to afflict the functioning of the Arab state. Through this situation, pre-existing structures of polity, principally tribes, and pre-existing forms of political identity, whether derived from religion, language, ethnicity or region, have been able to endure, proliferate and now challenge the state. Hence, the challenges to the success of institutionalised political systems that characterise the conventional postcolonial state are also evident in the states of Arabia, states which did not experience an extensive period of direct colonial occupation prior to statehood but are, nonetheless, postcolonial in their character and essence.

1.7.3 Turkey

Although the term postcolonial is less applicable in the case of the Republic of Turkey, Turkey does manifest social, political and ideological fallout from the dissolution of Ottoman power and the emergence of the modern Middle East. Both Turkey and the Arab states were created from the remnants of the Ottoman administration of the Middle East. However, the Republic of Turkey was established on the basis of Turkish nationalism as the sole representative of Turkish political ambition (Berkes 1998: 435-7). Despite the arrangement intended through the Sykes-Picot agreement where France was to inherit south-eastern Anatolia,³¹ the Turkish state emerged as the whole Anatolian peninsula, a geographical feature which physically lent itself to the process of territorialisation that is essential in the formation of a political consciousness in a nation. Through this process however, Turkey detached itself from any administrative role regarding the Turkic populations in the Caucasus, the Balkans, and Central Asia, instead confining itself to the natural physical domain of the Anatolian peninsula. The result of these processes was the emergence of Turkey as a nation-state.

from the *sharia* based adjudication and *Imarah* authority that Bedouin tribes were previously familiar with.

³¹ 'The Sykes-Picot agreement' 29th November, 2001; http://news.bbc.co.uk/1/hi/in_depth/middle_east/2001/israel_and_the_palestinians/key_documents1681362.stm . Accessed 15th March, 2011.

Despite the successful territorialisation of the Turkish state, the nation faced ideological and political volatility. The Turkish republic was founded on the basis of secular constitutionalism and the principles expounded by Mustafa Kemal. Within a year of the founding of the Turkish Republic, the Ottoman Caliphate was abolished and the eradication of the Islamic character of Turkish polity was underway.³² This was achieved through a combination of efficient proliferation of state based education and state institutions, and the violent suppression of dissent (Armstrong 1961: 324).

However, the state was unsuccessful in mitigating pre-state forms of identity. From the outset, the Turkish state has been in competition with Islamic leaning elements who seek a greater role for Islam in the institutional arrangement and constitution of the Turkish state. This has resulted in significant competition between the Turkish military and Turkish civil institutions, and amongst Turkish civil institutions over the respective roles of Kemalist secularism and Islam in the ideological life of Turkey. This ideological identity complex is manifest in Turkey's strategic orientation, which sees it oscillating between a prime role in NATO and ally of Israel on the one hand, and greater engagement with the Arab states and the wider Muslim world on the other.

Another just as salient identity complex left unreconciled by the Turkish state is that of the role of Kurdish nationalism in the political life of Turkey. The outlawing of any expression of Kurdish nationalism as a facet of domestic policy was coupled with a military footing in which the Turkish military routinely engaged Kurdish nationalists, a footing continuing currently and extending to Kurdish areas inside Iraq.³³ The spread of the Kurds across the borders of Turkey, Syria, Iraq and Iran has resulted in the issue of Kurdish nationalism and Kurdish autonomy becoming the principal strategic challenge for Turkey, and the primary political challenge facing the Turkish state. Hence, although Turkey is not a postcolonial state as the term is generally applied to the political and social experience following direct colonisation, Turkey does share similar challenges of internal volatility with other postcolonial states. These arise from the ideological incongruity between Kemalist secularism and the ideological orientation of the wider Turkish population, and territorial incongruity between national and state territorialities, a feature most perceptible in the example of the Kurdish borderland.

³² The formal abolition of the Caliphate occurred on 3rd March, 1924 (Landen 2006: 234).

³³ 'Turkish troops pursue Kurdish rebels into Iraq' 16th June, 2010;
<http://news.bbc.co.uk/news/10334276>. Accessed 15th March, 2011.

1.8 Borderland Studies: Analytical Tools

Over the last decade in particular, the study of borderlands has developed into a large, cross-discipline academic area. Anthropologists, political scientists and international relations theorists, social scientists, geo-political strategists and economists are all concerned with and have contributed to the growing literature on borderlands, particularly as new theoretical and practical challenges to the nation-state system emerge. The literature on borderlands is wide in scope and tackles the phenomenon of borderlands from multiple theoretical perspectives. As such, the understanding of borderlands varies significantly across the literature from being a psycho-social experience to constituting a security challenge to the besieged state. It is treated as diversely as an historical determinant and a strategic conundrum.

This study addresses an area inadequately covered in the current literature on borderlands. It addresses the phenomenon of the re-emergence of pre-state political identification as a challenge to the existent state, both on a sub-national and transnational level. The most perceptible outward manifestation of this phenomenon is in the borderlands that have developed where the boundaries of modern postcolonial states meet pre-state, trans-national and sub-national polities. Borderland dynamics are thus a manifestation of the competition between post-modern and pre-modern forms of polity.

A number of analytical paradigms have been established in the literature addressing borderlands, through which the borderland phenomenon may be illuminated. Willem Van Schendel and Michiel Baud (1997) have proposed the *borderland lifecycle* as comprehensive paradigm accounting for the emergence, duration and demise of borderlands. Although relevant to the sub-discipline of borderland studies generally, in that the *borderland lifecycle* presents a larger framework within which to analyse dynamics of the borderland phenomenon, this study asserts that the model does not have an effective general applicability. The case of the Afghan borderland varies from the description of borderlands asserted by Baud and Van Schendel enough to render the *borderland lifecycle* model inapplicable in describing the Afghan borderland. However, the fact that the model addresses some key elements in the borderland dynamic warrants a review of the *borderland lifecycle* model here.

1.8.1 The borderland lifecycle

The *borderland lifecycle* describes the experience of the borderland through six developmental stages. The first stage, the 'embryonic stage', precedes the demarcation of the border around

which a borderland will subsequently emerge. This 'embryonic stage' is characterised by a clash of contiguous zones of political, cultural, economic and demographic identities.³⁴ Within the paradigm, Van Schendel and Baud do not adequately address the larger structural contexts within which these identity clashes may occur. There is no way, therefore, of determining through the *borderland lifecycle* whether or not the factors that generated these clashes can be ameliorated or contained through alternative sub-state, state or trans-state political structures.

Assuming that these clashes of identity are followed by the demarcation of an international border, the *borderland lifecycle* then proceeds to its second stage which the model terms 'infancy'. This describes a situation in which the border is demarcated, but cross-border social networks remain strong, raising the possibility of the abrogation of the border altogether. However, the model does not present criteria through which to evaluate whether or not the border, and the borderland, will indeed develop beyond infancy, or relapse into the pre-border reality.

Assuming the border does develop further, the model suggests that the borderland evolves to the level of 'adolescence' in which the border begins to confine economic and social interaction between populations on either side of it, and hence begins to emerge as a psycho-social reality. The model sees the further evolution of the borderland into 'adulthood' where the sustainability of cross-border social networks becomes extremely difficult due to controls on legal cross-border movement. In this stage, the borderland becomes characterised by illegal cross-border movements through styles and means generally regarded as smuggling or otherwise illicit.

Van Schendel and Baud suggest two additional stages that some borderlands may manifest: borderlands may 'decline' or they may become 'defunct'. The model posits that decline results from the inability or unwillingness of the state to sustain the degree of commitment required to impose effective border controls. This process leads to an erosion of the effectiveness of the border in constituting a barrier to population movement across it. This process can result in the emergence of a non-border where effective controls on the movement of people across the border are altogether absent. Whether or not a border that is in 'decline' becomes 'defunct' is largely a function of the nature of sub-state, state and trans-state political structures which constitute the larger political environment within which the borderland

exists. Van Schendel and Baud stop short of suggesting the causal factors that render a border 'defunct', not addressing the possibility that a border in 'decline' may be sustained by a state or a supra-state initiative.

The Afghan borderland manifests a significant departure from the analytical model of the *borderland lifecycle* suggested by Van Schendel and Baud. Following the demarcation of the Pakistan-Afghanistan border in 1893 (then between Afghanistan and India), the period that is described in the model as 'infancy' was characterised by a notable absence of the consolidation of the border both physically, and consequently, as a psycho-social construct. Any gradual emergence of the border as a limited international boundary, regardless of the *de jure* injunctions to that effect, largely eroded through the series of cross-border militancies that have arisen since. The 'Pathan Revolt' (1896-99), the Faqir of Ipi uprising (1937-47), the FATA uprising of 1960-62, the anti-Soviet campaign in Afghanistan (1979-89), the Taliban phenomenon (1994-2001) and the ongoing insurgency since 2002 in both Afghanistan and FATA have each manifested a significant cross-border element, leading to the consolidation of cross-border interdependencies amongst the Pashtun borderland tribes. Hence, the Pakistan-Afghanistan border has never emerged from infancy into any of the subsequent stages in the lifecycle, rendering the *borderland lifecycle* inapplicable in the case of the Afghan borderland.

1.8.2 Scale

Another analytical tool suggested by Van Schendel is the concept of 'scale' (Van Schendel 2005: 7, 373-5). Through the concept of scale, Van Schendel identifies attributes of the borderland that transcend the states contiguous with it. The borderland may represent the meeting of differing regions or 'zones' associated with varying identities. These may include ethno-linguistic, geographic, socio-economic, ideological, political or civilisational identities. The borderlands on the southern periphery of the European Union, for example, represent the meeting of scale on a geographic and socio-economic level. The US-Mexico borderland, in contrast, may be characterised by a meeting of differing socio-economic zones exclusively. Through the scalar tool of analysis, it becomes apparent that the dynamics of borderlands are driven in part by the larger factors of scale determined by the geographic reality of the borderland as well as the nature of the wider political, socio-economic and ethno-linguistic construct within which the borderland is found.

The scalar analytical tool has relevance in the case of the Afghan borderland. For much of its historiography, the Afghan borderland has been recorded as a geographic barrier between Indus Valley civilisations and Central Asian tribal nations. This feature has endured in

modernity as the borderland has come to represent a barrier between sustainable, institutionalised polity to its south, and diffuse tribal primacy to its north.

1.9 Borderlands and the State

Despite the absence of an effective Pakistan-Afghanistan border, the Afghan borderland manifests the characteristics of a borderland, perhaps to a greater degree than any other borderland currently studied. Hastings Donnan and Thomas Wilson (1999: 64-65) offer a theoretical explanation that may account for how such a borderland may emerge in the absence of an effective border. They suggest that one determining factor in the emergence of a borderland is the existence of a population as an ethno-linguistic minority in the physical periphery of the state, contiguous with a population of an identical ethno-linguistic identity that constitutes a much larger segment of the population in a neighbouring state or states. In such a scenario, the minority population on the periphery of the former state is highly likely to maintain pre-state socio-cultural ties with the population of the same ethno-linguistic identity across the border. Through sustained interaction, the region in question on the periphery of the former state exhibits characteristics of a borderland, as its full political and social integration within the state in which it lies is challenged by the ethno-linguistic and cultural bonds that tie it to the population of the neighbouring state or states.

Such is the situation in the Afghan borderland. The series of cross-border militancies identified in section 1.8.1 have contributed to the obfuscation of the Durand Line as a physical, as well as a cultural and ideational construct. Despite this, the fact that the border transects the Pashtun population, an ethno-linguistically distinct population on the physical and political periphery of the state of Pakistan, has contributed to the emergence of the phenomenon of the Afghan borderland. This phenomenon was aided by the fact that the Pashtun population is a spatially concentrated minority in Pakistan, while also constituting the largest ethnic grouping in Afghanistan. This demographic dynamic has contributed greatly to the development of the Afghan borderland consistent with the model suggested by Donnan and Wilson (1999: 64-65).

Although they make a valuable contribution to the literature on borderlands Donnan and Wilson do not examine the impact of enduring pre-state forms of political identity upon the state and specifically upon the borderland. The crisis of the nation-state that they address emerges in parts of the world where pre-state forms of political identity have endured the emergence of the postcolonial state. Their observations can be more thoroughly and accurately explained in terms of a crisis of identity between pre-colonial, sub-national and

transnational forms of political identity on the one hand, and identity associated with the postcolonial state on the other. Identification with pre-modern forms of polity continues to endure, and has not been effectively uprooted or replaced by identification with the modern state. Rather, the modern state has become the backdrop against which competition between pre-state, sub-national or national groups is played out. The phenomena observed by Donnan and Wilson do indeed point to a crisis of the nation-state, particularly in Asia, but the origin of this crisis arises from the enduring identities associated with pre-state polities, and not from the failure of the modern nation-state to effectively control boundaries.

1.10 Tribal Societies and Borderlands

1.10.1 The Kurds

There is a large literature addressing the experience of the Kurds from the last days of Ottoman authority to the present. The literature can be grouped into four general areas: indigenous Kurdish literature in the form of poetry and prose encompassing the culture of the Kurds dating from the mid-seventeenth century; Ottoman and British military records, including accounts of tribes, geography and strategic observations; anthropological studies from the mid-twentieth century to the present; socio-political studies addressing the experience of Kurdish society across borders.

David McDowall's *A Modern History of the Kurds* (2004) remains the most widely circulating volume accessed by a general readership addressing the Kurdish experience from the Ottoman period to the present and hence warrants a mention here despite the fact that the volume is not intended to project an argument, being instead a compilation covering salient aspects of Kurdish modern history.

Martin Van Bruinessen remains at the forefront of academic research into the Kurds. Van Bruinessen's *Agha, Shaikh and State: The Social and Political Structures of Kurdistan* (1992) is the principal academic enquiry into the socio-political dynamics of the Kurds. Through the work, Van Bruinessen distils the conclusion that familial/clan groupings and tribes are the main driving agents of social and political movements amongst the Kurds. Van Bruinessen (1999:26) also identifies a vibrant nationalist movement seeking independence and autonomy, countered by an overbearing conservative trend that functions to isolate the left-inclined elements within the larger movement for Kurdish autonomy.

Van Bruinessen's observations demonstrate an intimate familiarity with the culture, norms and political trends of tribal Kurds. From the perspective of this study, however, Van Bruinessen's perspective does not belong to that of borderland studies. The dynamics of social, economic, political and militant cross-border interaction, along with the fact that the population on both sides of the border is ethno-linguistically nearly homogenous while being a minority in both Turkey, Iran and Iraq, represents a classic case for examination from the borderlands perspective, something Van Bruinessen conspicuously omits. Although *Agha, Shaikh and State* was published in 1992, some years ahead of the main contributions to the borderlands perspective addressed previously in this chapter, the phenomenon of the Kurds demonstrates a number of perceptible attributes that can be expected to drive methods of analysis and models that approach those subsequently emergent in the works of Van Schendel and others. Hence, Bruinessen's treatment of the Kurds represents an excellent candidate for further development from the borderlands perspective and is considered by this study to be a valuable examination to be built upon by subsequent analyses.

1.10.2 Arab borderlands

Bedouin tribal society is found predominantly across Jordan, Iraq and Israel, and the entirety of the Arabian Peninsula. Bedouin tribal identity clearly predominates over identities associated with these states. This is most clearly manifest in the examples of the Saudi Arabian and Jordanian states.

The Saudi state institutionalises the political dominance of the al-Saud tribe over the other tribes of the central Arabian peninsula. The monopolisation of state authority by members of the al-Saud tribe consolidates tribalism as a political modality in the Arabian peninsula. Restricting state authority to members of the al-Saud enhances tribally based resentment among tribes not allied with the al-Saud. Identification with the Saudi state among non al-Sauds, while manifest abroad, is not clearly exhibited on a daily basis within the Saudi state.

³⁵In Jordan, the legitimacy of the authority of the King is derived from his status as member of the Banu Hashim, being a direct descendant of Sharif Hussein of Mecca, the father of the Kings of Jordan, Syria and Iraq at the dissolution of Ottoman authority. Hence, support for the King is absolute amongst those Bedouin related by clan association or alliance with the monarchy,

³⁵ Discussions with tribesmen of the al-Rashaydah branch from western Saudi Arabia, 5th June, 2007, Kuba, Saudi Arabia.

and very limited amongst Bedouin from rival tribes or those not allied with the monarchy, particularly in the southern region of Ma'an.³⁶

Where amongst the Kurds there is a vigorous Kurdish nationalism with tribal roots and organisation, the Bedouin do not manifest a pan-Arab identity in the nationalist sense. For the Bedouin, the tribe represents the principal form of political and social identity, and there is little identification with the state. The frequent and largely unhindered movement of the Bedouin across the Saudi-Jordanian border, the Saudi-Iraqi border and the Jordanian-Iraqi border is testament to this.

As a tribal society, the Bedouin have been extensively addressed in literature. Ibn Khuldun's groundbreaking *al-Muqaddimah* (1377) deliberates extensively on the reciprocal affect upon Bedouin and non-Bedouin through mutual interaction. Retrospectively, *al-Muqaddimah* may be considered the first and still one of the most thorough treatments of Bedouin society from a multi-disciplinary perspective. The great distinction between *al-Muqaddima* and what preceded it in terms of scholarship warrants its mention here.

Amongst current scholarship, the work of Donald Cole is notable. Cole explores the impact of modernity upon the Bedouin in his multi-disciplinary work *Where Have the Bedouin Gone?* (2003), which follows on from his strictly anthropological 1971 Doctoral dissertation exploring the Al-Murrah tribe in Saudi Arabia's *Rub al-Khali*. Cole accurately identifies the main dynamics within Bedouin tribal society but does not specifically explore borderland dynamics in the Arabian Peninsula. Cedric Parizot (2008) does explore cross-border Bedouin movements between the Negev and historical Palestine in *Crossing Borders, Retaining Boundaries* (2008). However, his work is an anthropological examination charting the changes in tribal and familial association arising from challenges to cross-border movement between the Negev, Jordan and the West Bank.

There is an absence of literature exploring the Bedouin experience across the borders of Saudi Arabia, Jordan and Iraq from the borderlands perspective. This study suggests that the reason for this is that the Arab states do not typically manifest realities conventionally associated with borderlands. There is a great deal of ethno-linguistic homogeneity across the borders of the Arab states in Arabia. This is a significant variation from the cases of the Kurds and the Pashtuns where each is a minority in the states in which they reside. Because Arabia has been

³⁶ Observed by the author in Ma'an Jordan, January 2006.

a part of a transnational experience from the Abbasid period through to the Ottoman, the concept of independent and sovereign states is not part of the cultural experience of the Bedouin. Indeed the dissolution of the Ottoman Caliphate in 1924 was met with the proclamation of an Arab Caliphate by Sharif Hussein (Teitelbaum 2001: 243), but was shortly deposed by the emerging al-Saud clan from whom Hussein fled to what was then Transjordan.

Further, there is extensive cross-border movement between the populations of Arabia. Palestinian and Iraqi diaspora currently constitutes the majority of the population of Jordan, and cross-border movement is frequent, large-scale and easy.³⁷ The Hajj and Umrah gatherings in Saudi Arabia ensure continued large-scale cross-border movement on the scale of millions,³⁸ while Bedouin migrations maintain a steady stream of temporary migration across borders. This study suggests that the Arab states have yet to take on a sense of legitimacy amongst the indigenous Arab population, particularly the Bedouin population. The states may yield exclusive power over largely defined territory, but have yet to replace existing identities derived from the tribe and clan.

1.11 Discourses on the Afghan Borderland

Pashtun tribal society is a broadly studied phenomenon on which scholarship has been conducted dating from the *Babur-nama* of the mid-seventeenth century.³⁹ English language scholarship dates from the first substantive contact between the British and the Pashtuns in

³⁷ Jordan's population of just over 6 million includes around a million Palestinian refugees still living in camps, and as much as twice that number integrated into Jordanian society. In addition there are between 700,000 and a million Iraqi's living in Jordan as refugees as a result of the war in Iraq. See: 'UNRWA Country and Area Distribution of Palestinian Refugees'; http://www.un.org/unrwa/publications/pdf/rr_countryandarea.pdf . Accessed 17th October, 2010. See also Black, Ian 'Rich or Poor. A million Iraqi refugees strain the hospitality of Jordan' *The Guardian* 24th January, 2007; <http://www.guardian.co.uk/world/2007/jan24/iraq.ianblack> . Accessed 17th October 2010.

³⁸ Saudi Prince Khalid al Faisal, who is the governor of Makkah (Mecca), placed the number of Hajj pilgrims at 2,521,000 for Hajj 1430 A.H. (2009 C.E.). See: The Royal Embassy of Saudi Arabia, Washington D.C., Public Affairs Section, '2,521,000 pilgrims participated in Hajj 1430'; http://www.saudiembassy.net/latest_news/news11290904.aspx . Accessed 18th October, 2010. The lesser pilgrimage of Umrah saw 3,950,000 in 2010. See Nuqudy News Portal "ريال مليار نصف السعودية" "3,950 مليون عددهم البالغ المعتمرين انفاق" available at <http://www.nuqudy.com/20100912922/arab-markets/> . Accessed 20th October, 2010.

³⁹ The *Baburnama* is an autobiographical account of Zahir ud Din Muhammad Babur, founder of the Mughal Empire, firstly in Afghanistan and then over most of the Indian subcontinent, between 1526 and 1858. Included in it is a section addressing the origins and tribal organisation of the Pashtuns, the first such literary work to do so. See: Beveridge, Annette (translator) *Baburnama: Memoirs of Babur* ,Munshiram Manoharlal, New Delhi, 1979.

the early nineteenth century.⁴⁰ Since then, an extensive body of literature has been developed addressing the Pashtun tribal phenomenon from historical, sociological and anthropological perspectives. Absent from this literature is a treatment of the Afghan borderland specifically from the perspective of borderland studies, an omission made more conspicuous by the fact that the Afghan borderland is one of the most enduring, salient and dynamic borderlands of all .

Extensive literature has been dedicated to mapping the Pashto language and the Pashtun culture manifest in *pashtunwali*. This literature constitutes indispensable background information for a borderland study, establishing the socio-cultural context within which the borderland phenomenon occurs. The core works in this regard in the English language emerged in the 1950s, a period that saw a growth in the treatment of Pashtun tribes in sociological literature. Olaf Caroe's *The Pathans* (1958) remains the most comprehensive treatise in the English language on Pashtun society to date. James Spain's *The Way of the Pathans* (1962) is another work of note from the same period. Beyond these authors, there have been a host of works by retired diplomats and military officials treating aspects of Pashtun culture, society, history and politics. A number of noteworthy analytical studies have been published between 1960 and 1980 treating specific themes within the social sciences, ranging from analyses of structures of tribal authority, to aspects of women's roles both in the political life of the tribe and in family roles, to patterns of trade, land ownership and conflict resolution amongst tribes. From this period, Louis Dupree's *Afghanistan* (1973) is the most comprehensive, testified to by its lasting relevance today.

The 1980's saw a renewed focus in literature dedicated to Pashtun studies, driven by the writings of prominent journalists detailing their experiences with the *mujahideen* during the anti-Soviet campaign. A trend emerged seeing the publication of a large number of works covering Pashtun dynamics, largely portraying the Pashtun as egalitarian, freedom-loving and natural allies of the west.⁴¹ The emergence of the Taliban in the early 1990s was covered less extensively, with a renewed critical focus on the militia emerging from before the fall of the Taliban regime in 2001. Ahmed Rashid's *Taliban* (2001) is a notable work from the period,

⁴⁰ The first major work in the English language is Mountstuart Elphinstone's *An Account of the Kingdom of Caubul*. See: Elphinstone, Mountstuart *An Account of the Kingdom of Caubul* Longman, Hurst, Rees, Brown and Murray, London 1815 (Reprinted Oxford University Press, London, 1972).

⁴¹ Prominent in this trend are the works of Sandy Gall. As well as reporting from Afghanistan with the *Mujahideen*, Gall also produced two documentaries covering the anti-soviet struggle which were also published as written works: *Afghanistan: Behind Russian Lines* (1982); *Allah Against the Gunships* (1984); and *Agony of a Nation* (1986).

characterised by emboldening the threat perception of the Taliban, a trend further contributed to by literature dedicated to developmental aid and reconstruction efforts in the Pashtun areas of Afghanistan and FATA. During the same period, Pashtun culture has tended to be covered in the context of its suitability in providing a haven for trans-national threats to state-security, particularly to that of Pakistan and Afghanistan, but with an increasingly extra-regional threat perception since 2009.⁴² Most of this literature falls within the perspectives of collective security and strategic studies.

Beyond the security and strategic studies fields, the Afghan borderland has been treated in detail by indigenous authors from a socio-political and anthropological perspective. Azmat Hayat Khan's *The Durand Line* (2005) remains the seminal contemporary work addressing the Durand Line from the socio-political and geo-political perspectives. Khan presents a thorough analysis of the Durand Line and the experiences of Afghanistan and Pakistan relating to it, exploring the impact of the Durand Line upon the tribes contiguous with it. However, Khan does not extend his detailed analysis beyond the Durand Line, or infer lessons from his study that are applicable in other contexts. *The Durand Line* presents detailed information, but is limited in the scope of analysis it presents. Iftkhar Hussain Shah's *Some Major Tribes along the Durand Line* (2002) is another significant contribution to the sociological and anthropological discourse on the Afghan borderland. Essentially a survey of the tribal reality in FATA and southern Afghanistan, *Some Major Tribes* provides a detailed assessment of the demographic reality of the borderland. As with *The Durand Line*, *Some Major Tribes* falls short of providing a theoretical construct that may be applied in other realities. The most comprehensive survey of the borderland in the either English or Pashto is Sher Muhammad Mohmand's *FATA: A Socio-Cultural and Geo-Political History* (2003). This work is a complete survey of the tribal, social, cultural and political reality of the FATA region. The scope and degree of detail in *FATA* warrants its mentioning here, despite the fact that it is not an academic enquiry and breaks no theoretical ground.

1.12 Argument of the Hypothesis

This study argues that the Pashtun tribes of the Afghan borderland are exhibiting a resurgence of autonomy from the state, as part of the re-territorialisation of the primary substructure of *Pakhtunkhwa* that underlies southern Afghanistan and north-western Pakistan. This

⁴²This concern was initially brought to the author's at a seminar held at IISS, London 30th November, 2007. An unnamed representative of the Joint Terrorism Analysis Centre (JTAC- an MI5 affiliate) raised concerns over risks from terrorism associated with Pashtun tribesmen who travel to the west.

phenomenon is localised, tribally driven, and replicated across the entirety of *Pakhtunkhwa*. It is a product of the *pashtunwali* mandated autonomy of *zai* from which every *kor*, *killi* and *khel* derives its security, and through the protection of which each is able to raise its *nang*, and is able to realise its position within the larger clan or tribe. The study argues this through exploring the following principal areas:

The study analyses the re-ascendance of tribal authority in the Afghan borderland since 2002, and the resurgence of the borderland as the primary political and security challenge to the Afghan and Pakistani states. This analysis considers the expansion of the domain of tribal authority into the regions of KP contiguous with FATA, as well as other areas of settled KP and Baluchistan where the state holds *de jure* authority. This examination also considers the ascendancy of tribal authority in the Afghan provinces contiguous with the border. The study then examines the re-ascendance of tribal authority across this area as a function of the re-territorialisation of the enduring pre-state substructure of *Pakhtunkhwa*.

The study explores the Pashtun cultural and historical context with an emphasis on the politically and strategically salient elements of *pashtunwali*, and the nature of segmentary territorialisation of the tribal *zai* within the larger spatial context of *Pakhtunkhwa*. It study examines the nature of the ethno-linguistic constitution of Afghanistan and Pakistan, addressing the relationship between ethno-linguistic heterogeneity, the spatial concentration of minorities, and the nature of borderlands in the Pakistan-Afghanistan context. It also explores the frequency and dynamics of cross-border interaction across the Durand Line between neighbouring clans and families, as part of an examination into the nature of the non-border between Pakistan and Afghanistan. Through this exploration, the study identifies economic and social dynamics that impede the efforts of the state to assimilate the borderland by creating economic and political dependencies upon the core of the state.

The study charts the effective withdrawal of the previously weak and ineffective civil administration of the Pakistani state from selected areas of KP, under successful challenge by ascendant tribal authority and tribal militancy. It also analyses the inverse effectiveness of the militarisation of the borderland by the state upon the withdrawal of civil administration, and upon resurgent tribal authority, as a function of civil-military competition. This study further addresses incongruities between the territorial contours of pre-state substructures and the postcolonial state, as manifest in the cases of the Kurds and the Bedouin Arab, as the principal factor challenging the primacy of the postcolonial state.

1.13 Expected Findings

The study expects to find that the authority of state administrative structures has been successfully challenged in the borderland by tribal authority. This tribal authority is at once a localised phenomenon, and a wider phenomenon with the replication of the autonomy of *zai* across the wider Pashtun areas that constitute historical *Pakhtunkhwa*. Thus, this study expects to find that the re-territorialisation of *Pakhtunkhwa* is the underlying structural cause of the resurgence of tribal autonomy in the Afghan borderland.

Further, the study expects to find that in Pakistan, the primacy of tribal authority is expanding from FATA into settled parts of KP and Baluchistan. The study expects to find that along with this expansion of tribal authority comes the expansion of the borderland's grey economy, the laxity or withdrawal of civil administration, the proliferation of *jirga* based adjudication and decision making mechanisms, and an expansion of tribal militancy.

The study expects to find that in Afghanistan, the absence of viable state authority with writ across the Pashtun belt is filled by localised structures of tribal authority. Ghilzai-Durrani political rivalry is eclipsed by the re-territorialisation of pre-colonial *Pakhtunkhwa*, which is a primarily localised phenomenon. The continuation of the US led NATO military presence does not alter this trend, and in fact works as a catalyst for tribal and clan distance from the state.

1.14 Research Methods

This study seeks to do three things: Firstly, it establishes the larger theoretical framework within which the thesis question is placed. This pertains to the competition between enduring, pre-state substructures and the postcolonial state as an underlying cause of the political instability that characterises the experience of the postcolonial state in Asia. The study does this by addressing the cases of the Kurds, the Bedouin, and the Pashtuns. Secondly, the study examines in detail the Afghan borderland as a case where sub-state polities in the form of tribes are in direct competition with the Pakistani and Afghan states along the Durand Line. Thirdly, the study explores the underlying structural causes for resurgent tribal autonomy in the Afghan borderland by analysing ideational drivers for tribalism, patterns of inter-tribal competition, tribe-state competition, structures of economic flows across the borderland, structures of migratory flows across the borderland, and patterns of militancy. The study establishes its findings relating to these areas of examination through the modalities of literature examination, general contextual observation, and empirical analysis.

The study establishes the larger contextual framework of competition between the postcolonial state and pre-state forms of polity primarily through a survey of existing literature pertaining to the experience of the postcolonial state in the context of Asia. The study seeks to establish that Asia is characterised by political and administrative experiences, predating the advent of European colonialism by millennia, interrupted by a period of direct and indirect European colonialism between the eighteenth and twentieth centuries. Three nodes of political gravity are particularly notable in this period: the Turko-Arab experience of west Asia, Mughal India, and successive dynasties in Persia- all three of which were transnational states with administrative centres and provincial differentiation. This study addresses the Turko-Arab experience of west Asia through the literature, examining varying paradigms of analysis of the experience of the postcolonial state against the backdrop of the larger transnational polity in Turkey and Arabia.

The study then proceeds to examine normative, ideational, anthropological, and political aspects of Pashtun tribal society as a means through which to understand the psycho-social dynamics that underlie the social and political reality of the Afghan borderland. This the study does through a combination of literature examination and general contextual observation. This study does not seek to break new ground in the field of anthropology as it relates to Pashtun tribal phenomena. Extensive literature has already been dedicated to the study of Pashtun culture, norms, language and history from anthropological and historical perspective. This extensive body of work is referred to, and many of its findings adopted, by this study. Further, general observations of patterns of social organisation and behavioural norms amongst the tribal Pashtuns are made through this study. These observations, undertaken by the author, are referred to as contextual observations as they contribute to the establishment, along with literature analysis, of the larger socio-cultural context of Pashtun tribal society in the Afghan borderland.

The study then proceeds to make a detailed analysis of dynamics within the Afghan borderland between and among the principal tribes, and between these tribes and the state. These dynamics include; structures and patterns of competition and alliance amongst the tribes, both within FATA and across the Durand Line; the conduct of the state and the military in the borderland; the structure of economic flows across the borderland – both state regulated and ‘unregulated’; patterns of migration across the Durand Line; and trends in the militancy currently being waged across the borderland. In addition, the study makes a detailed

examination into the physical, demographic, infrastructural and geographic aspects of the borderland. In each specific aspect of borderland reality analysed, factors are divided into dependent and independent variables to be further analysed in the pursuit of possible cause-effect relationships, and the elaboration of possible trends that may be replicable in other areas of examination. This detailed analysis is built upon empirically established findings. These are established through fieldwork across the borderland, carried out prior to and during the compilation of this study. Field work consisted of two fundamental aspects; participant observation and surveying.

Participant observation involved living with and travelling amongst the tribal Pashtuns of the borderland for a total period of 4 months during the compilation of this study, and three years immediately preceding it. During these periods, detailed observations of the nature of tribal Pashtun social and political life were made relating to *pashtunwali*, Pashto, rites relating to marriage, birth and death, tribal conflict, *jirga*, and how the Pashtun understand the impact of international events directly related to the borderland as part of a wider psycho-social paradigm revolving around *khpal*, *kor*, *khel*. These observations form the basis of much of the analysis in this study of millennial tribal trends relating to conflict, autonomy and the notion of *Pakhtunkhwa*.

Further to participant observation, field work was conducted in 2008-9 through the method of interviewing. Interviews were conducted with a variety of personalities from FATA, the military, the KP provincial administration and the Pakistani Federal administration, and representatives of the Afghan government. Interviews were guided by a series of questions formulated prior to fieldwork being undertaken, relating to tribal dynamics and tribe-state relations. However, through the course of fieldwork, it became apparent that different elements of the survey were of varying degrees of relevance for particular interviewees. Hence, interviews more closely resembled detailed conversations with particular individuals, guided by the themes considered most relevant for the interviewee at that point in time. The nature of the interviews were not of a quantitative method of analysis, in contrast with other studies that were conducted in FATA during the same period which relied heavily on numbers of subjects surveyed and interviewed in order to deduce a trend in the area of migration dynamics.⁴³ Rather, in this study interviews were conducted in order to construct a understanding of the deeper psycho-social driving factors behind many of the trends in the borderland, as well as seeking to verify information and analysis pertaining to the borderland

through interviewing personalities directly involved in developments as part of the military, the state and tribes. As such, the interviews are considered a qualitative method of analysis.

1.15 Limitations of the Research Methodology

1.15.1 Participant observation

Limitations on the conduct of research arose from research methodology and the means and styles employed therein. Strictly objective observations that required maintenance of social distance would have resulted in even further limited access to tribesmen than was achieved, and would have resulted in very limited access to administrative and military officials. Thus, field work was deemed to be most effectively carried out through participatory observation. Through the employment of participant observation techniques, many interviews were conducted in the format of probing conversations rather than formally structured interviews. As well as limiting the amount of criticality that could be employed during such a conversation, such interviews were bound by the social dynamics associated with ephemeral guest-host relations.

As is generally the case with participant observation, the capacity for unanticipated interference by the interviewer is a potentially significant limitation. Unanticipated interference in this case may have resulted from presenting a question outside the relatively rigid norms of Pashto conversation. This may have prompted the interviewee to make judgements that might not have been made otherwise. For example, on being asked directly whether or not the Durand Line was a significant barrier to the movement of people across it, many responses reiterated the widely held view that the Durand Line did not function as a barrier at all, even though in some cases the interviewee had no specific experience that would support such a view. On being asked the direct question, however, respondents felt it was important to state the position that has become a part of Pashtun culture, that the border does not separate the Pashtuns on either side of it. Evidently, the direct manner in which the question was raised, the fact that it was asked in a Pashto social context as part of 'doing Pashto', and the fact that the interaction was ephemeral, all combined to determine that the respondent would be highly likely to give an answer commensurate with the appropriate cultural norms and expectations. If the question was asked in a different style, for example through suggesting that the queues at the Torkham border post were terribly long due to the current security situation, the view of the Durand Line articulated by the interviewee might have been quite different. In this manner, participant observation has the potential to produce results with limited objective verifiability. To reduce the impact of this limitation, a

number of formal interviews were conducted while maintaining social distance from the interviewees, with individuals more accustomed to the practice.

1.15.2 Language

Another aspect of 'interference' is in the language itself. Pashto is a language within which there are a number of distinct regional dialects. In cases, these dialects vary in vocabulary and the nature of idioms used while in other cases variation is more nuanced. Sensing a difference in dialect can place an interviewee within a defensive frame of mind as there is the risk that the interviewer may be from a rival clan, tribe, or from an intelligence organisation.⁴⁴ It is difficult to verify whether or not an interviewee feels threatened and is making statements that are intended to be ambiguous and non-committal, but this was sensed across a number of interviews. Further problems presented by conducting interviews in Pashto were in interpreting expressions and adjectives. Determining the degree or magnitude of a phenomenon is difficult to ascertain due to the variance in the use of expressions between regions. For example, in Kohat and amongst the Afridi of Khyber unformed words, little more than a vocal inflexion, are used to indicate an affirmation. The elongation of the vocal inflexion indicates the degree of affirmation. This is in contrast with Yusufzai dialect in which precisely formed words are employed to convey affirmation, and the degree of agreement. The Yusufzai dialect is most widely used across KP, and tends to be understood by speakers of other dialects. Questions, when asked in Pashto, were asked in the Yusufzai dialect. Respondents used a variety of dialects both in Peshawar and around FATA and KP. The result is that while the questions were very likely to have been understood, the responses were understood in so far as the limits of dialect variation permitted.

Interviews with academics at the University of Peshawar were conducted in English. In cases, this produced the highest degree of clarity and accuracy of all interviews in terms of the questions asked and the responses given. Although a positive development leading to more extensive and deeper interviews with such individuals, such interviews skewed the amount of information gained through the total of all interviews towards the English speaking respondents. This has the potential of limiting the representativeness of the aggregate of the interviews.

⁴⁴ This concern was directly raised on at least two occasions, in one case in August 2008 in Islamabad at F-10 market it was raised repeatedly in an interview and as a warning that the interviewee was indeed an intelligence official warning the interviewer not to proceed with the questions.

Other respondents spoke parochial English which itself produced a challenge in terms of understanding the respondents accurately. Some such respondents were heavily accented and frequently constructed fragmented sentences, prompting a reiteration of the question in a more basic form, or a reiteration of the response by the interviewer, to which the respondent would either agree or disagree. This process invariably reduces the depth and precision of judgments and responses, and as such constitutes a limitation on the effectiveness of the interview process.

1.15.2.1 Afghanistan

Another limitation is the fact that travel into Afghanistan during the duration of field work was not possible. By August 2008, the Khyber Pass had become the scene of battles between various Afridi clans based upon support for rival religious authorities. It was during this period that the western reaches of Peshawar fell under the control of Afridi *lashkars*, reported in western media as a Taliban encroachment upon Peshawar.⁴⁵ There was the option of travelling with an armed escort from Jamrud, through the Khyber Pass into Afghanistan, and measures to arrange such an expedition were undertaken. However, this entailed a prohibitive risk and was highly likely to have resulted in either defensive firing or evasive manoeuvring. Further, the part of Afghanistan relevant to this study is generally avoided by journalists and academics due to the relatively high risks of kidnapping. Most journalists and academics confine themselves to either Kabul, Herat or the relatively stable north of the country, locales of limited value for field work to be undertaken in the borderland.⁴⁶ As a result, travel into Afghanistan was not undertaken. Interviews were, however, conducted with individuals from Afghanistan in Peshawar, London, and Omaha. In addition, literature pertaining to specific trends within tribal Pashtun dynamics in the context of the insurgency in Afghanistan were consulted. It must be mentioned, however, that there is little external penetration of tribal southern Afghanistan by non-tribal individuals or organisations. Much of the limited literature relies on official Afghan sources,⁴⁷ or Pakistani sources, neither of which provides analysis devoid of the implications for the local policy of each.

⁴⁵ See 'Can Pakistani Troops make Peshawar safe?' 1st July, 2008; http://news.bbc.co.uk/1/hi/world/south_asia/7483963.stm Accessed 20th November, 2010.

⁴⁶ A variety of academics and analysts, including such individuals as Rory Stewart and Antonio Giustozzi, have travelled in Afghanistan and published extensively. By admission, their fieldwork, however, does not include extensive travels through the tribal Pashtun areas of the borderland.

⁴⁷ Telephonic conversations were held with associates of the late Ahmed Shah Masood in Kabul, as well as meetings with associates of Yunus Qanooni, based in London. A greater level of high quality primary research regarding the dynamics of southern Afghanistan very likely entails a prohibitive risk.

1.16 Organisation of the Study

After the conclusion of chapter 1, the study proceeds through six sequential chapters. Chapter 2, *Doing Pashto*, provides background and perspective essential in understanding the dynamics of the borderland, through exploring the nature of Pashtun society as a patrilineal, segmentary society structured along tribal lines, governed by the normative code of *pashtunwali*. The chapter traces the historical origin of the Pashtun as a nation, giving an account of the differentiation of the patrilineal *shajara*. The chapter explores *Pakhtunkhwa* as a pre-state substructure within which the Afghan borderland emerges. Identifying possible changes to the form of Pashtun identity resulting from decades of violent instability in the borderland, the chapter explores the most salient aspects of *pashtunwali* and their strategic and political impact upon the borderland and beyond.

Chapter 3, *The Strategic Significance of the Afghan Borderland from Alexander to America*, addresses the phenomenon of the Pashtun tribes as a borderland people from antiquity through to the modern age, suggesting that the Afghan borderland is an historically constant feature, formed by geographic, anthropological and wider political factors. The chapter examines the development of Pashtun tribal society through the successive waves of invasion that have traversed the Afghan borderland including the invasions of Alexander, the Central Asian Hordes, the Mongols, the subsequent northward campaigns of the Mughal rulers of central and northern India, Anglo-Russian rivalry, and the current international campaign across the borderland. The chapter goes on to examine how, in the context of this historical trajectory and through the analysis of scale, the patterns of reciprocal tribal influences across the Durand Line have become strategically and politically salient to the Afghan and Pakistani States.

Chapter 4, *Borderless Borderland*, illustrates how pre-state substructures may respond to the imposition of an international boundary bisecting the substructure, in this case the tribal core of the larger substructure of *Pakhtunkhwa*. The chapter establishes the nature of the cross-border interaction, primarily among the clans and families who live in the vicinity of the Durand Line, but also more generally among the Pashtun population across the borderland. Through the analysis of fieldwork and interviews, and the consultation of other studies including the field work and interviews conducted by others, the chapter charts the structure of cross-border interdependencies in the areas of marriage, the structure of economic flows, and *jirga* between the tribal Pashtuns residing in the agencies contiguous with the border, and

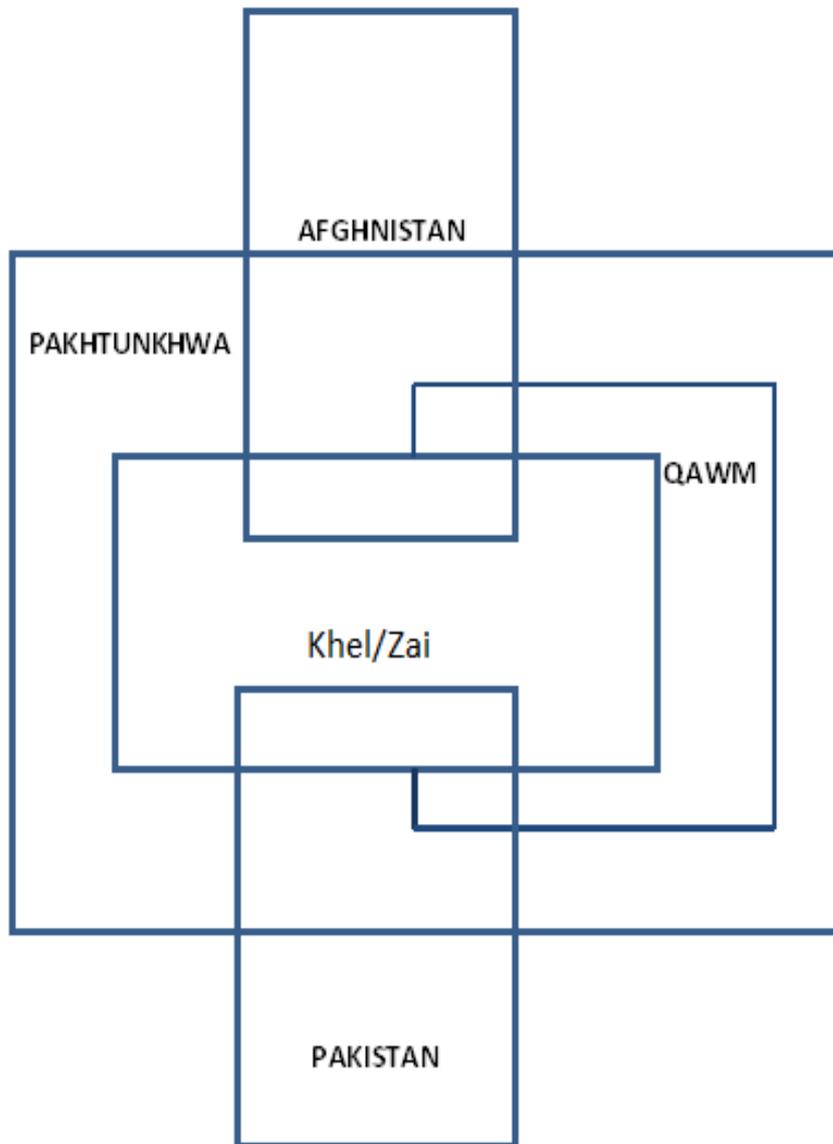
more widely between KP and Afghanistan. Upon the basis of these findings, the extent of indigenous cross-border activity is established, enabling an examination of the degree of impact of the border as a political, economic and social barrier between the population within a pre-state substructure.

Chapter 5, *The Retreating State*, explores how the withdrawal from the borderland of the Pakistani and Afghan states, each driven by different causal factors, has accompanied the resurgence of tribally based structures of power and authority in the borderland. Examining the limited role of the civil administration in a wide range of responsibilities conventionally attributed to civil state structures, the chapter goes on to explore the impact of the militarisation of the borderland. It explores the competition between the civil and military roles of the state, charting the effect of this competition upon civil administration in the borderland, as well as its effect on the resurgence of tribal authority across the borderland. The chapter also explores the phenomenon of borderland expansion, illustrated more thoroughly in the final chapter.

Chapter 6, *The Future of the Afghan Borderland*, examines the possible future scenarios resulting from tribal resurgence in the Afghan borderland. The chapter explores the attempts by the state at assimilating, accommodating or diminishing the autonomy of the borderland. Exploring political and military strategies for integration, the chapter explores the possibility of secession and the Pashtunistan question, contrasting it with the likelihood of the current situation of instability in the borderland perpetuating itself indefinitely. Against this backdrop, the chapter explores prospects for graduated development, assimilation and political progress in the borderland as a function of Pakistani and Afghan state policy towards the borderland.

Chapter 7, *The Dynamics of Borderland Autonomy*, examines the findings of the study, including the underlying structural causes for the resurgence of borderland autonomy, and the dynamics of borderland expansion. The study places the findings in the larger context of challenges faced by the postcolonial state in Asia arising from the competition with pre-state substructures. The chapter then sets out to review some of the fundamental limiting factors under which this study was conducted, before suggesting areas where this work may be expanded upon by other authors.

Fig. ii Identity Matrix: Substructure and State



2 Doing Pashto¹

2.1 Introduction

This chapter identifies and examines elements of the Pashtun social and political experience that are determinant in the continuity of the Pashtun as an enduring trans-border and pre-state substructure. In parallel with the Kurds and Bedouin, the study identifies tribes as the principal driver of Pashtun identity and polity. In all three cases tribal structures and the associated norms of conduct arising in a segmentary and patrilineal society are the dominant socio-political features. These features constitute the basis of trans-border and sub-state identities, predating the relatively recent imposition of the postcolonial state and continuing to endure competition with it. However the study also identifies elements of the Pashtun tribal reality that distinguish it from the Kurdish case particularly, but also notably from the Bedouin experience in northern Arabia. These differences are identified as the causal variables in the resultant significant differences between the Afghan borderland and the Kurdish and Bedouin borderlands respectively.

The chapter examines Pashtun tribal structures and their derived social dynamics as determinants of the functioning, autonomy and expansion of the Afghan borderland. These include the territorialisation of Pashtun tribalism as a driver in the increasing autonomy and further physical expansion of the borderland into KP, Baluchistan and southern Afghanistan. They also include core components of *pashtunwali* as the ideational basis of Pashtun political identity, including the territorial concepts of *zai* and *Pakhtunkhwa*. These observations will illuminate compound questions of identity emerging from the territorialisation of sub-state and trans-border tribal authority, a phenomenon that is widely found in tribal societies impacted by the imposition of the postcolonial state.

The chapter traces the development and emergence of the Pashtun as a segmentary nation. It investigates the conceptual foundation of the term *Pakhtunkhwa*, which provides a frame of reference for describing the geographical context within which the Pashtun identity has developed. The chapter also discusses salient aspects of *pashtunwali*, the all encompassing code of conduct dictating Pashtun norms, customs and beliefs, and whether it has evolved,

¹ The idiom 'Doing Pashto' is translated from the Pashto expression 'Pakhto Kol'. Jon Anderson provides a detailed treatment of the concept of 'Pakhto Kol' in his doctoral dissertation entitled *Doing Pakhto: Social Organisation of the Ghilzai Pakhtun*. Anderson argues the meaning of the word Pashto encompasses not only the language but also the actions mandated under *pashtunwali*. Hence, the term Pashto refers to both the spoken language and the conduct of the tribal Pashtun in accordance with the edicts of *pashtunwali*. See: (Anderson 1979: 142).

eroded or otherwise reduced in its significance and impact upon Pashtun society and politics as recent years have seen the introduction of greater opportunities for literacy and greater economic enfranchisement in the borderland. The chapter also outlines the major tribes derived from the Pashtun *shajara*, providing some historical, spatial and political context to their present condition. An understanding of *Pakhtunkhwa*, *pashtunwali*, the historical formative influences on the region, and the major tribes derived from the Pashtun *shajara* all provide a foundation upon which more detailed analyses of specific themes within tribal Pashtun dynamics can subsequently be developed.

2.2 Pashtunwali

2.2.1 Pathans, Pakhtuns, Pashtuns and Afghans; a note on terminology

Different renditions of the term *Pashtun* are used to describe the Pashtun nation. The term *Pathan* was widely used during the British administration of the then NWFP. It has been used by the two principal English language scholars of the Pashtun; Olaf Caroe in *The Pathans* (1958) and Akbar Ahmed in *Millennium and Charisma Among Pathans* (1976). The term finds its origin in the *Makhzan-i-Afghani*, an account of the Afghan origin of the Delhi sultanate written around 1612 AD by Ne'amatullah.² In the *Baburnama* (Thackston 1996: 226) the Mughal emperor Babur (1526-1530) posits that the source of the term may be the fact that Pashtuns settled at Patna in India, and hence came to be known as *Pathans*. In any case, the term *Pathan* is an Indian usage that came into wider currency during the British Raj, a period in which extensive studies were conducted into various aspects of Pashtun social and political life.³ It is not used by the tribes of the Afghan borderland in any capacity.

Across the entire Pashtun belt, three terms are used by the Pashtuns when referring to themselves. The term *Pakhtun* is widely used amongst the tribes who populate northern and central KP and FATA as well as the adjoining provinces of Afghanistan including Nangarhar, Laghman and Kunar. The Pashto of this large grouping is classified as the hard variant of the

² Ne'amatullah Harvi (Harawi) was a chronicler at the court of the Mughal Emperor Jahangir in the early seventeenth century. His work *Makhzan-i-Afghani (History of the Afghans)* is the first recorded account of the history, society and culture of the Pashtun. This study consults a 2002 reprint of the original. See Roy, Nirodbhusan *Niamatullah's History of the Afghans* Sang-e-Meel Publications, Lahore, 2002.

³ Between Elphinstone's (1815) *The Kingdom of Caubul*. and Caroe's (1958) *The Pathans*, a very large body of literature addressing Pashtun culture, geography, history, tribal structures and politics was produced by British military and civil administration officials. This scholarship includes academic, military and intelligence contributions. The bulk of this work is available for consultation at the India Records Office of the British Library, London.

language, characterised by the frequent use of the vocal inflexion 'kh'. This is in contrast to the soft variant of Pashto spoken across the rest of the Pashtun belt where 'kh' is replaced by 'sh'.⁴

Pashtun is the most common rendition used in studies conducted in the English language today. *The Oxford Encyclopaedia of the Islamic World*, and the *Encyclopaedia Britannica* use this soft variant widely, although not exclusively while the *Encyclopaedia Iranica* uses *Pashtun* predominantly but also references both *Pashtun* and *Pakhtun* in cases.⁵ The BBC also uses the term *Pashtun* and refers in its language service to *Pashto*.⁶ In keeping with this developing convention within the English language, this study uses the terms *Pashtun* and *Pashto*. The reality described by the term *Pashtun* is synonymous with that described by the hard variant pronunciation, *Pakhtun*. There is no variance in reality conveyed in variance in the pronunciation.

As for the term *Afghan*, it is used widely amongst the Durrani and to a lesser extent amongst other tribes as referring to all Pashtuns. Raverty, in his ground-breaking Pashto dictionary, equates the words *Afghan*, *Pashtun* and *Pakhtun*, tracing the word *Afghan* back to its Persian root, *fighan*, and accounting for its evolution into the current form, *Afghan* (Raverty 1860: 39). Raverty's account appears to reflect a commonly held understanding as it remains unchallenged in the literature treating Pashto linguistics. Today, however, in international convention the term *Afghan* describes an indigenous resident of the state of Afghanistan, a state in which the Pashtun account for around half of the population. Although this study will not use the term *Afghan* as it is used by the Durrani in its historical context, the origin and convention associated with the term discussed here do shed light on the questions of identity amongst the Pashtuns to be explored further in this study.

⁴ This is developed in the subsequent section on the Pashto language. For reference, the following approximation has been rendered through various oral traditions: A line from Peshawar to Jalalabad will separate the northern hard variant from the southern softer one. This maxim hasn't stood up to any criticality as far as the research for this study is concerned. The Khyber agency lies south of the line, but its inhabitants speak the hard variant, as do various pockets of population in the southern part of KP. However, there is clearly a greater concentration of soft-variant speakers of Pashto south of the line while speakers of the hard variant tend to be concentrated to the north of it. Ahmed (1980:116-17) charts the spatial distinction between the hard and soft variants. His work has become an often referenced source in other subsequent examinations of the issue.

⁵ For how each cites the Pashto and Pashtun see the following links:
<http://www.iranica.com/articles/gandapur-ser-mohammad-khan> for dual use of Pashtun and Pakhtun;
<http://www.britannica.com/EBchecked/topic/445546/Pashtun> for Pashtun (accessed January 2011).

⁶ Since 2001, nearly all references to the Pashtun in BBC media use 'Pashtun' and Pashto. See:
<http://www.bbc.co.uk/pashto/index.shtml> . Accessed 13th January, 2011.

2.2.2 Pashtunwali

As in the cases of the Kurds and the Bedouin, the Pashtun are a nation in so far as they profess a common language, a commonly held account of their genealogical origin, and a shared historical experience within a common territory. In addition to these characteristics, and in further parallel with the Kurds and Bedouin which are also segmentary societies, the Pashtuns exhibit an ideational framework that reinforces the segmentary and patrilineal nature of their tribal society. However, in contrast with the parallel examples, the Pashtun are unique in the extent to which their ideational framework is codified, adhered to and enforced, and generates a political and strategic impact.

Pashtunwali is the conduct of interaction between individuals, clans and tribes in accordance with commonly held norms and edicts that regulate all aspects of individual, social and political life. *Pashtunwali* establishes general criteria which regulate conduct through establishing objectives and values to which tribes, clans and individuals aspire. It encapsulates the totality of what it means to be Pashtun. Pashtun politics, society and war can be understood only through understanding how the concepts emanating from *pashtunwali* shape the Pashtun psyche.

Defining *pashtunwali* is particularly challenging as it remains unwritten. Its origins have been the focus of extensive speculation by anthropologists for over a century, and by tribesmen for much longer. Rather than define *pashtunwali*, it will be more meaningful for this study to analyse how these widely understood and adhered to aspects of *pashtunwali* constitute the ideational basis for both tribal independence and tribal interdependence, both of which are core features of the enduring nature of sub-state tribal polity in the Afghan borderland, and of the increasing autonomy and territorial expansion of these tribal polities.

This study identifies *badal* (retribution), *nanawatey* (provision of asylum to an enemy), *melmastiya* (hospitality) and *nang-o-namus* (honour) as the most politically and strategically salient precepts of *pashtunwali*. Additionally it recognises that pragmatism and opportunism are virtues amongst tribal Pashtuns, who are largely engaged in a permanent state of zero-sum brinkmanship with surrounding tribes. This unconventional notion virtue is captured by Dupree (1980: 127);

Honour and hospitality, hostility and ambush, are paired in the Afghan mind.

It is true that *pashtunwali* is in origin an austere code adhered to by individuals leading largely rigorous lives, dominated by a sense of siege and often ending violently. However Dupree's characterisation does not address the core theme in *pashtunwali* that makes it enduring and widely adhered to; the combining of spiritual identity and temporal identity into a single identity that forms the basis of a parochial world-view at the centre of which is the Pashtun, his *kor*, his *khel*, his *qawm* and his *nang*. An affront to any of these, therefore, constitutes an affront on a spiritual as well as a physical level, an attribute that stems from the fusion of the Islamic creed and enduring pre-Islamic norms of conduct among tribal Pashtuns (Nyrop, Seekins 1973: 181). Although Gankovsky (1964: 22-35) postulates that the essential components of the fundamentals of Pashtun culture had developed by the second millennium AD, it must be stated that most accounts suggest that a significant portion of the Pashtun remained outside the Islamic world at that point. Hence, pre-Islamic injunctions of *pashtunwali* continue to persist (Marsden 1998: 85-6), despite the conservative Islamic characterisation of Pashtun tribesmen currently, particularly in English language accounts.

2.2.3 Badal

Linguistically, the Pashto term *badal* refers to the transaction of exchange made in the settling of accounts (Raverty 1860: 47). In the context of *pashtunwali*, it refers to an act of vengeance aimed at redressing the perceived deficit of honour incurred through the indignity of having suffered a wrong committed against property, blood or honour (Dupree 1980: 126). *Badal* is a central aspect of *pashtunwali* in the context of maintaining stability in the violent environment of the Afghan borderland. Its value as a deterrent against crimes cannot be understated. The edict of *badal* mandates tribal support from both the tribe of the aggrieved and the accused in dispensing the reciprocal violence that is mandated in cases of violent crime, theft or severe insolence. Through exacting *badal*, the prestige of the tribe or clan of the affronted is restored, as is that of the accused in accepting that the *badal* was justified, hence demonstrating an adherence to the edicts of *pashtunwali*. In all cases, adherence to the code of *pashtunwali* functions to redeem *nang*.

The Pashtun, committed as he ostensibly is in his adherence to the Islamic *sharia*, perceives the concept of *badal* to be derived from Islamic canonical texts that prescribe reciprocal retaliation for personal injury or murder.⁷ However, in a marked departure from Islamic canonical jurisprudence, the Pashtun tribesman doesn't resort to a judicial process, nor does he await the pronouncement of a *qazi* or *mullah*. His perception of an affront to his *nang*

⁷ *The Koran*, Surah II verse 178, translated by Muhammad Muhsin Khan, Dar as Salaam, Riyadh 1996, p. 65.

warrants a reciprocal response with no need for sanction from any temporal or spiritual authority.⁸ This is the epitome of autonomy for the tribesman; the right to exact retribution as he sees fit, without regard for the consequences of such action from any higher legislative or judicial body.

Such action is perceived as virtuous and honourable (Barth 1959: 136-138). According to *nang-e-Pakhto* (code of honour - a term sometimes used interchangeably with *pashtunwali*), an unavenged injury or insult is deeply shameful where the honour of the aggrieved can be redeemed only by an action of retribution (Raverty 1860: 495). Those who fail to fulfil the obligations of *pashtunwali* by abrogating insult or injury through *badal* invariably lose prestige in the eyes of their tribe, and in doing so render themselves liable to *paighore*.⁹

Further to mandating *badal*, *pashtunwali* enables *badal* to be sought in an unconventional manner. The aggrieved can lie in wait for months, or even years for the opportunity to exact *badal*.¹⁰ He may endure all manner of hardship, placing himself and his family in great difficulty and danger, in pursuit of redemption in the eyes of his family, clan and tribe.

Pennell (1908: 18) recounts an incident involving a Pashtun girl who sought *badal* in response to the slaying of her brother by shooting the suspected murderer in a crowded bazaar, all after a magistrate had dismissed her appeal for justice based on a lack of evidence (Pennell 1908: 18). Found guilty of murder, she was sentenced to a penitentiary on the Andaman Islands. On being transported, she remarked that she was content with her fate having restored the *nang* of her family (Pennell 1908: 18).

Political agency in FATA has led to some evolution in the practice of the *badal*. In high profile cases of criminality, the exacting of *badal* has actually been facilitated by tribal leadership on behalf of the aggrieved.¹¹ It is very likely that organising *badal* in this manner is aimed at

⁸ Observed by the author in Tor Ghar (PATA) in January 2001.

⁹ Observed by the author in Khwajgan, Kuz Pakhli in June 2001 in a dispute between two clans over the right to hold congregational Friday prayers in a newly constructed mosque. One party felt allowing such a practice would undermine the *nang* of the primary clan. A *jirga* led to a resolution before the eruption of full-scale hostilities.

¹⁰ An oral tradition narrated amongst the tribal Pashtuns states '*Pakhtun sil kaala warasto akhpal badal mekhwa khasta wali usum talwar uwarko*'. This can be rendered in English as 'A Pakhtun took his revenge after a hundred years, and still too soon'.

¹¹ In a high-profile case of abduction in March 2009 in the Khyber agency, the tribal leader Mangal Bagh organised the exacting of *badal* by an aggrieved party through the killing of the alleged abductors. This case was brought to the attention of foreign media and was reported in video 25 March, 2009. See: <http://news.sky.com/skynews/Home/video/Taliban-impose-Sharia-law-in-Khyber-Agency-region-of-Pakistan/Video/200903415248508?lpos=video> Article Related Content Region

conferring legitimacy upon both the organisational endeavour and the edict itself. In this manner, the profile of the tribal leadership is enhanced. Such efforts at gaining legitimacy are emergent in a context where the struggle for tribal leadership is contested by a greater number of *khans* and *maliks* than ever before. The current widespread availability of large weapons, money and manpower results in a severely contested struggle for leadership. Anderson (1979: 195-205) deliberates extensively on the dynamics that limit the emergence of *khans* amongst the Ghilzai in the Afghan borderland. The same dynamic appropriately describes the struggle for *khangji* in the FATA region.

2.2.4 Nanawatey

Nanawatey is derived from the root verb 'to enter' and linguistically refers to being able to get into a house or place of safety.¹² As an attribute of *pashtunwali*, it describes the seeking of protection with a complete stranger, or even a longstanding rival or enemy. In the case of the latter, *nanawatey* can be a means through which to terminate the state of belligerence (Dupree 1980: 126). It is an attribute of Pashtun society that, while clans can be engaged in a perpetual state of confrontation, they will extend an unmitigated duty of hospitality even to enemies if enemies approach as guests or as seeking shelter or asylum. *Nanawatey* is an edict wherein any individual who approaches the abode of a *khan*, *malik* or any member of a clan, is granted an absolute form of asylum. Tribal perception of the Pashtun's honour is linked to the degree of difficulty and sacrifice endured in providing and maintaining that asylum. In the one single exception to the extension of *nanawatey*, there is no such asylum in cases of *tor*, or crimes involving the reputation or *nang* of a woman (Khan 2008: 76).

Pashtun oral tradition is replete with examples of *nanawatey*. Such oral traditions transferred through families and clans over generations instil a sense of what *nanawatey* represents. In one widely narrated case, a killer unknowingly beseeches the brother of his victim who unreservedly accepts the invocation of *nanawatey* while knowing that the petitioner is in fact the killer he himself has been seeking to exact *badal* from. The *nang*, or honour, of the host is restored through providing asylum in such a testing circumstance. Having restored honour through the provision of *nanawatey* to one's enemies, and therein having earned high regard

3&lid=VIDEO_15248508 Taliban impose Sharia law in Khyber Agency region of Pakistan .
Accessed 29th April 2009.

¹²For a detailed treatment of *nanawatey* drawing on a wide variety of sources in English and Pashto see: 'Nanawatey'; <http://www.khyber.org/culture/pashtoonwalai/nanawatey.shtml> . Accessed 12th January, 2011.

in the perception of one's family, clan and tribe, the host is freely permitted to continue to pursue revenge, despite having extended *nanawatey* to restore his *nang* (Stewart 2007: 155).

Currently, across the Afghan borderland, *nanawatey* continues to be practiced widely. Through the post anti-Soviet jihad years, the borderland had become notorious for harbouring fugitives escaping the Pakistani authorities who had sought *nanawatey* amongst the tribesmen of FATA. Since the emergence of the Taliban militia in Afghanistan, the forced adherence to austere Islamic injunctions across FATA has functioned to deter many fugitives from seeking refuge in the borderland. According to security analysts, it is this element of *pashtunwali* – the provision of *nanawatey* to ostensibly devout Muslims - that forms the principal obstacle to the successful apprehension of individuals accused of aiding and abetting international terrorism, suspected of now seeking asylum in the borderland.¹³ Consequently, it is this edict of *pashtunwali* that has brought the norms of the Afghan borderland into direct confrontation with the judicial and executive authorities of the state of Pakistan and Afghanistan.

2.2.5 Melmastiya

Melmastiya is derived from the noun *melma* (guest) and can be rendered into English as hospitality. As a specific edict within *pashtunwali*, it describes the attribute of providing for the needs of guests to the extent of incurring hardship or loss for oneself and family (Khan 2008: 77). In contrast to *nanawatey*, *melmastiya* is not the result of beseeching a host but is the *de facto* position extended to travellers and visitors, and is expected as such by visitors. The specific practices associated with *melmastiya* exhibit some variance between tribes, but the principle of hospitality extended to all guests retains a high degree of attention amongst all tribes, taking precedence even over *badal* (Caroe 1958: 188).

Although receiving guests is a common event in doing Pashto, it is taken extremely seriously. Providing hospitality presents an opportunity for gaining prestige or *nang*, and also for committing *sharm*. Linguistic expression in Pashto is rich in idioms expressing hospitality. Widely used greetings include '*Har Kala Rasha*' (You are welcome in any condition, or always) and '*Pa Khair Raghley*' (You have arrived at a place of refuge). These expressions are invoked to reflect the seriousness with which hospitality is regarded.

In an accurate description of *melmastiya*, Caroe (1958: 351) mentions:

¹³ US attempts to offer bounties for information leading to the capture or killing of such suspects have met limited success in FATA. See: 'US bounty scheme struggles in Pakistan' 8th April, 2009; http://news.bbc.co.uk/1/hi/world/south_asia/7990538.stm. Accessed 14th January, 2011.

The giving of hospitality to the guest is a national point of honour, so much so that the reproach to an inhospitable man is that he is devoid of Pashto, a creature of contempt. It is the greatest of affronts to a Pashtun to carry off his guest, and his indignation will be directed not against the guest who quits him but to the person who prevails on him to leave.

In another example of *melmastiya*, Pennel (1908: 24-25) writes;

On one occasion I came to a village with my companion rather late in the evening. The chief himself was away but his son received me with every mark of respect and killed a fowl and cooked a savoury Pullao ... late at night when the Khan returned and found on enquiry that the Bannu Padre Sahib was his guest, he asked if he had been suitably entertained. To his dismay he heard that only a chicken had been prepared for dinner. Immediately, therefore, he ordered a sheep to be killed and cooked, so that his honour might be saved.

Pennel's anecdote underscores the conception of *melmastiya* in the mind of the Pashtun. Consideration is given, not only to the guest, but principally to the host in terms of the inconvenience, difficulty and sacrifice made by the host. The example reinforces the notion that, the greater difficulty undertaken by the host in providing *melmastiya*, the greater the value attributed to him in the estimation of his clan and tribe.

Melmastiya endures as a salient feature of *pashtunwali* and is the aspect of *pashtunwali* that most Pashtuns readily identify with as an exemplary attribute of their culture (Gohar and Yusufzai 2005: 33). It is practiced across the Pashtun belt, including FATA, KP, and Afghanistan and remains a defining aspect of Pashtun culture retained by Pashtuns as they move beyond the historical Pashtun homeland.¹⁴ Travellers through *Pakhtunkhwa* are very often considered *melma* (guests). The experience of being *melma* is often narrated by journalists, researchers, anthropologists and aid personnel the success of whose work in cases relies upon the *melmastiya* that is extended to them by the tribesmen amongst whom they travel.¹⁵ Comprehending *melmastiya* and *nanawatey* provides an indispensable insight into the psycho-

¹⁴ *Melmastiya* was experienced across KP in the course of fieldwork between 1999 and 2003, and in 2008. Of particular note was that extended by Hassanzai tribesmen in the PATA district of Tor Ghar visited during these periods.

¹⁵ Jon Anderson (1979: 7) describes the *melmastiya* that was extended to him through his fieldwork amongst the Ghilzai.

social framework within which the Pashtun exist. *Melmastiya* and *nanawatey*, in the parochial mind of the Pashtun, are absolute concepts and pursued regardless of the tactical, strategic, and indeed geo-political implications of the practice.

2.2.6 Nang-o-namus

Linguistically, '*nang-o-namus*' is a compound idiom from two constituents: *nang* and *namus*. *Nang* has been translated into English as 'honour' but is more accurately represented in English by 'reputation' (Raverty 1860: 495). *Namus* can also be literally translated as honour, but refers more specifically to the honour of one's female relatives (Raverty 1860: 495). The connotation of the term *namus* is twofold; one aspect of it is that the presence of women in one's family are regarded as an honour, and their company a privilege restricted to a small circle of males related either through blood or marriage. The second connotation is that one's *nang* is a result of how closely one guards the *namus* with whose protection and well-being he is charged. Hence, the expression *nang-o-namus* describes the reputation one is afforded by guarding the sanctity of one's womenfolk and one's home which is primarily regarded as the exclusive domain of one's womenfolk.¹⁶

A violation of the sanctity of one's *nang-o-namus* invariably engenders a rapid and violent response. The injuries and death suffered from retribution to an affront of another's *nang-o-namus* are not avenged according to the precepts of *pashtunwali*. Transgression of the inviolability of *nang-o-namus* carries *paighore* for those whose *nang-o-namus* has been violated as well as the family and clan of the one performing the transgression. There is no *nanawatey* offered to an individual who has carried out a *tor*, or transgression against *nang-o-namus* (Khan 2008: 76). Given that indignation associated with a violation of *nang-o-namus* is of such a significant scale, incidence of such transgression is uncommon within the tribal Pashtuns.¹⁷

In origin the aspects of *pashtunwali* such as *badal*, *melmastiya* and *nanawatey* apply as widely to females as to males in Pashtun society. Fredrik Barth describes how Swati women seek

¹⁶ Fieldwork across KP revealed that the homestead is typically divided into two sections. One is comprised of the majority of the space and facilities in the homestead and is considered the domain of the womenfolk where men may intrude with the permission of those inside. The second part is an annex usually termed a *baytak*, a term of unknown derivation, where male guests are received and entertained. The sections are usually enclosed within the fortified walls of the homestead, but are separated by an internal wall. Entrances to the two sections are separate.

¹⁷ Such incidents are seldom reported to administrative authorities, resulting in non-representative statistical data at the provincial high court at Peshawar. However, personal observations made during field work conducted in the Khyber agency in 2000 revealed that incidents involving a violation of *nang-o-namus* were very uncommon within clans. Further, no single incident was recalled by any of the interviewees over the entire period of fieldwork. This may, however, be a result of the extreme sense of *tor* associated with such incidents.

badal in disputes with women, and with men on behalf of, for example, deceased or debilitated males (Barth 1959: 137). Pennel describes at least two incidents, one each of *badal* and *nanawatey*, where the protagonists were women and the antagonists men (Pennel 1908: 18). However, the relatively recent emergence of salafist oriented *lashkars* associated with the Taliban movement, and the emerging *khans* and *maliks* who are rising through tribal structures based on support from salafist militias has brought about a limit in the function of women in borderland society. How this emerging trend will impact the roles of women within the practice of *pashtunwali* is yet undetermined, as is the overall impact upon *pashtunwali* of such organisations.

Pashtunwali as a social code has endured across the Afghan borderland for centuries, if not millennia as is suggested by Gankovsky (1964: 22-35). Its edicts are adhered to across the borderland by tribesmen and Pashtun resident in cities which, in the Afghan borderland, resemble towns as far as social dynamics are concerned due to the tribal and clan nature of the populations in the cities. *Pashtunwali* serves as the currency of a Pashtun identity that precedes the Pakistani and Afghan states. Although aspects of it such as *melmastiya* are mirrored to a degree in the wider cultural landscape of the Indus Valley, the contrast between many of its specific edicts such as *nanawatey*, *paighore*, *tor* and the prevalent cultural norms in the rest of Pakistan serve to enhance the cultural profile afforded by *pashtunwali* amongst the Pashtuns across the borderland. This results in a trans-border but sub-state cultural identity that manifests a territoriality in itself, characterised by the region within which *pashtunwali* and the practices of *nang* are adhered to and considered by this study to be the domain of tribal Pashtuns. This is aside from the territoriality arising from the autonomy of *zai* as a subset of the larger phenomenon of *Pakhtunkhwa*.

2.3 Pakhtunkhwa

2.3.1 The term ‘Pakhtunkhwa’

In Pashto, the suffix ‘*khwa*’ refers to a region, space or alternatively that which borders or limits. In origin, the Pashto term *Pakhtunkhwa* refers to the territory historically inhabited by the Pashtun national grouping (Raverty 1860: 179). The term *Pakhtunkhwa* as widely used amongst the Ghilzai, Karlanri and Yusufzai, literally means ‘space of the Pashtuns’. As for the Durrani, they have historically referred to the region in question as ‘Afghanistan’, as in Durrani

phraseology the terms 'Afghan' and 'Pashtun' are synonymous and represent the identical reality.¹⁸

Clearly, the Durrani understanding of the term 'Afghanistan' directly contradicts current political convention where the term 'Afghanistan' represents a sovereign state that includes areas lying beyond the ancestral tribal lands of the Pashtuns, particularly the northern parts of the Afghan state. Further, much of the 'Afghanistan' of the Durrani lies in modern day Pakistan. Hence, to avoid the confusion inherent in using the term 'Afghanistan' in the Durrani context, this study will use the term *Pakhtunkhwa* in reference to the areas historically considered Pashtun homelands, populated overwhelmingly by Pashtuns. In this context, *Pakhtunkhwa* includes all of FATA, the contiguous areas of KP, the Yusufzai tribal belt running through northern KP, northern and western Baluchistan, and those areas of Afghanistan lying to the south and east of the central Afghan highlands.¹⁹

In contrast with the larger domain of *Pakhtunkhwa*, the Afghan borderland as illustrated in Appendix V is determined by an altogether different dynamic. As illustrated in Appendix IX, *Pakhtunkhwa* incorporates an expanse of land that reaches into central Afghanistan and into Pakistan's KP and Baluchistan provinces. The Afghan borderland does not extend throughout all of this territory. Indeed parts of *Pakhtunkhwa* extend to regions that are physically part of the geographic and political centre of the state, an extent to which the Afghan borderland does not reach. In Afghanistan this includes the capital Kabul and in Pakistan this extends to within thirty Kilometres of the vicinity of Islamabad.

Territoriality in the Afghan borderland exists fundamentally as a tribal phenomenon, interpreted only partially by the state administrative structures in the borderland and the maps that chart them.²⁰ The territorial domain that is inhabited by each tribe is referred to as the *zai* of that tribe. The connotation carried in the term is that it represents territory which is the historical domain of the tribe, but is not bounded by defined borders. Rather, the territorial domain of the tribe diminishes by gradients of influence as the tribal population

¹⁸ (Raverty 1860: 179). Raverty doesn't equate the terms Afghan and Pashtun in an explicit statement to that effect. Rather, he mentions the origin of the Pashtuns and treats them with the terms Pashtun and Afghan interchangeably, where the two terms represent the identical reality. Subsequently, Caroe, Dupree and Spain have all mirrored the equivalence of the terms Afghan and Pashtun historically.

¹⁹ See Appendix IX.

²⁰ Although the FATA area is comprised of seven tribal agencies, the *zai* of the tribes that inhabit them are not confined to either the boundaries of the agency or the Durand Line. This is accurately reflected in the detailed tribal maps included as an annex in Caroe's *The Pathans* (1958: Annex I).

becomes gradually eclipsed by that of other tribes.²¹ This is more clearly the case amongst the Ghilzai, while amongst the Karlanri Waziri, some clans have quite deliberately demarcated the area within which rival clansmen are not welcome. *Pakhtunkhwa* represents a central tenet of *pashtunwali* in that it is considered the aggregate of the autonomous tribal *zai* of the Pashtun tribes and as that, it is the largest territorial grouping within Pashto lexicon, short of *aalam* which is the entire world. Implicit in this is the central position of *Pakhtunkhwa* within the *aalam* in the mind of the tribal Pashtun, a mythology that is only reinforced by the nature of current political and military attention paid in the world at large to the Afghan borderland.

A further use of the term *Pakhtunkhwa* was initiated in the mid 1960s, by the Afghan regime in the context of the reunification of territories divided by the demarcation of the Durand Line. The Daoud regime actively sought the re-integration of the then NWFP and FATA with Afghanistan, and sponsored a number of parallel initiatives, diplomatic and guerrilla in nature, aimed at achieving this objective (Marwat 1991: 26-7). Hence, in contemporary political parlance, the term *Pakhtunkhwa* is sometimes used to refer to the pan-Pashtun nationalist agenda that variously seeks the re-integration of Pashtun majority areas in Pakistan with Afghanistan, or the complete independence of Pashtun majority areas from the states of Pakistan and Afghanistan. The use of *Pakhtunkhwa* in this study is as a term of reference to the geographic region described as the territorial aspect of *pashtunwali*. The use of the term in this study in no way seeks to advance the proposition of the political independence of *Pakhtunkhwa* from the modern day states of Afghanistan and Pakistan. Nor does this study, through using the term *Pakhtunkhwa*, seek to advance a Pashtun nationalist agenda. Having established that, this study does raise critical questions over the legitimacy of the border between Pakistan and Afghanistan, both from an historical perspective and in the context of questions of identity, legitimacy and authority currently.

2.3.2 Historical context of Pakhtunkhwa

A central theme within *pashtunwali* is the discourse on the origins of the Pashtun as a nation, and that of the Pashto language. A number of theories have emerged over the centuries accounting for the emergence of the Pashtun in *Pakhtunkhwa*. Prominent amongst these is the Israelite theory that suggests the Pashtuns are one of the lost tribes of Israel (Noelle 2004: 159). Another explanation suggests that the Pashtuns are descended from the Bedouin Arabs of the Arabian Peninsula (Caroe 1958: 7-8). Neither of these explanations is based upon empirical findings, and are largely considered the product of an oral culture which itself has

²¹ Jon Anderson (1979: 223-240) treats the concept of 'zai' extensively in his doctoral dissertation.

historically contributed little to civilisation in the region, but which has recorded in detail and now mirrors much of what has occurred around it (Anderson 1979: 25).

The recorded history of *Pakhtunkhwa* reveals that it has been invaded or traversed sequentially by Greeks, Arabs, Persians, Mongols and White Huns, amongst others. Archaeological evidence reveals that there have been numerous migrations of varying sizes into and through *Pakhtunkhwa* over the last ten thousand years.²²

The Greek campaigns through *Pakhtunkhwa* led by Alexander in 326 B.C.E., while far reaching in scope were, more significantly, brief (Holt 2006: 66). The brief period of Alexander was followed by the re-emergence of two parallel polities in *Pakhtunkhwa*. Bactria, previously a satrapy of the Persian emperor Cyrus the Great (559-539 B.C.E.), re-emerged as Greco-Bactria where modern-day Uzbekistan, Tajikistan and Turkmenistan meet northern Afghanistan in around 180 B.C.E. (Rawlinson 2002: 65). The Bactrian civilisation represented a fusion of Hellenistic and Persian cultures resultant from Greek administration of the mixed population comprised largely of Persians and Central Asian tribes (Caroe 1958: 63). The population at this time most likely spoke an east Iranian Bactrian dialect, but the Hellenised elite managed to impart a Greek character to Bactria, manifest in the construction of buildings in the Hellenic style, as well as the minting of coins bearing images of Zeus (Fussman 1996: 243-244).

Gandhara, the second of the two polities, was an enduring Buddhist civilisation, existent in some form from early in the first millennium B.C.E. until the rule of Mahmud of Ghaznavi (997-1030). Centred around Takshasila (modern-day Taxila) and Pushkalaavati (modern-day Charsadda), between the first and third centuries C.E. its domain stretched from Bactria in the north, through *Pakhtunkhwa* to the Indus valley in the south. While comparatively smaller than Bactria in area and population, Gandhara demonstrated advancement politically, economically and militarily. City development, agrarian and irrigation development were advanced during its zenith during the second century C.E. (Caroe 1958: 61-173). Centres of Gandharan civilisation were established at Purushpura (modern-day Peshawar) as well as at numerous other localities across the area that are no longer population centres.

Gandhara was, however, soon to be impacted by a geo-strategic trend that would dominate the region for the next two millennia: the southward sweep into the Indus Valley of northern

²² Louis Dupree's *Afghanistan* is a treatise on the cultural and political history of the country, highly regarded as the single most comprehensive work on the country. While not as detailed in its treatment of Pashto and Pashtuns as other earlier works, *Afghanistan* does treat the anthropological history of *Pakhtunkhwa* well. See Dupree (1980: 253-264).

tribal peoples. The first of these was by the Saka. Originating north of the Syr Darya, the Saka were displaced from their original lands by the Yueh-Chi, who in turn were displaced from their ancestral lands in western China during the first century C.E. (Watson 1961: 231). The now nomadic Saka invaded Bactria,²³ as the Hellenist cultural influence in Bactria became subsumed by indigenous Indo-Iranian and Turkic culture and languages.²⁴

By the end of the third century C.E., the southward movement of the Saka had dismantled the social and political structures of Gandhara also, returning civilisation in the region to a nomadic existence for a brief period. The Saka were in turn subdued by the Middle Iranian Parthians (247-224 B.C.E.) within the century, only to re-emerge as the Kushan, pushing the Parthians back to the Persian frontier. Under Kanishka (127-151 C.E.), the Kushan Empire expanded to include all of *Pakhtunkhwa*, stretching to Yarkand in Chinese Turkestan, Khokand in Central Asia, Sindh and Agra (Hunter 2005: 147). Kanishka established his Kushan capital at the Gandharan capital of Purushapura.

The Kushan Empire, while expansive, was again short lived and fragmented within a century after Kanishka, giving rise to the Sassanids (224-651 C.E.) who emerged as a Persian dominated indigenous force, consolidating their influence across *Pakhtunkhwa* and northwards into Central Asia (Caroe 1958: 73-74). The Sassanids built a century long dynasty, only to succumb to another southward invasion from between the two Darya (trans-oxiana), this time by the nomadic Hephthalites, or White Huns (420-560 C.E.). The White Huns, of no relation to the European Huns, held the domain of the receding Sassanians for nearly a century. By the sixth century C.E., the Hephthalites had disappeared from historical records as a structured polity, succumbing to further southward Turkic nomadic excursions (Vogelsang 2002: 171), merging with the peoples of Punjab, Kashmir and *Pakhtunkhwa*. The dissolution of Hephthalite influence led to a temporary resurgence of Sassanid rule in *Pakhtunkhwa*. It was during this Sassanid resurgence that the Arabs arrived at what they termed Khorasan in the middle of the 7th century (Muir 1891: 178-180) .

After defeating the Sassanid Persians at Battle of Qadissya in 637 AD, Arab expansion continued eastward through Sassanid territory, leading to a routing of the Aryans at Nihawand in 642 (Muir 1891: 179). Following that defeat, all of the Sassanian eastern territories fell to

²³ Craig Benjamin makes these observations in his unpublished work *The Yuezhi Migration and Sogdia*; <http://www.transoxiana.org/Eran/Articles/benjamin.html> . Accessed 19th January, 2011.

²⁴ Although this is the preponderant view, a notable exception is William Tarn (1966: 114-118) who suggests that the Saka migration did not result in the conquest of Bactria.

the Arab expansion. That expansion, however, didn't penetrate deeply into *Pakhtunkhwa* for another two centuries. The Arab conquerors were content instead to accept royalties from the then Hindu rulers of Kabul, while concentrating on subduing northern Khorasan.

A number of internal political crises led to the slowing of Arab expansion into *Pakhtunkhwa* during the eighth and ninth centuries (Muir 1891: 423-426). The Arab presence in *Pakhtunkhwa* remained essentially military in nature. There was no large-scale settlement of Arabs in the region of the same level as witnessed in North Africa or the Eastern Mediterranean coast. Over the next two centuries, Arab influence dissipated, precipitated by a Turkic purging of the Arabic-speaking inhabitants of Khorasan, and was replaced by an indigenous Muslim influence as the indigenous population largely adopted Islam (Muir 1891: 431). Through processes of economic and social integration, the remaining Arabs were largely assimilated into indigenous society. Today, a distinct community of between 50,000-100,000 Arab individuals remains in north-central Afghanistan around the city of Kunduz. These 'Central Asian Arabs' have largely assimilated into the local culture and have adopted local languages. Very few still speak Arabic, and those who do retain a dialect quite far removed from the language of their forefathers (Dupree 1980: 63, 503-504).

As this development matured, a still further invasion from Central Asia, unprecedented in its scope, swept southward through *Pakhtunkhwa* and then westward. The horde of Ghengis Khan eventually succumbed to defeat by the Arabs at the decisive battle of Ain Jalut in historical Palestine in 1260 (Jackson 1999: 709). The reverberations of that defeat permeated the Mongol horde, which subsequently fell to infighting and was consumed by the processes of disintegration. Within fifty years, the Mongol domination of Eurasia was reduced to a number of competing Khanates, unable to project Mongol power beyond Central Asia.

The exception to this was the Mughal dynasty in India, descendant from the Mongol Khan Timur-e-Lang (Tamarlane). Following the defeat of the Ghilzai Khan Ibrahim Lodi by the Mughal King Babur in 1526, *Pakhtunkhwa* was ruled from India, although this rule was constantly challenged by the Muslim Safavid thrusts eastward from Persia (Caroe 1958: 137). The Perso-Mughal struggle for supremacy over *Pakhtunkhwa* continued into the eighteenth century until the emergence of the first Pashtun ruler of the whole of *Pakhtunkhwa*, Ahmed Shah Abdali, known as Durr-i-Durran or Durrani in 1747 (Caroe 1958: 256).

This historical synopsis demonstrates that the principal formative genealogical, cultural and linguistic influences upon *Pakhtunkhwa* are primarily Central Asian and Persian, with an enduring reflection of the limited Arab impact upon the region. This synopsis also demonstrates two geostrategic constants: the existence of a great migratory tract stretching from between the Syr and Amu Darya southward into the Indus Valley and the repeated eastward thrusts of successive polities established in the Iranian Plateau. These geostrategic trends, established over millennia, constitute the wider formative context within which *Pakhtunkhwa* emerged. The emergence of a resilient and resistant, tribally based national grouping in the region of *Pakhtunkhwa* has reversed trends of this wider formative context. The Pashtun have, over the last four centuries, extended their own influence westward into the Iranian Plateau, northward to the banks of the Amu Darya, and southward into the Indus Valley. This counter-current to the historical trend preceding it is still impacting the wider strategic context as the primary substructure of *Pakhtunkhwa* seeks to re-emerge through competition with Pakistan and Afghanistan as a sustainable polity.

2.3.3 The emergence of the Pashtuns

The question of the origin of the Pashtun is left partially addressed. The area inhabited by the Pashtuns lies between the historical empires of the Indian subcontinent, Persia and those of Central Asia with armies of the latter two having traversed the geography of *Pakhtunkhwa* and left their mark among the differing phenotypes of the various clans and tribes. The Pashtun are thus at least partially emergent from the intermixing of a number of ethnicities across *Pakhtunkhwa* over the preceding millennia.

Volume IV of Grierson's *Linguistic Survey of India* (1928) dedicates significant discourse to the question of the origin of the Pashtuns and Pashto. He cites the often noted reference to Alexander the Great's experience with the *Apridi* tribe made by Herodotus in the 5th century B.C.E. as potential evidence of the existence of the Pashtuns in the Afghan borderland since (Grierson 1928: 5-7). The Afridi today are the predominant tribe in the Khyber agency of FATA and pronounce their name as '*Apridi*', where the '*f*' is often rendered as '*p*' in the Khyber accent of Pashto. Further, the *Rig Veda*, compiled in the second millennium B.C.E. (Oberlies 1998: 155), makes reference to the '*Avgans*' as 'warlike horsemen of the northern tribes'(Caroe 1958: 39-42).

These early historical references, which are the most authentic from a number of others, point to the presence of some of the Pashtun tribes in the Suleiman and Safed Koh mountains since the beginning of the recorded history of the region. Further analysis by ethnologists and

linguists has pointed to the similarities between the vocabulary used amongst the Ghilzai tribesmen and that used by the Central Asian Turkic Hordes. From this has emerged the suggestion that the Ghilzai are in fact derived from Turkic stock, a suggestion that has weaved its way into Pashtun oral genealogical history.²⁵ Similar analysis of Durrani vocabulary, accents and pre-modern history illustrates a greater Safavid Persian influence amongst the Durrani than amongst other tribes.²⁶

Hence, the origin of the Pashtun appears to be in the Suleiman and Safed Koh mountains at some point in the second millennium B.C.E. However, those progenitors did not begin to dominate the high plains south of the Hazarajat until the first millennium C.E. That domination occurred through the inclusion over the first millennium of Turkic and Persian peoples, who have traversed *Pakhtunkhwa* for millennia, into what would become the Pashtun tribes.

2.3.4 Pashto

Speaking Pashto well is a core component of doing Pashto; and speaking and doing Pashto well constitute the foundation of *pashtunwali*. There is a large literature within the fields of linguistics and anthropology dedicated to the origins and development of Pashto. This is partly due to the fact that, while Pashto does include vocabulary and grammar that is closely related to middle Farsi and classical Farsi,²⁷ much of the language is unrelated to Farsi, its derivative Dari, or the various languages present in the northern Indian subcontinent including Punjabi, Saraiki, Hindi, Urdu, Hindko, and Chitrali.²⁸ Many Pashtuns thus believe that Pashto is derived from a pre-Gandharan root, a position opposed by prominent linguists.²⁹ The debate occupies a significant enough position within borderland culture to warrant attention in this study.

Pashtun society has developed over the centuries as a largely non-literate society in which cultural concepts are communicated orally, a phenomenon still evident amongst the Pashtun

²⁵See: Nazary, Ali Maisam *Origins of the Afghans (Pashtuns)* (unpublished) 2007, available at: http://afghanprofile.net/index.php?Itemid=28&id=29&option=com_content&task=view (accessed January 2011). Nazary references his article from Caroe (1958), Ne'amatillah's *Maghzan-e-Afghan* (1612), and Al Beruni's *Tareekh al Hind* (1030).

²⁶ Ibid.

²⁷ Morgenstierne places Pashto within the Northeast Arian branch of the Indo European language group. See 'A Brief Introduction to Pashto Language'; <http://www.pashtoweb.com/HistoryPashtoE.htm>. Accessed 21st February, 2011.

²⁸ The author holds fluency in Pashto and all of these languages, save Chitrali. A comparison of Pashto and Chitrali was made at the Institute of Strategic Studies Islamabad, in April 2000.

²⁹Morgenstierne believes Pashto is derived from a post-Gandharan Saka root. See: 'A Brief Introduction to Pashto Language'; <http://www.pashtoweb.com/HistoryPashtoE.htm> . Accessed 21st February, 2011.

today.³⁰ Consequently, the historiography of Pashto presents, at best, a partial picture of the language's recent development. The earliest surviving written works (in prose) date from the beginning of the seventeenth century, with Akhund Darvez's *Makhzan ul Islam* (1603) being considered the earliest example of Pashto prose.³¹ However, oral traditions amongst the Pashtun place the origin of the language far before this period. The eighteenth century poetry compilation entitled *Pata Khazana* (1728) includes Pashto works by eighth and ninth century Pashtun literary figures (Dupree 1980, p. 73). It is impossible to verify whether or not these figures existed during the time frames attributed to them, and whether or not they actually did compile the poetry with which they are affiliated in Pashtun oral tradition. However, what can be established is that the written Pashto works of the beginning of the sixteenth century make reference to far older sources of Pashto, indicating that the language was in use far before it was written.

As for the spoken language, Georg Morgenstierne places Pashto in the north-east Aryan group of the Indo-European family (Caroe 1958: 64-68). Morgenstierne suggests that the origin of the Pashto can be traced back to the presence of the Saka in Bactria and Gandhara around the beginning of the first millennium (Caroe 1958: 64-68). Caroe posits that the language actually predates the arrival of the Sakas, suggesting that a deeply embedded Indo-Iranian grammatical element in Pashto actually dates from Achaemenid Persian, the language of the Achaemenid Empire during the sixth and fifth centuries B.C. (Caroe 1958: 64-68).

Both Caroe (1958: 64-68) and Morgenstierne (1926: 5, 22) have acknowledged that the linkage between Pashto and the languages from the Indo-European family surrounding *Pakhtunkhwa* is difficult to map. Pashto exhibits a vast vocabulary that is unique to itself, despite its inclusion of Persian, Arabic, Turkic and various Indian vocabularies. This uniqueness of Pashto and the uncertainty surrounding its origins serves to reinforce the Pashtun linguistic identity, distinguishing the borderlanders and the surrounding Pashtun population from the wider society in both Pakistan and Afghanistan. Hence, Pashto has become a central aspect of the borderland identity.

³⁰ Dupree uses the term non-literate in contrast to illiterate, to describe the fact that cultural discourse in Afghanistan is largely unwritten. He points out that attempts by the Afghan state to expand the literate use of Pashto as an official language have met significant barriers, despite Pashto being the most widely spoken language in Afghanistan. See Dupree pp. 60-83.

³¹ The dates attributed to the earliest works of Pashto prose vary slightly. See: 'A Brief Introduction to Pashto Language'; <http://pashtowe.com/HistoryPashtoE.htm>. Accessed 21st February, 2011.

2.4 Pashtun Tribal Genealogy

Tribes are the drivers of the Afghan borderland and the principal agents behind its resurgent autonomy and its expansion into the larger domain of *Pakhtunkhwa*. The tribes that comprise the Pashtun nation are the basic units of political and military organisation across the Afghan borderland. Peace and stability in the borderland are the result of tribal truces, while the instability and violence that far more often characterise the borderland, result from shifting patterns of inter-tribal conflict. In order to comprehend the dynamics between these tribes, it is essential to understand the inter-relationships between them derived from the Pashtun *shajara*.

2.4.1 The Pashtun shajara

Pashtun identity is largely based on patrilineage. A significant aspect of Pashtun social intercourse revolves around seeking to determine exactly whom one is interacting with in terms of lineage, while conveying one's own identity in terms of family, clan and tribe. This is done in the pursuit of conducting even ephemeral relationships according to the norms arising from *pashtunwali*.³² The underlying motivation for this is to establish the deterrent inherent in hailing from a clan and a tribe, protecting an individual from the threats and dangers associated with being unable to call upon close allies for the defence of one's self, one's honour and one's vital interests. Establishing such familiarity as that arising from recognised heritage also establishes rights and responsibilities to and from others. In the major urban centres of KP, this has tended to result in extensive incidence of nepotism relating to state and civil bureaucracy and administration. Such nepotism is viewed as virtue in the context of *pashtunwali*, illustrating one of the fulcrums of incompatibility between *pashtunwali* and the modern state. This is one of the fundamental reasons for the relative failure of the state in much of *Pakhtunkhwa*.

In accordance with Pashtun oral tradition and the norms of *pashtunwali*, Pashtuns consider themselves as part of one large family descendant from a single progenitor (Caroe 1958: 8). This perception of origin entails a certain duty of responsibility towards all Pashtuns, embodied in the code of *pashtunwali*. This perception also establishes the view widely carried by Pashtuns of all non-Pashtuns as either *melma* (guests) or *baraney* (foreign). The distinction

³² In Peshawar, where there is extensive interaction across clan and tribal lines between previously unfamiliar individuals, introductions are followed – if not immediately then soon enough – by an exchange of information on clan background in an attempt to elicit specific tribal and clan information without obtrusive and explicit questioning. This was observed in field work in Peshawar in November-December 2000, November-December 2001 and July-September 2008.

between them is the duration such non-Pashtuns are present in *Pakhtunkhwa*. Travellers are invariably *melma*, while even non-Pashtun communities long resident in *Pakhtunkhwa*, such as the *Gujjar*, *Awan* and *Jadun* are considered *baraney*.³³

The single progenitor of all Pashtuns, according to Pashtun oral tradition, is Qays Abdul-Rashid, resident in the region of Ghowr in the seventh century C.E. (Caroe 1958: 8). Although empirical evidence to support this assertion is impossible to establish, Qays' existence and the details attributed to him are asserted as fact through oral traditions widely recounted amongst all Pashtun tribes. Some oral traditions go so far as to assert that Qays was a direct descendant of the *Bani Israel* or children of Israel (Caroe, 1958: 7). One view even suggests that Qays' origin is derived from King Solomon, through a son attributed to him named Afghana. This tradition is related in Ne'matullah Harvi's *Makhzan-i-Afghani*, but is not supported by any historical records (Dom 1965: 108) It is far more likely that this is a further example of how the Pashtuns have compiled an oral history from the cultures and traditions surrounding the historical Afghan borderland.

Qays is said to have had three sons: Sarbanr, Bitan, and Ghurghusht. A fourth son, Karlanri, is attributed to Qays in some traditions. Others suggest that in fact Karlanri was adopted. Raverty (1860: 993) opines that Karlanri was not a son of Qays, neither adopted nor natural, but was a son of Sharkbun bin Sarbanr bin Qays.

According to oral tradition, as Islam emerged in the seventh century C.E., a principal general of the early Islamic army either wrote to Qays or, by some accounts, visited him. Khalid bin Walid, a Bedouin Quraishite noble invited Qays to accept Islam as the continuation of the divine message bestowed previously upon the *Bani Israel*. Qays duly accepted, and from that point on his progeny was Muslim.

Sarbanr bin Qays is the major patrilineal father after Qays, giving rise to the largest section of Pashtun tribes.³⁴ Sarbanr himself had two sons whom tradition recounts: Sharkbun and Karshbun. From Sharkbun's progeny arose the tribes who occupy the western regions of

³³ This was observed in field work in January-March 2002 in the environs of Abbotabad, north-eastern KP known for having a population of mixed ethnicity. Pashtuns complained of being considered *baraney* by tribal Pashtuns from FATA on account of their long-term association with non-Pashtun *baraney*. Also, while lost in Peshawar in February 2002, it was observed by the author that tribesmen resident in Peshawar would extend the right of *melmastiya*, to the extent of providing an escort to the destination sought, on the pretext of *melmastiya* being extended to a traveller.

³⁴ The following account of the development of the Pashtun *shajara*, is taken from Caroe (1958: 12-37), Khan (2008: 313-366), and Mohmand (2002: 48, 141, 188).

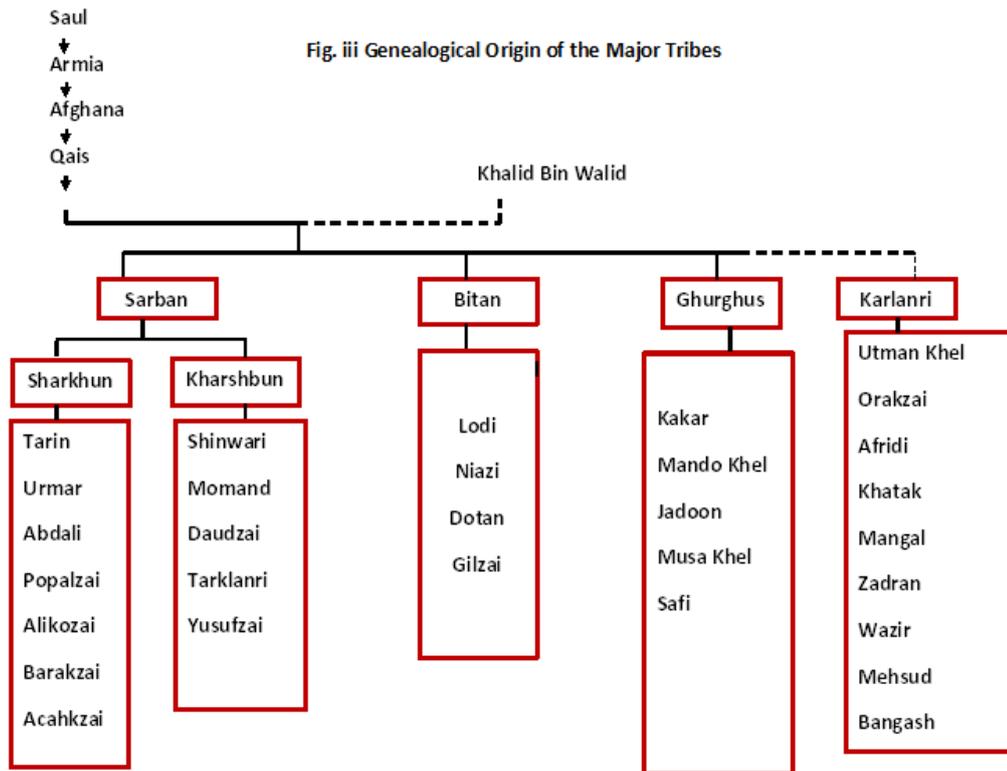
modern-day Afghanistan. Most notable from among is the Abdali tribe, also known as the Durrani. The Durrani tribe is divided further into a number of well-known clans. These include the Popalzai, Saddozai, Alikozai, Achakzai, Muhammadzai and Alizai. The Premiership of the Afghan state has tended to be drawn from within these clans for the majority of the last two centuries, particularly among the Saddozai and Muhammadzai, and most recently among the Popalzai.

From Karshbun bin Qays arose another section of prominent tribes centred around the eastern parts of Afghanistan and northwest Pakistan. This grouping includes the principal eastern tribe, the Yusufzai, as well as the Mohmand and Shinwari. While the Yusufzai are the largest tribe from this branch of the *shajara*, the Mohmand and the Shinwari are older, particularly the Shinwari who descend directly from Kasi bin Karshbun.

Bitan bin Qays, the second son of Qays Abdul-Rashid, is the progenitor of the largest Pashtun tribe of all – the Ghilzai. The Ghilzai (or Khilji in the Turkic influenced pronunciation that characterises this tribe) reside in central *Pakhtunkhwa* and largely retain their nomadic roots. Cousin to the Ghilzai from the same branch of the *shajara* are the Lodi tribes. These include the Sur, the Niazi and the Lodi clan, a namesake of the parent tribe, but three generations removed from Ibrahim Lodi, patriarch of the Lodi tribe. Along with the Sur, the Lodi clan ruled the Sultanate of Delhi from the mid-fifteenth to mid-sixteenth centuries. The Delhi Lodi are largely considered ‘Persianised’ Pashtuns or *Farsiwaal* (Farsi speakers), having adopted the language and customs of the Sassanian Persian dynasty.

The branch of the Pashtun *shajara* issuing forth from Ghurghusht is comparatively smaller than the branches mentioned previously. The main tribes emanating from this branch are the Kakar, Jadun, and the Musa Khel. The Jadun are found in the Hazara division of KP, around Abbotabad. They are largely considered by the surrounding Yusufzai to have departed from the Pashtun *shajara* through forsaking elements of *pashtunwali* and adopting the Hindko language. Nonetheless, most genealogies acknowledge the Jadun as part of the *shajara* issuing forth from Ghurghusht. As for the Kakars and Musa Khel, they reside in areas contiguous with Baluchistan and in parts of Baluchistan. Caroe observes that the Kakar have adopted characteristics of the Baluch such as uncommon esteem for their Khans, an attribute at odds with the more egalitarian and almost anarchic norms of the other Pashtun tribes. They do, however, speak Pashto and follow *pashtunwali*.

The remaining principal tribes are descendant from the Karlanri branch of the Pashtun *shajara*. The Karlanri tribes inhabit FATA and parts of KP on both banks of the Indus. In aggregate, the Karlanri tribes constitute the largest grouping of all Pashtuns, although no single tribe rivals the size of either the Ghilzai or the Yusufzai.



The Karlanri branch of the *shajara* includes almost all of the tribes against whom the British Indian army conducted the three major Afghan wars (1839-1842, 1878-1881, 1919). Amongst the Karlanri are found the Dawr, Utman Khel, Orakzai, Afridi, Khattak, Wazir and Mehsud. From these, the Dawr, are the oldest, followed by the Orakzai and Utman Khel. The Mehsud and Wazir are the youngest tribes amongst this branch of the *shajara*, though the most politically and militarily influential in FATA today.

2.5 The Major Tribes

2.5.1 The Durrani

The Durrani have been the ruling tribe among the Pashtuns over the last two centuries, albeit an intensely contested position. A key feature of the Durrani that has enabled the tribe to hold tenuous authority over the Pashtuns has been the tendency for the tribe to have an overall *Khan* or *Sardar* as he is referred to in Persian and Indian texts (Clements 2003: 81). This is in addition to the *Khans* on the level of sub-tribes and *khel* (Clements 2003: 81). The Durrani tribe includes the prominent sub-tribes of the Popalzai, Sadozai Barakzai, Alikozai,

Muhammadzai, and the Achakzai. Originally named the Abdali, the tribe originates from the western region of Afghanistan in the provinces of Nimruz, Farah and Helmand (Elphinstone 1815: 84-88) and currently populates Nimroz, Farah, Helmand, Kandahar and northern parts of Baluchistan. The Durrani manifest a notable Persian influence on their dialect of Pashto, through the common elongation of vowels, and the use of certain elements of vocabulary (Elphinstone 1815: 84-8). They have an historical affiliation with the Tajik population of northeast Afghanistan, alliance with whom has been essential in subduing the numerically superior Ghilzai.

For much of the seventeenth century, prior to Ghilzai Hotaki ascendancy (1709-1738), the Pashtun tribes of the Abdali and Ghilzai had remained under Safavid Persian domination. The Persian Shah Nadir Shah Afshari (1736-47) subdued the Hotaki emergence, relying heavily upon rival Abdali tribesmen to counter the Ghilzai. Among these Abdali was Ahmed Shah Abdali who, following the assassination of Nader Shah in 1747, took the leadership of the Afsharid empire and began unifying the Pashtun tribes under his own leadership. Ahmed Shah, known as Durri-Durran (pearl of pearls-from which the name Durrani is derived) succeeded in consolidating the Pashtun into a single polity for the first time in their history. So unique an achievement was this in Pashtun political experience, that most historians date the origin of the modern Afghan state from this development.³⁵ When Elphinstone arrived in northern India at the beginning of the nineteenth century, he encountered a Durrani empire extending far beyond present day Afghanistan, despite the fact that it had been contracting for years from its maximum extension reached under Ahmed Shah in the preceding decades. Elphinstone's map of the 'Kingdom of Caubul' includes modern day Pakistan and parts of northern India (Elphinstone 1815: Appendix).

The Durrani dynasty continued to wield influence over *Pakhtunkhwa* for the next century, alternating the seat of power between the direct descendants of Ahmed Shah from the Sadozai clan of the Abdali, and the Barakzai clan who are a branch of the Abdali, descendant from Abdal and his son Zirk. However, this influence fluctuated as *Pakhtunkhwa* descended into the tribal instability that had preceded Ahmed Shah's reign, through a series of Ghilzai inspired revolts and insurrections (Dupree 1980: 343-9).

³⁵ Dupree (1980), Barfield (2010), and the Library of Congress (2001), all accept this premise. See *Afghanistan: a country study* Federal Research Division, Library of Congress, 2001 p. 14.

Durrani influence over *Pakhtunkhwa* suffered three major challenges that were to mitigate its power over time. The first of these was the refusal of the Ghilzai to accept Durrani suzerainty. The Ghilzai repeatedly arose in insurrection following the death of Ahmed Shah, effectively paralysing Durrani authority for significant periods (Clements 2003: 94). The second was the advance into *Pakhtunkhwa* of the Sikh empire of Ranjit Singh, who controlled Peshawar (1834-1849) and extended the reach of his empire into the Khyber Pass (Caroe 1958: 312-313). The third major challenge was the arrival of the British in *Pakhtunkhwa*. British influence established itself east of the Indus and also around Peshawar, ultimately penetrating the Khyber Pass. The British Indian army was unable to establish a permanent presence west of the pass in the Ghilzai territories of what is now Afghanistan. The three Anglo-Afghan wars (1839-1842, 1878-1881, 1919) did, however, further consolidate British influence over the eastern regions of *Pakhtunkhwa*, ultimately leading to the acknowledgement of the Durand Line by both the Durrani and the British as the *de facto* delimiter of influence between the two powers.

Successive Durrani rulers refused to accept the presence of the British in *Pakhtunkhwa*, evidenced by King Amanullah Khan's ability to rally Pashtuns on both sides of the Durand line to attack British forces in the third Anglo-Afghan war in 1919 (Dupree 1980: 442). Prior to 1919, reference by the Durrani to Afghanistan always incorporated the entire *Pakhtunkhwa*, as the term 'Afghan' in Durrani parlance is synonymous with 'Pashtun'. However, at the treaty of Rawalpindi (1919), the British obviated their understanding of the meaning of Afghanistan when the treaty established the limits of influence of both the British and the Durrani as being the Khyber Pass (Runion 2007: 89). Successive Durrani rulers refused to accept the validity of the Durand Line, a position Hamid Karzai has also adopted.³⁶

The Durrani continued to dominate the politics of the Afghan state from 1919 through the reign of King Zahir Shah, hailing from the Muhammadzai clan of the Abdali, until the Saur revolution of 1978 (Hiro 1996: 236), barring a brief period of tribal insurrection which saw the Tajik Bacha-e-Saqao assume kingship for part of 1929.

³⁶ In February 2006, while visiting Charsadda, KP on the occasion of the passing of Abdul Wali Khan, founder of the NAP, Karzai stated that the Durand Line was a "...line of hate that could not be accepted...". See: 'Durand Line Serves as Line of Hate: Karzai' *SANA*; <http://afghanembassy.com/news/> . Accessed 23rd February, 2011. In the preparation for the Loya Jirga of 2007, Afghan recognition of the Durand Line became a Pakistani pre-condition which was eventually dropped. See 'Karzai for jirga to crush Taleban' 6th October, 2006; http://news.bbc.co.uk/1/hi/world/south_asia/5412458.stm . Accessed 21st February, 2011.

The Soviet invasion following soon after the 1978 Saur revolution saw a break in the continuity of the Durrani dynasty, precipitating a political vacuum that would endure for the next two decades that saw the emergence of key Ghilzai and Tajik factions led by Gulbudeen Hekmatyaar and Ahmed Shah Masoud respectively (Coll 2004: 120-3). Through these developments, the Durrani remained on the periphery of political influence, a situation partially reversed by the swearing in of Afghan President Hamid Karzai following the US led invasion of Afghanistan in 2001. Karzai hails from the Popalzai, the parent branch of the Saddozai clan of Ahmed Shah Durrani.³⁷ However, Karzai's inability to subdue the Ghilzai dominated *Hizb-i-Islami* of Hekmatyaar and other Pashtun militias indicates that Karzai is unlikely to be in a position to re-establish Durrani dominance, despite the international support enjoyed by his administration. Further, the current insurgency in Afghanistan, while initially dominated by the Ghilzai had, by 2007, incorporated a number of prominent Durrani tribesmen (Giustozzi 2007: 47-9). This fusion of Ghilzai and Durrani in the leadership of the insurgency may be a key factor in its longevity and expansion since 2006 to where, by the end of 2008, it had spread by 50% each year to the overwhelming majority of the Afghan state.³⁸

2.5.2 The Ghilzai

The Ghilzai represent the largest Pashtun tribe by population numbering between 7 and 9 million.³⁹ They populate an area stretching from Kandahar to Khost, including the provinces of Uruzgan, Ghazni, Zabul and Paktika, touching the Suleiman Mountains in the south and the Central Afghan Highlands in the north.⁴⁰ The overwhelming majority of the Ghilzai are found in Afghanistan while some Ghilzai clans reside in FATA. Prominent sub-tribes of the Ghilzai include the Hotak, Tokhi, Kharoti, Suleiman Khel, AliKhel, Taraki, Ahmedzai, and Jabar Khel. The Ghilzai have been in a state of belligerence with the Durrani for most of the recorded history of *Pakhtunkhwa*, although only since the 1978 Saur revolution have they succeeded in attaining Afghan authority.

As well as being the parent tribe of the Ghaznavids (963-1187), and the Lodhi of the Delhi Sultanate (1206-1527), the Ghilzai were the first Pashtuns to successfully revolt against Persian rule in the early eighteenth century, establishing the Hotaki dynasty (1709-1738) based at

³⁷ Biographical sketch of Hamid Karzai; <http://www.embassyofafghanistan.org/president.html> . Accessed 14th April, 2010.

³⁸ See: 'Struggle for Kabul: The Taliban Advance', *ICOS Reports*; http://www.icosgroup.net/modules/reports/struggle_for_kabul. Accessed 22nd February, 2011.

³⁹ According to Ethnologue Languages of the World (fifth ed., 2005), the Ghilzai comprise 24% of the Afghan population. By deduction, that gives a number of between 7 and 9 million,. See: http://www.ethnologue.com/show_country.asp?name=AF . Accessed 14th March, 2011.

⁴⁰ See Appendix VII.

Kandahar (Malleon 1878: 227). Within *Pakhtunkhwa*, the Ghilzai have not succeeded in establishing their exclusive authority over the Durrani and the rest of the Pashtuns, but as a tribe the Ghilzai wield great influence both through the Afghan state and among the Pashtun tribes more widely.

Organisational structures within the Ghilzai tend to vary between sub-tribes and clans, from institutionalised, lineage based *khangi*⁴¹ to coalescence around a charismatic male who emerges as *khan*. There is no overall leadership of the Ghilzai as a tribe, and clan leadership is usually established through the practice of *jirga*. Ghilzai clans are resistant to the emergence of a single *khan* or *malik* across clan lines, and to the emergence of Mullahs exhorting trans-tribal *jihad* (Anderson 1979: 136).

The Pakistan state has been able to establish strong ties between it and numerous Ghilzai *khans* and *maliks* in Afghanistan.⁴² This support, as has been the case historically, has largely been due to Ghilzai concerns of Durrani domination. Through Pakistani largesse over the last 30 years, the Ghilzai have been able to maintain a position of military and numerical superiority over the Durrani, although the Afghan state remains dominated by a joint Durrani-Tajik political alliance.⁴³

With the disintegration of Durrani influence following the Soviet invasion, the possibility of Ghilzai authority became appealing to those Ghilzai active in the anti-Soviet struggle. An examination of the main *mujahideen* groups during the anti-Soviet struggle reveals that the Ghilzai enjoyed a prominent position amongst the Pakistan and US aided *mujahideen*. Gulbudeen Hekmatyaar became Pakistan's favoured *mujahideen* commander and enjoyed significant assistance for his *Hizb-i-Islami* (Coll 2004: 120-123). Hekmatyaar is a Ghilzai hailing from the Kharoti clan, one of the dominant Ghilzai clans found in Helmand, Zabul, Nangarhar and Ghazni.

⁴¹ *Khangi* is a Pashto word describing the rights and privileges of the position of a *khan*.

⁴² Field work in KP between September and December 2000 revealed that the majority of students from Afghanistan studying in the largest madrassas in KP were from the Ghilzai populated areas of Afghanistan. The principal *madrassa* seen was the Dar al Uluum e Haqani led by Maulana Sami-ul-Haq at Akora Khattaq, KP. This is the *madrassa* from which many Taliban militiamen emerged in the early 1990s including Taliban leader Mullah Omar.

⁴³ The Presidency remains with the Durrani Popalzai Hamid Karzai, while senior positions remain dominated by former Northern Alliance personalities hailing from the Tajik minority. Marshal Mohammad Fahim is first Vice-President. Mohammad Atmar (formerly of KHAD – the KGB extension in Afghanistan) was replaced in June 2010 as the interior minister by Bismillah Khan who was a staunch ally of Ahmed Shah Masood in the Northern Alliance. Yunus Qanooni (Northern Alliance commander) is speaker of the Wolesi Jirga (House of Representatives).

This strategy of supporting the Ghilzai in insurrection partly resulted in response to the fact that the Soviet Union was itself seeking to facilitate the re-emergence of Ghilzai authority over Afghanistan through firstly supporting Nur Muhammad Taraki, then President Hafizullah Amin and then his successor Babrak Karmal, the former two being Ghilzai.⁴⁴ Hence, amongst the political medium of Afghanistan, the pro-Soviet *coup d'état* of 1978 represented a transition from Durrani to Ghilzai authority.⁴⁵

Following the withdrawal of Soviet forces in 1989 and the subsequent fall of the Najibullah government in 1992 Gulbudeen Hekmatyaar, a Hotaki Ghilzai (Rashid 2001: 23-4), became Prime Minister of Afghanistan. Hekmatyaar never assumed his post at Kabul, being promptly opposed by Massoud's militia in response to a Presidential request by then President Rabbani. Hekmatyaar was unable to effectively consolidate Ghilzai authority, leading to a full-blown civil war by the end of 1992 (Hiro 1996: 261-9). The Taliban movement, which began to emerge around Kandahar in 1994, (Nojumi 2002: 118) moved into the vacuum created by that conflict, meeting limited resistance in the Ghilzai areas.⁴⁶

Whereas in the case of the Durrani, the emergence of Hamid Karzai as President of Afghanistan has placed him in the position of *de facto* leader of the tribe, the Ghilzai lack a singular leadership figure around which the various clans could coalesce. Both Mullah Omar and Gulbudeen Hekmatyaar, as Ghilzai tribesmen, were potential leaders of the Ghilzai. Yet neither was able to consolidate his influence over the entire tribe, largely due to the presence of the other. The current refusal of Hekmatyaar and Omar to form a united Ghilzai initiative is due to the fact that the Taliban currently enjoy widespread support in the Ghilzai heartland from where they initially emerged in 1994.⁴⁷ In contrast, Hekmatyaar's support, while much weaker, is concentrated in the eastern provinces surrounding Nangarhar.⁴⁸ Hence the Taliban perceive their influence over the Ghilzai as substantial enough to withstand any attempt by Hekmatyaar to impose his authority over the key central provinces, while at the same time,

⁴⁴ Interview with Professor Shaista Wahab, University of Nebraska, Omaha in 19th December, 2008. There is speculation over the ethnicity of Babrak Karmal, with suggestions that he was actually an ethnic Kashmiri or Tajik who projected himself as a Pashtun. See: Kakar, M. Hassan *Afghanistan: The Soviet Invasion and the Afghan Response 1979-1982* University of California Press, 1997 p. 66.

⁴⁵ Interview with Professor Shaista Wahab, University of Nebraska, Omaha in 19th December, 2008.

⁴⁶ As Marsden (1999: 128) points out, the rapidity with which the Taliban swept the Pashtun areas after the eighteen month siege of Kabul took observers by surprise, many postulating that it was the voluntary withdrawal of Hekmatyaar's *Hizb-e-Islami* that made it possible. Coll (2004: 333) makes an explicit claim that Hekmatyaar's men stood down as the Taliban advanced on Kabul.

⁴⁷ Interview with Brigadier A, Islamabad, July 28th, 2008.

⁴⁸ Interview with Brigadier A, Islamabad, July 28th, 2008.

the Taliban continue to extend their influence eastward and southward. Hekmatyaar has little to offer Omar in terms of progress towards the goal of unifying the Ghilzai under a single leadership. Further, the leadership of the Taliban is currently evolving beyond a Ghilzai dominated structure to one incorporating Durrani elements also (Giustozzi 2007: 47-49). This appears to have expanded the support base of the Taliban, transforming the militia into a pan-Pashtun insurgency engaged in a millennial uprising against the *baraney*.⁴⁹

2.5.3 The Yusufzai

The Yusufzai are the largest Pashtun tribe resident in Pakistan, second only to the Ghilzai of Afghanistan in overall population (Barth 1959: 5). The Yusufzai are spread over a large area stretching from the Bajaur agency contiguous with the Durand line, to the eastern most reaches of Mansehra (Caroe 1958: 182-3). Yusufzai territories include the Pashtun heartland areas of the Swat Valley, Dir, Malakand, Swabi, Mardan and the extremely mountainous Kohistan in northern KP. Prominent Yusufzai clans include the Mamund, Hassanzai, Akazai, Chagharzai, and Khan Khel. The Yusufzai are the most widely studied Pashtun tribe, having been the subject of study by Elphinstone (1815), Caroe (1958), Barth (1959), Spain (1962), Ahmed (1976), and Lindholm (1982).⁵⁰ These studies have annotated Yusufzai tribal and clan structures, politics, history, language and marriage practices.

According to Yusufzai oral traditions, the tribe originally emerged from Kandahar and by the thirteenth century had moved westward to Kabul. Instrumental in ushering in Ulugh Beg into the Kingship of Kabul in the early fifteenth century, then persecuted by him in an attempt to protect his throne, the Yusufzai moved eastward to avoid continued persecution, crossing the Indus River into the fertile valleys of present day KP (Caroe 1958: 173-175). By the mid-fifteenth century the Yusufzai had begun a drive into the Swat Valley, displacing the indigenous Swati peoples (Barth 1959: 7). The valley and its environs were particularly fertile lands, drawing the Yusufzai to continue eastward into the irrigated foothills of the Pir Pangi and Hindu Kush ranges in what was then the Hazara region.⁵¹ Consolidating these conquests, the Yusufzai adopted an agricultural orientation, growing rapidly in population. By the advent

⁴⁹ Ahmed (1980: 107) addresses the concept of millennial uprising, as part of a millennial Pashtun consciousness resulting in pan-Pashtun militancy usually precipitated by the presence of a foreign force in *Pakhtunkhwa*.

⁵⁰ All of the abovementioned have written on the Yusufzai extensively, with Caroe and Barth having compiled comprehensive writings on the tribe. However, Akbar S. Ahmed remains the authority, with *Millenium and Charisma among Pathans* (1980) in which he submits an excellent critique of Barth's *Political Leadership among Pathans* (1959).

⁵¹ Caroe includes a map in addendum entitled '*Tribal Locations of the Pathans*' placing the various tribal concentrations across KP.

of the British presence in KP, the Yusufzai were the principal tribe east of the Indus River (Caroe 1958: 365, 385-387).

Ahmed (1976: 73) identifies two elements diverging elements with the Yusufzai: *nang* and *qalang*. The former tend to reside in hill tracts around upper Swat and exhibit conventional practices of pashtunwali, renown for their Pashto (*Pukhtu* in their pronunciation). In contrast, the *qalang* exhibit an adaptation to agrarian lifestyle. Among them, the practice of *nang* tends to be interpreted in the context of land ownership, as does *khangi*. *Qalang* Pashtuns have also evolved the system of *wesh* (Ahmed 1976: 35-40), a Swat specific practice for the inheritance of agricultural land in the Swat valley, derived from the forces of growing population and a limiting topography. The variation in the two is manifest in the reaction of each to the presence of the British during the late nineteenth and early twentieth centuries.

The agrarian clans that had settled east of the Swat valley largely acquiesced to the British presence.⁵² For them, the British represented an administrative presence and opportunity for economic and political development. These clans took up positions with the British administration of KP.⁵³ Some even travelled to various corners of the British Empire, including East Africa, South East Asia and the United Kingdom.⁵⁴ Many gained British citizenship during the period between partition and the independence drive of the 1950s and 1960s that saw most of Britain's imperial possession gain nominal political independence.

Elements of the Yusufzai characterised as *nang*, maintained a belligerent attitude towards the British presence. *Lashkar*-men based at the *Asmaas* centre in the Malakand agency undertook a religiously inspired, or justified, *jihad* against the British occupation of parts of *Pakhtunkhwa*

⁵² Field work among the Yusufzai of Hazara division in September-December 1999, November-December 2000, November-December 2001 revealed the historical importance attributed by the British to Baffa, Hazara Division. Baffa, populated almost exclusively by Yusufzai, was given the status of 'town' as early as the 1870s, and saw the establishment of a Boys High School from that era. Baffa lies in the Pakhli plain, a vast agricultural tract in north-central KP. Its inhabitants were, at the time of the British administration of KP, largely farmers.

⁵³ Field work among the Yusufzai of Hazara division in September-December 1999, November-December 2000, November-December 2001 included an interview with Abdullah Khan of Khwajgan, Mansehra division (born 1916), who rose to the position of Inspector of Schools in the British administration. Another individual, Mohmmad Umar Khan, (since deceased) had fought with British forces in then Siam prior to the partition of the subcontinent.

⁵⁴ Field work among the Yusufzai of Hazara Division in September-December 1999, November-December 2000, November-December 2001 revealed that individuals from Hazara had resettled in Malaysia, the United States, Uganda, Kenya and the United Kingdom. A significant number had departed from KP while the province was under British administration.

(Khalil 2000: 70). Despite facing reprisals from the British, this struggle continued until Partition and the withdrawal of the British presence.⁵⁵

By the end on the nineteenth century, British administration saw the Swat Valley descend into violence arising from internecine conflict over increasingly sparse agricultural lands, as well as doctrinally inspired violence directed at the British presence (Caroe 1958: 387-8). It was during this period that the phenomenon of the clergyman emerging as a leader in battle and in tribal affairs, a primarily Yusuzai phenomenon, first arose in the Swat valley and its environs. Examples of this phenomenon included the 1897 uprising of the '*lewaney mullah*' or 'mad mullah', who was able to raise an army of ten thousand predominantly Yusufzai tribesmen in what came to be known as the 'great Pathan revolt' (Barth 1995: 21-2). A similar lashkar was raised in 1948 and marched to Kashmir.⁵⁶ The activities of Sufi Muhammad of the TNSM are seen by many Yusufzai as a continuation of this trend.

Following Partition, the question of Swat's accession to Pakistan was formally raised among the rulers of Swat and rejected on a number of occasions. It was during the presidency of Ayub Khan in 1969 that Swat was formally admitted to Pakistan as a part of the then NWFP (Barth 1995: 126). Many Yusufzai areas outside the valley continued to remain autonomous tribal areas under federal or provincial administration, but independent of any interference from Pakistan in any practical sense.⁵⁷ However, by the 1980's most of the smaller autonomous tribal areas had acceded to Pakistan, at least nominally. The remoteness of many Yusufzai areas insured the government's lack of involvement, both developmentally and politically.⁵⁸

A result of US involvement in Pakistan and Afghanistan through the 1980's was that emigration to the United States amongst Yusufzai males increased significantly.⁵⁹ Many of the young men who emigrated were soon joined in the US by their families and have remained there. This trend has led to a large flow of remittances of foreign currency back to the Yusufzai

⁵⁵ Khalil (2000: 305-12) describes the last major British military operation to combat the *mujahideen* based at Asmaas in 1935, noting the failure of that operation. The base continued to function until the British withdrawal in 1947 made its purpose obsolete.

⁵⁶ Interview with family members of participants in the '*jihad of 1948*', Shinkiari, KP January 2001.

⁵⁷ Interview with Sultan Mahmud Khan Swati, March 2000, one of the first school teachers in the area who travelled around the PATA, lying to the east of Swat, most of which has since acceded to the Mansehra Division.

⁵⁸ Batgram, Kohistan and the Malakand division remained Provincially Administered Tribal Areas (PATA) until the 1970s. Mountainous terrain and small, dispersed centres of population underscored the lack of involvement from the provincial capital Peshawar.

⁵⁹ Field work among the Yusufzai of Hazara Division in September-December 1999 revealed that emigration to the United States amongst Yusufzai peaked between 1982 and 1989.

areas, particularly Swat and Mansehra.⁶⁰ The impact of this flow of foreign currency has been significant. While the position of *khans* and *maliks* within the clans hasn't been eroded altogether, the autonomy of other households, and of clans with less influence has been significantly increased. The ability to purchase automobiles and electricity generators has reduced the dependency of corollary families upon the *khans* and *maliks* for patronage. The availability of money has also meant greater opportunities for education, further compounding the structure of clan politics as new centres of influence develop around the previously politically weak.

The collective impact of these developments, the integration into Pakistan and the greater availability of wealth due to remittances from foreign sources, have had a measured effect on eroding the tribal aspect of Yusufzai identity. Although there is no standing Yusufzai *lashkar*, and no singular leadership *jirga* of the Yusufzai tribe, the root concepts of *pashtunwali* including *badal* and *ghairat* are still dominant. Clan feuds and retributive killings still occur, although clashes between *lashkars* are less common among the Yusufzai than among the Waziri and Mohmand for example.⁶¹

2.5.4 The Karlanri tribes

The Karlanri tribes primarily inhabit FATA, a territory known as *Yaghistan*⁶² until the early twentieth century. Each tribe is significantly smaller than the much larger Yusufzai, but in aggregate the Karlanri number 6 million,⁶³ comparable with the Ghilzai. The major Karlanri tribes include the Wazir, Mehsud, Afridi, Utmanzai, Orakzai, Mohmand and Khattak, of which the Waziri, Mehsud and Afridi have a particularly salient strategic and political role in the Afghan borderland

The population of North Waziristan numbers just under 400,000 with the vast majority belonging to the Waziri tribe who occupy fortified homesteads in the hilliest areas of the south

⁶⁰ Field work among the Yusufzai of Hazara division in September-December 1999 revealed that the Swat Valley and Mansehra has experienced an infusion of foreign currency since the late 1980's resulting in the construction of concrete houses, the wide availability of electrical appliances, and the sending of children away from village *madrassas* to provincial schools.

⁶¹ Field work among the Yusufzai of Hazara Division in September-December 2000 revealed an incident in upper Pakhli where a clan issued a call to arms in response to a dispute over the holding of congregational Friday prayers at a newly built mosque. A violent clash was avoided through the arbitration of a *jirga*. The frequency of such incidents in northern KP is far less than the near-monthly feuds between the Mehsud and Wazir in South Waziristan.

⁶² Sana Haroon (2007: 30-1) describes Yaghistan as both a 'land of dissidence' and of the 'free'.

⁶³ The 1998 census of Pakistan placed the population of FATA at 3.17 million, almost all of whom were Karlanri. In addition, much of the population of Peshawar, Kohat, Bannu, Tank and D.I. Khan is of Karlanri origin.

of the agency.⁶⁴ A sizeable minority of the population belong to the Dawr tribe, who are farmers and have cultivated the valleys of Waziristan to raise crops and livestock.⁶⁵ Although considered among the most austere of Pashtuns by other tribes, the Waziri have historically been given to enjoying pastimes considered un-Islamic by other tribes, such dancing and singing at their *Hujras*, a place usually the scene of clan negotiations, *jirgas*, and *melmasiya*.

The Waziri are the dominant tribe in North Waziristan, and are present across the Durand Line in Khost, Paktia and Paktika. Prominent sub-tribes are the Ahmedzai and Utmanzai. Major clans of the former include the Hussein Khel and Kalo Khel, while the latter includes the Ibrahim Khel, Wali Khel and Mumit Khel. North Waziristan has maintained an open border, and links contiguously with the Khost province of Afghanistan.⁶⁶ The cave complex at Tora Bora, scene of a major battle between US-led forces and al-Qaeda fighters in December 2001, rises from the hills of North Waziristan. There is wide speculation that following the battle, high value targets sought by the US-led coalition escaped from Tora Bora into North Waziristan.⁶⁷ Following the battle, the Pakistani military sought to move into North Waziristan with a large contingent of regular infantry forces. A series of fierce fire exchanges between the Waziri and the Pakistan military has forced the Pakistani military to concede that a military engagement at best will remain inconclusive, creating the environment for a political engagement with the Waziris.⁶⁸

The Mehsud are the dominant tribe in South Waziristan, although there are clans of Waziri and Urmar in the agency. The Mehsud consists of three major sub-tribes; Manzai, Bahlozai, and Shaman Khel, together forming '*mizh threy Mehsud*' (we three Mehsud). They are the most notorious of all the Karlanri clans for their disposition towards fighting. Amongst them is an oral tradition relating to the repudiation of any foreign presence from Mehsud territories, no doubt galvanised by the successes gained at the expense of British expeditions in the early twentieth century as a cultural narrative. Caroe (1958: 397), in keeping with this cultural narrative, describes the Mehsud as having a deep-seated instinct which drives them at all cost

⁶⁴ Hassan Abbas details Waziristan's tribal structure in 'Profiles of Pakistan's Seven Tribal Agencies', *Jamestown Terrorism Monitor* http://jamestown.org/news_details.php?news_id=202 . Accessed 17th May, 2007.

⁶⁵ Ibid.

⁶⁶ Hassan Abbas 'Profiles of Pakistan's Seven Tribal Agencies', *Jamestown Terrorism Monitor* http://jamestown.org/news_details.php?news_id=202 . Accessed 18th May, 2007.

⁶⁷ Numerous analysts and governmental officials have alleged this, but there is no indisputable evidence confirming the presence of Bin Laden at Tora Bora, his withdrawal into North Waziristan, or his whereabouts currently.

⁶⁸ The most significant engagement was at Kalushah in March 2004, where Pakistani forces suffered losses that led to a tactical retreat and a cease-fire.

to resist subjection. Aside from the narrative, there are a number of factors that account for the Mehsud predisposition towards pursuing martial options. The Mehsud are not an historically pastoral tribe. Land in the Mehsud *zai* is arid, rocky and experiences climate extremes both in summer and winter. This has resulted in the Mehsud developing a tribal culture of raiding caravans and settled areas, then retreating into the rugged terrain of their *zai*. Further, the Mehsud rivalry with the Wazir is extreme. As explained by Dr. Azmat Hayat Khan;⁶⁹

The Mehsud and Wazir can each ally with a Hindu,⁷⁰ but can never ally with each other.

In September 2006, the Pakistani government announced that a deal had been reached with the TTP leadership in South Waziristan, representing the Taliban and allied supporters from the Mehsud and Waziri tribes. The deal included provisions for the withdrawal of Pakistani forces from Waziristan, conditional upon the cessation of the TTP's harbouring of foreign militants engaged in attacks against Pakistani forces. In keeping with the *pashtunwali* norm of *nanawatey*, ardently adhered to by the Mehsud and Wazir, tribal representatives were not asked to surrender their foreign *melma*, rather to keep an account of who they were, and to persuade them not to engage in attacks against the Pakistani forces while under the protection of the Mehsud and Waziri (T. Khan 2007: 64-5). A notable feature of the deal was the subsequent revelation that it was concluded between representatives of Pakistan and the Islamic *Imara* of Waziristan. The term reflects the autonomy that the Mehsud and Waziri seek in their relations with Pakistan.

The Afridi are perhaps the oldest of the Pashtun tribes, of whom records date back to Herodotus. The Afridi are divided into eight clans; Adam Khel, Aka Khel, Kamar Khel, Kuki Khel, Malikdin Khel, Qambar Khel, Sepah, and Zakka Khel. The Afridi, or Apridi as they describe themselves, inhabit the southern part of the Safed Koh Range, the Khyber Pass, and the Maidan of Tirah. They are considered the most pragmatic and perhaps unpredictable of the Karlanri tribes, with a proven martial prowess against Mughal, British and Russian campaigns. The Afridi participate in local *jirgaey*, as is the convention, but are also invited to *jirgaey* in

⁶⁹ Interview with Dr. Azmat Hayat Khan, 5th August 2008, Peshawar University, Peshawar.

⁷⁰ Prior to partition, Tank and DI Khan - districts contiguous with South Waziristan - had a significant Hindu population. Hindu merchants were often bankers, and reviled particularly among Mehsud and Waziri tribesmen for the practice of lending money to make a profit; a practice alien to both the Mehsud and Waziri. As a result, both tribes developed an enmity for Hindu bankers, surpassed in intensity only by the enmity for each other.

Afghanistan among the Shinwari, and *Jirgaey* in Mardan in KP. This is on account of the central role of the tribe in trans-Khyber trade.

The Afridi are an enterprising tribe, producing a number of very successful businessmen who have profited immensely from the 'grey' trade across the Durand Line. The Afridi are the main source of disruption to NATO convoys through the Khyber Pass, with interdicted items traded at the Bara market on the edge of Afridi territory outside Peshawar. The market is a major centre for weapons and narcotics, despite efforts by the Pakistani government to curtail the trade, which continues to be plied by the Afridi.

2.6 Conclusion

Segmentary structures organised around patrilineal descent constitute enduring, indigenous roots of identity and polity amongst the Kurds, the Bedouin and the Pashtuns. Historically, these roots have variously been the foundation of, accommodated by, and then countered by the state. The nature and arrangement of successive states claiming authority over these tribal territories have varied over the centuries, but in the case of all three societies the tribes and their cultures have endured these states and currently continue to endure the postcolonial state. The challenge presented to these tribal societies in the form of the modern postcolonial state is unprecedented in terms of technology, military capability, and economy. Yet in these challenges lie opportunities that tribesmen are both creating and exploiting, most observable in borderlands, in pursuit of the preservation of identities, cultures and polities that are evidently far more enduring than the transitory states that are still struggling for legitimacy, identity and control more than half a century after their founding.

These dynamics are most evident in the Afghan borderland which hosts the largest tribal society in the world in the Pashtun, divided between the states of Pakistan and Afghanistan but under the effective authority of neither. Present in the narrative of the crowded historiography of Asia for millennia, the Pashtun are unique amongst tribal societies in the degree to which they are structurally and spatially differentiated, with each of the *Ghilzai*, *Durrani*, *Yusufzai* and *Karlanri* tribal branches drawing their origin from the Pashtun patrilineal *shajara*. The result is an aggregate of autonomous *zai*, interaction between which is directed by the all-encompassing framework of *pashtunwali*.

Elements of *pashtunwali* have a major political and strategic impact in the borderland and the wider region. This chapter addresses *nanawatey*, *badal* and *melmastiya* as salient elements of

pashtunwali that have seen, for example, transnational militants seek refuge under the pretext of *nanawatey*, or exploit hospitality under the edict of *melmastiya* amongst the tribes of FATA.

Territoriality manifests through *pashtunwali* in the territorial concept of *zai* as it pertains to *Pakhtunkhwa*. The emergence of *Pakhtunkhwa* as a primary structure of identity and organisation in the first millennium was in itself a counter-current to the preponderant trend of southward tribal migrations from trans-oxiana and eastward thrusts from the Iranian Plateau. The Pashtun tribes achieved the territorialisation of *Pakhtunkhwa* in a widely contested space through martial experience, which in turn preserved the primacy of the clan and tribe as a structure of security and influence. This feature, the protection of tribal space by a patrilineally-derived militia, endures in the perceived independence of *zai* and the existence of the *lashkar* or *arbakai*. This forms a core element of Pashtun psycho-social awareness and identity that has become a point of physical and political competition between Pakistan, Afghanistan and the tribes of the borderland. Other aspects of Pashtun identity that exacerbate this competition are the world view of the tribal Pashtun embedded in *pashtunwali* that revolves around *khpal*, *kor*, *khel*, *zai*, *Pakhtunkhwa* and then *aalam*. This myopic conception of the centrality of the position of the Pashtun, both in the region and globally, is reinforced by international events which for a decade have often pivoted around the borderland, magnifying the impact of the actions of tribesmen to where inter-tribal dynamics have taken on global import. Thus, in the mind of the tribal Pashtun, the struggle for the primacy and autonomy of *zai* and *atrap* are played out on the widest stage of all, the *aalam* or world stage.

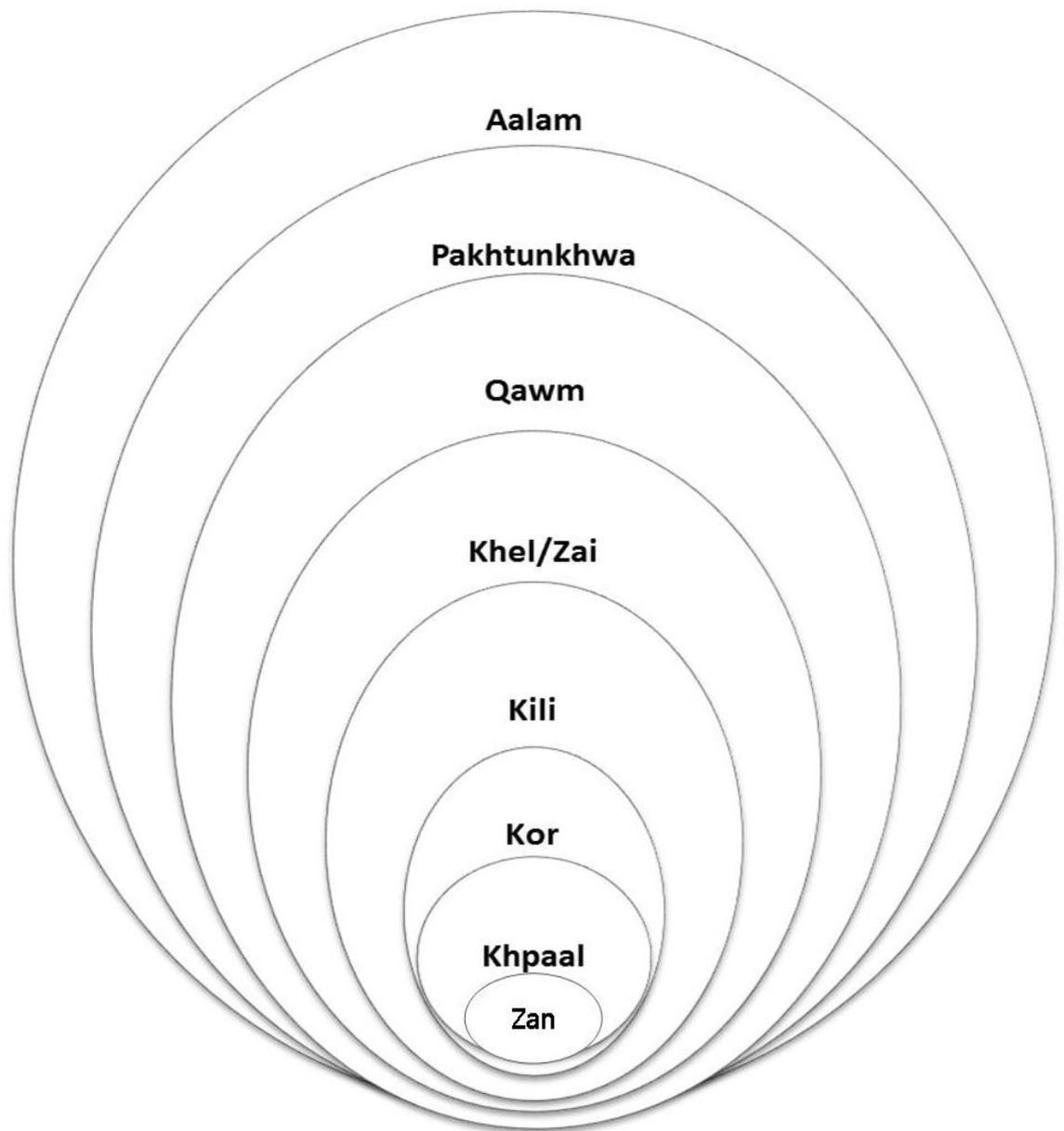


Fig. iv . identity Matrix: Zan to Aalam

3 The Strategic Significance of the Afghan Borderland from Alexander to America

3.1 Introduction

As the primary driver of pre-state substructures in Asia, tribes orient the strategic and political reality of the states they underlie. Through pivotal states,¹ tribal substructures can impact regional and global inter-state dynamics. Turkey and Pakistan are pivotal states in Asia. Each is impacted by tribally driven substructures, and each state has achieved a different level of success in accommodating or diminishing the impact of tribes on stability and policy trajectory. Where Turkey has been successful in establishing the primacy of the state in its southeast borderland through a combination of militarisation and infrastructure development, Pakistan has been unable to diminish the impact of tribes on its borderland.

The Pashtun tribes have functioned as borderlanders within the topographical environment of the Suleiman Range throughout the region's historiography. This chapter explores the strategic significance of these tribes within their environment, analysing the Afghan borderland as an enduring geo-political and sociological constant that has functioned as a borderland between polities for millennia. The chapter explores strategic function of the borderland, from its function as a gateway from the highlands of Central Asia to the fertile plains of the Indian subcontinent, to its role as the setting for the strategic contests between Britain and Russia known as the 'great game', to its function in the anti-Soviet struggle of the 1980's, and as a fulcrum in the present anti-NATO insurgency in Afghanistan.

Through this examination, the chapter reveals that the Afghan borderland is the core of the wider substructure of *Pakhtunkhwa*, underlying Pakistan and Afghanistan. That substructure has functioned as a pivotal and enduring strategic element that has impacted the region through its history. The incongruities between the postcolonial states and the underlying substructure of *Pakhtunkhwa* continue to create socio-political contusion in the Afghan borderland and the states of Pakistan and Afghanistan.

¹ 'Pivotal States' are those in which stability and developmental progress, or the lack thereof, can impact a surrounding region. The concept was articulated by Paul Kennedy, Emily Hill and Robert Chase in a 1996 Foreign Affairs article. See: 'Pivotal States and US Strategy' *Foreign Affairs* V. 75 no. 1, January/February 1996; <http://www.foreignaffairs.com/articles/51621/robert-chase-emily-hill-paul-kennedy/pivotal-states-and-us-strategy>. Accessed 23rd February, 2011.

3.2 A Gateway to India

3.2.1 Borders and pre-colonial substructures

The architecture of postcolonial states in Asia is raised over a fluid but defined matrix of pre-colonial polities that have existed on a sub-state, state, and trans-state scale. The two principal trans-state polities that dominated western Asia at the eve of European colonialism were the Ottoman realm and the Qajar Persian Empire. Each incorporated a number of diverse ethno-linguistic communities, many of which were either *de jure* or *de facto* administrative units.² On the periphery of these domains were smaller entities enjoying degrees of autonomy from administrative centres, usually on account of their tribal and/or nomadic populations. The Kurds, the Bedouin and Pashtuns were each such national groupings, nominally affiliated with a capital but largely left to their own indigenous political devices. Of these three, the Kurds were the focus of the most sustained and successful state attempts to accommodate and manipulate tribal dynamics.³

With Ottoman dissolution and the strategic encirclement of Qajar Persia by Russian and British forces by the turn of the twentieth century, the formerly trans-national domains of Turkey and Iran descended into entities more closely resembling national states, with their former territories giving rise to a number of sub-national states which were either colonised directly or emerged as new states under titular heads and governments placed into authority through colonial agreement. The Arab states and Afghanistan are examples of the latter. Turkey emerged as an independent state with a nationalist, anti-colonial head of state, but ideologically, strategically and politically it came under the direct influence of firstly Germany, prior to and during World War I, and then subsequently Britain. Huntington (1997:74-77) points out the social and ideological contusion experienced by Turkey through Kemalism, and posits that the resolution of this ideological complex still eludes Turkey and manifests in Turkey's strategic uncertainty vis-à-vis its role in Europe and the Middle East.

The construction of states in Afghanistan and Arabia, however, revealed more direct political and social incongruities. The demarcation by Britain and France, in the aftermath of the Sykes-Picot treaty, of international borders with no political precedent or natural, indigenous basis, led to a crisis of legitimacy in the new Arab states that remains to be resolved. This has

² Both Ottoman and Persian administration was based upon the *Vilayet* system, patterned on the Abbassid *Wilayah* system, often reflecting indigenous tribal, ethnic, linguistic or geographical features as the example of Ottoman administration of Iraq demonstrates. Persian administration alternately used the term *Satrap*, derived from the Turkic *Etrap* (Karpas 2002: 201).

³ Van Bruinessen, Martin *Kurds, States and Tribes* Utrecht University, 1998 (unpublished) p. 5.; http://www.let.uu.nl/~martin.vanbruinessen/personal/publications/Kurds_states_tribes.htm . Accessed 9th January, 2011.

resulted in political structures that perpetuate a single head of state for decades and are characterised by repression and the absence of political and judicial transparency.

As for the case of Afghanistan, the demarcation of its boundaries was premised initially on the physical defence of British India from Russian encroachment (Johnson 2003: 697-99), and then subsequently on the determination of the limits of Russia's eastward expansion (Sykes 1926: 134-35). These strategic considerations, along with the protracted nature of Britain's own military involvement in Afghanistan through the nineteenth century, resulted in the determination of Afghanistan's boundaries primarily through strategic and military expedient. This process either ignored ethno-linguistic realities and indigenous structures of polity and organisation, or may have been designed to rupture the authority and influence of these tribal structures as part of a strategic logic that would ensure the survival of the successor states of Afghanistan and India. The lingering implications of the process of demarcation are the principal causes of the social, demographic and ethno-linguistic incongruities that underlie the instability prevalent in Afghanistan and Pakistan today.

The strategic vision through which the Afghan state was demarcated, and through which the tribal challenge of the Afghan borderland was considered, was largely a function of the geography and topography of the borderland. This chapter will proceed through addressing the geographic context of the borderland, tracing its strategic impact over time with a view to establishing the nature of its current strategic salience, and the role of the Pashtun tribes as strategic drivers in the borderland.

3.2.2 A gateway to India

To the south and west of the Afghan borderland stretches the arid and rocky expanse of interior Baluchistan and the Mekran desert, notorious for having decimated Alexander's armies on their westward march home in 325 B.C.E. (Wood 2001: 211). To its north and east lie some of the highest mountain peaks in the world in the Pir Pangi, Pamir and Hindu Kush ranges. Between these geographical extremes lies the comparative mediocrity of the Suleiman mountain range, through which a number of passes have historically functioned as viable year-round access points to the fertile Gangetic plains for armies and caravans from the Central Asian highlands.

Thus the Afghan borderland functions as a geographical gateway between the arid south-central Eurasian landmass, and the well watered plains of the Indian subcontinent. This geographical gateway has functioned, and continues to function, as an economic tether between what are in effect two separate continents, a tether which has been sustained in

times of war, peace and political upheaval. What is today a borderland between the states of Pakistan and Afghanistan is in fact an historical constant that has had an impact on the scales of states, continents and civilizations.

For limited periods over the last two millennia however, the Afghan borderland has been subsumed by a single, greater polity unifying the high plains lying to the north of the Suleiman Range and the arable plains of present day Punjab. The most enduring of such polities was Gandhara. Centred around the Peshawar valley, Gandhara extended north to Kapisa, just north of present day Kabul, and south to Taxila in present-day Punjab, although in some historical texts the term Gandhara is taken to refer to an even larger region stretching as far westward as Kandahar (Fergusson 2004: 47). The trans-borderland Gandharan civilization emerged into prominence in the first century C.E. in the absence of any major population movement or military movement southward from Central Asia into the Indian subcontinent, thus emerging at a time of relative stability in an otherwise turbulent region. For a brief period between the second and third centuries C.E. the Kushans pushed southward from the remnants of Bactria through Gandhara, deep into the Deccan plains of the central Indian subcontinent, setting a precedent for the southward invasion of the subcontinent from Central Asia through the Afghan borderland (Puri 1999: 247-250). The Kushans, however, soon fragmented and were absorbed into the emerging Gupta Empire (Caroe 1956: 79). The Guptas expanded to incorporate the entire northern subcontinent including the Indus river valley, but did not expand beyond the Suleiman range. Hence, during the fourth century C.E. the Afghan borderland resumed its historical role as a borderland between the Sassanid Empire lying to the north and west, and the Gupta Empire of north India lying to the south and east.

It was the southward forays of firstly the invading Arabs and then the Islamised Perso-Turks, launched from central present-day Afghanistan, that eventually overran the declining remnants of the Gandharan civilization that lingered in the Afghan borderland until tenth century.⁴ The southward sweep of firstly the Arabs in the late ninth century C.E., then subsequently the Perso-Turk Ghaznavids (963-1187) met significant resistance from the tribal inhabitants of the Suleiman range, although the invaders were able to cross the Afghan borderland and penetrate present-day Punjab, subsuming the by then fragmented north Indian Kingdoms through decades of relentless campaigns (Rose 1997: 211). It is from this period that the tribesmen of the Suleiman Range enter historiography as a strategic factor. Having initially resisted repeated Ghaznavid advances, the tribesmen were subsequently

⁴ Spuler (1970: 147) provides a detailed account of the Persianisation of the originally Turkic Ghaznavids, and their expansion.

instrumental in Ghaznavid southward expansion. Al-Utbi, a chronicler of the Ghaznavid ruler Mahmud (997-1030) records how Mahmud's army relied upon 'Satanic Afghans... who ascended the mountains like goats and descended like torrents of water' (Grierson 1928: 7). From this period, two prominent features of the tribesmen emerged; martial prowess in a mountainous environment, and the ability to switch loyalties with little or no moral qualms. Led by these tribesmen, the Ghaznavids were able to subsume the borderland into a larger polity reaching from the central highlands north of the Suleiman Range in to the Gangetic plains. The Ghazni based Ghaznavid Empire was succeeded by the Ghor based Ghorids (1148-1215) over much of the same territory. The Ghorids, however, soon fell victim to the geographic challenges of the borderland and by the early thirteenth century, the Ghorid empire had divided along the Suleiman Range.

The northern portion came to be known as the Timurid domain while the Delhi Sultanate (1206-1527) inherited the southern portion of the empire (Islam 1999: 269). The border between them remained relatively fluid, with the tribes of the Suleiman range maintaining their independence from both, but providing safe passage along the vital trade links between them that crossed the mountain passes through autonomous tribal territory. The role of the Afghan borderland as a physical barrier, and the political and military obstacles it and its inhabitants presented to the Ghorids, cannot be understated in seeking to understand the causes behind the breaking away of the Delhi Sultanate from Ghor. As a geographic barrier, movement across the borderland was compounded by the powerful tribes who inhabited the borderland, and remained beyond the control of the armies sent to subdue them. This challenge effectively cut-off the Delhi Sultanate for periods, on an administrative level, from Ghor, leading to the increasing autonomy of the Delhi sultanate.

By the Mughal period (1526-1858), Pashtun tribes had settled across the Peshawar valley and northern KP, including the Swat valley. The tribes continued to be of strategic salience to the Mughals as protectors of the trans-Suleiman trade between Central Asia and the subcontinent. In 1672, Khushal Khan Khattak (1613-1689) forwent his loyalty to the Mughal ruler Aurangzeb (1658-1707), and rose in rebellion against the Mughals, breaking vital economic links through the borderland.⁵ This rebellion was that order of a strategic threat that it drew Aurangzeb from Delhi to the Kabul River at Attock to suppress the rebellion which was partially achieved by

⁵ For a fuller treatment of Khushal Khan Khattak see: Sayid Anwar ul Haq's *'Mutakhi'bat Khushal Khan Khattak'* Pashto Literary Academy, Peshawar 1989. Also see: Ahmed Jaan's *'Khushal Khan Khattak, De Pakhto Shaaraano haal'* <http://www.khyber.org/people/literary/KhushalKhanKhattak.shtml> . Accessed 24th February, 2011.

1674. Following the rebellion, Khattak continued to unsuccessfully pursue trans-tribal unity until his death. Since that period, the Pashtun tribes have not collectively acceded to external suzerainty, instead seeking to project authority across and beyond the borderland through elusive pan-Pashtun polity.

3.3 The Durrani State

The Pashtuns have lived on the periphery of other Asian civilisations for most of their history, and beyond the writ of the polities established around the Afghan borderland. They have been unable to coalesce around a single polity that eclipses tribal authority but for limited periods. The first significant success at pan-Pashtun unity of which there is an historical record began in 1709 under the leadership of Mirwais Khan Hotak (1673-1715), a Ghilzai tribal leader from the powerful Hotak clan. Mirwais arose in insurrection against the then Safavid governor of Kandahar, killing him and other representatives of the Safavid dynasty (Malleon 1878: 225). Successfully resisting a succession of Safavid armies dispatched to subdue him, Mirwais remained in control of the province of Kandahar, rallying support among the Pashtuns for championing the cause of Sunni Islam over Safavid Shi'ism (Malleon 1878: 227-234). Mirwais died in 1715, succeeded by his brother Abdul Aziz Hotak, who was himself shortly succeeded by Mirwais' son Mahmud Hotak (1697-1725). Mahmud successfully subdued the Abdali Pashtuns who had arisen in insurrection with support from the Safavids, and by 1722 had taken the Safavid capital of Isfahan (Malleon 1878: 237, 240). For seven years, Hotaki rule unified the entire Afghan borderland and surrounding territories stretching from eastern central Persia into the Peshawar Valley. The significance of this period stems from the fact that the tribes of the Afghan borderland, for the first time, were the masters of the region surrounding the borderland. Being tribal, both organisationally but also in a psycho-social sense, and having no cultural experience of administering a state or indeed a structured army, the Hotaki fell to infighting and the Pashtun domain was in turn conquered by the Persian commander Nader Shah in 1729 (Dupree 1980: 329).

Nader Shah (1698-1747) established his own dynasty, the Afsharid, over the ruins of the Safavids, consolidating much of western *Pakhtunkhwa* and the bulk of the territories of Safavid Persia (Axworthy 2006: 79-82). After Nader Shah's assassination in 1747, the eastern Afsharid provinces, corresponding with western Afghanistan today and then termed Khorasan, were ruled by Ahmed Shah Abdali (1722-1773). Ahmed Shah was a Pashtun of the Abdali tribe and had been a bodyguard and close confidant of Nader Shah. Upon being declared *Khan* of the Abdali at a *loya jirga* in 1747, he lent his title '*Durr-i-Durran*' (pearl of pearls) to the tribe

which subsequently came to be known as the Durrani. Ahmed Shah set about removing Ghilzai authority from western Afghanistan, consolidating his own position within the Durrani tribe and consolidating the position of the Durrani over all Pashtun tribes with a series of alliances with the Yusufzai and the northern Tajiks.⁶ Although the hold of Ahmed Shah over the non-Durrani Pashtuns was tenuous at best, and was constantly plagued by insurrection, he was able to expand Pashtun authority over the entire area of *Pakhtunkhwa*, and pushed into India, Kashmir and eastern and central Afsharid Persia. Ahmed Shah's ability to form an alliance with the Tajiks extended his authority into the northern reaches of Pashtun territory, an achievement that has had the lasting legacy of being considered the founding of the modern Afghan state. However, the Durrani state began to crumble with Ahmed Shah's death in 1773, plagued by the twin insurmountable challenges of the constant Sikh uprisings in the Punjab and Ghilzai uprisings across the Pashtun belt (Dupree 1980: 338-44). These insurrections shortly fractured the Durrani state such that Ahmed Shah's successors ruled over receding territory which was increasingly fragmented.

Through a retrospective analysis, the short lived nature of the Durrani state underlines a number of determinant factors that have characterised the strategic setting of the Afghan borderland historically, the current relevance of some of which continues.

1) The inter-tribal contest for supremacy and autonomy remains the defining attribute of socio-political conscience in the Afghan borderland and the wider areas of *Pakhtunkhwa*. The fundamental challenge that characterised the Durrani state was its inability to subdue Ghilzai resistance to Durrani led pan-Pashtun authority. The size and spread of the Ghilzai constituted the principal obstacle to Durrani aspirations, a challenge overcome for brief periods by projecting Pashtun military power externally and employing Ghilzai warriors in the pursuit of the riches of northern India, and through maintaining alliance with Tajiks and the Yusufzai to generate numerical and strategic superiority over the Ghilzai. This tribal challenge remains the state of affairs currently, an attribute that has endured the recent politically turbulent history of the borderland and of the state of Afghanistan. Currently, the size, organisation, territorialisation, and fighting capabilities of the tribes with the larger confederations⁷ of Ghilzai and Durrani determine that each remains sovereign within the territorial *zai* with which

⁶ Davies, Colin C. "Ahmed Shah Durrani" *Encyclopedia of Islam* (EI2 CD-ROM edition v. 1.0) Ed. P.J Bearman, T. Bianquis, C.E. Bosworth, E. Van Dozel, W.P. Heirichs et. al. Brill, Leiden, 1999.

⁷ The term confederation here is employed to represent the loose nature of association within the larger groupings of Ghilzai and Durrani. It does not reflect an institutionalised arrangement as is more generally the connotation of the term in conventional political discourse.

each is associated, rendering the domination of a single tribe over all tribes in *Pakhtunkhwa* as distant a reality now as it was during the Durrani state.

However, the post-Soviet withdrawal period, characterised by the failure of the *mujahideen* government and then the emergence of the Taliban, has demonstrated a further attribute that emerges millennially; that of Durrani-Ghilzai co-operation under a religious authoritarian figure.⁸ One of the key components of the rapidity with which the Taliban militia was able to extend authority over the overwhelming majority of the territory and population of Afghanistan between 1993 and 1999 was the ability of the militia to incorporate elements of both the Durrani and Ghilzai tribal confederations into its leadership structures. Giustozzi (2007: 47) tabulates the inclusion of both Durrani and Ghilzai principals within the leadership structure of the Taliban.⁹ By replacing tribal identity with ideational/religious identity in the political sphere, or more precisely by formulating a religious regime within which tribal identity was incorporated, a workable trans-tribal order was successfully developed under the Taliban. The persistence of the threat of the re-emergence of the Taliban currently, stems from the continued ability of the militia to draw support from across tribal lines under the same millennial pretext, a pretext the nascent state in Afghanistan is unable or unwilling to adopt but one that finds resonance from within the Karlanri and Yusufzai in Pakistan.¹⁰

2) Historical Persia is a core factor that continues to impact the Afghan borderland in the form of present day Iran. The Persian Safavids (1501-1736) and the Afsharids (1736-1796) have ruled significant parts of *Pakhtunkhwa*, particularly the western parts populated by the Abdali, through whom Persian dynasties have historically sought to exert their own influence in *Pakhtunkhwa*.¹¹ Both the Hotaki and Durrani states sought to reverse that influence through successfully invading eastern Persia and subduing Persian authority. Antagonism between the

⁸ Here, the millennial attribute referred to is the periodic pan-Pashtun drive for unity that has a tendency to emerge once or twice in a century, fuelled by a call to arms on the basis of defending either religion and co-religionists, or the aggregate of *Pakhtunkhwa* from foreign invasion. It arose in the first two Anglo-Afghan wars in the nineteenth century, in the frontier insurrection of 1896-7, and during the Soviet occupation of Afghanistan from 1979-1989. The phenomenon forms a subtext to Akbar Ahmed's (1976) *Millennium and Charisma Among Pathans*.

⁹ Rashid (2001: 98, 231-35) also identifies principals from both Ghilzai and Durrani in the leadership *shura* of the Taliban.

¹⁰ This is manifest in the continued presence of Pakistan based tribesmen in the insurgency in Afghanistan. Many are actually returning from long periods of *madrassas* education in Pakistan, but there is a number of indigenous Karlanri tribesmen from South Waziristan, North Waziristan, Kurram and Bajaur who periodically participate in the Afghan insurgency. Interview with NCO-A, 3rd September 2008, north Pakhli, KP.

¹¹ The Afsharid Persian ruler Nadir Shah bestowed military authority and political prestige upon Ahmed Shah Abdali, as was customary for the Persian monarchs to do with Abdali notables. Also, Persian rulers included Abdali *lashkars* as a component of their militaries in campaigns against the Ghilzai between the 14th and 17th centuries (Malleon 1878: 225-40).

Pashtun tribes, particularly the Ghilzai, and Persian authority has been borne of this adversarial political history and the fact that Persian dynasties have tended to espouse Shia Islam, considered heretical by many Ghilzai and Karlanri Pashtuns. Sustained Persian influence over the city of Herat and over the predominantly Hazarajat Shia population of west-central Afghanistan has rendered the region of Herat as the north-western boundary of *Pakhtunkhwa* while the west-central highlands, populated by the Hazarajat, have constituted the northern boundary. Since the Durrani state, Afghan rulers have sought to subdue the Hazarajat through alliances between the Durrani, Tajiks and Uzbeks, a dynamic that continues currently. Sustained Persian/Iranian influence over the Hazarajat means that Iran continues to constitute the western boundary of *Pakhtunkhwa* and a potentially significant internal factor in the tribal politics of the Afghan borderland.

3) Punjab has historically formed the southern barrier of the Afghan borderland. Roughly corresponding with the current Pakistani administrative province of Punjab today, Punjab has historically constituted a martial challenge to the southward expansion of the Pashtun tribes who, consequently, have historically moved northward and eastward in search of agricultural land. Both the Hotaki and the Durrani states did push southward through Punjab to its heart, the city of Lahore, but were unable to sustain an authoritative Pashtun presence. Sikh insurrections persisted, eventually leading to the counter thrust northward of Ranjit Singh, whose domain extended to include the second Afghan capital of Peshawar from 1818 to 1849 (Stewart 2008: 40).

4) The most significant development in the region's recent history and the event that has had the greatest impact upon the Afghan borderland in the last two centuries however, has been the British imperial expansion in India which included the eastern and southern parts of *Pakhtunkhwa*. After the dissolution of Company rule in India in the aftermath of the uprising of 1857, the British presence in *Pakhtunkhwa* – now in the form of the Raj - increased, with the British consolidating garrisons across what subsequently became the North West Frontier Province (Caroe 1958: 348-349). Having faced a serious set-back deep inside *Pakhtunkhwa* fifteen years previously in the first Anglo-Afghan war, British policy was at the period characterised by 'masterly inactivity' (Hopkirk 2001: 286). However, the 'forward policy' of the Disraeli government (1874-1880) would shortly precipitate another Anglo-Afghan war, beginning the chain of events that would ultimately lead to the demarcation of the Durand Line, a tactical solution to part of a larger strategic contest that has resulted in decades of still intense feuding between the successor states of Pakistan and Afghanistan.

These factors; the Ghilzai-Durrani rivalry, the role of Persia/Iran in the west of *Pakhtunkhwa*, the Punjabi Sikh insurrections, and the presence of the British in India, are the major socio-political and geo-strategic formative factors that have shaped, and continue to shape, the political context into which the Afghan borderland has emerged in its current form. Although presently the states of Pakistan and Afghanistan form the immediate political context surrounding the Afghan borderland, the themes mentioned above constitute enduring pre-state and trans-state realities that function on a state level and are also manifest in the state – sub-state dynamic that continues to shape and dynamics of the Afghan borderland.

3.4 Between the Lion and the Bear

The global impact of the geo-political salience of the Afghan borderland is the result of a combination of factors including geography, ethnography, statism, military doctrine, and the reduction of time and space based obstacles through advances in military technology. Lord Curzon captured the inevitability of the continuing strategic and political salience of the region when he stated in 1908, in an address to the Royal Asia Society:

*If the Central Asian Society exists and is meeting in fifty or a hundred years hence, Afghanistan will be as vital and important a question as it is now.*¹²

Elphinstone's arrival at Kabul in 1809 introduced a developing British technological capacity that would soon enable the crossing of vast territory, rapid communication over great distances, and the ability to bring greater force than ever to bear upon challenges to British imperial power. The British also introduced the region to the geo-strategic rivalry between Britain and its European rivals France and Russia, technologically capable of playing out their formerly European strategic rivalry across the entire Eurasian landmass. Hence, in many aspects the 'great game' between Russia and Britain that was played out through most of the 19th century represents not just the meeting of two global powers in one of the most strategically salient areas of the Eurasian land mass, but also the introduction of the Afghan borderland to an age of unprecedented military and political, power harnessed and projected by the modern state.

This chapter proceeds to review the major developments of the 'great game', demonstrating that the emergence of the state of Afghanistan, and to a lesser degree Pakistan, was the result of the regional strategic requirements of British policy, and not in response to indigenous

¹²Quoted in Ahmed (2008: iii) from a speech given by Curzon at the Royal Asiatic Society, London 1908.

structures of polity. This section reveals that pre-state structures of identity and authority have endured the strategic competitions between great powers across the Afghan borderland, and are now resurging as sub-state and trans-border challenges to the legitimacy and continuity of the states of Afghanistan and Pakistan.

3.4.1 The 'Great Game'¹³

By the turn of the nineteenth century British influence was firmly established in the subcontinent and had begun to eclipse Mughal power.¹⁴ The ascendancy of Britain in the Indian subcontinent drew the attention of Britain's European rivals, Russia and France, to India. Russia's first foray eastward came in 1801 as Paul I dispatched an inadequate force of just over 20,000 Cossacks from Orenburg tasked with marching through Central Asia into India to wrest the subcontinent from British influence (Hopkirk 2001: 28). This move by the somewhat naive Paul was in response to the purported 'testament of Peter the Great', envisioning a manifest destiny for Russia extending to India and beyond (Ragsdale: 1980 16, 109-10). This campaign was the first of a number of Russian failures that achieved nothing militarily, but did reveal Russia's intention to establish its suzerainty over the Central Asian Khanates.

The strategic engagement of Paul I's successor, Czar Alexander, with Napoleon, constituted a clear threat to Britain's very presence in the Indian subcontinent as Napoleon had clearly stated his ambition to drive the British from India (Ragsdale 1988: 94). It was to counter this ambition that the diplomatic mission of Mountstuart Elphinstone was dispatched to Kabul in 1808, in order to secure a treaty of friendship with the Amir of Kabul, Shah Shuja (Elphinstone 1819: viii-x). Although Elphinstone was successful in concluding an agreement, the Shah was shortly deposed by his brother Mahmud Shah leaving the agreement un-ratified (Fraser-Tytler 1953: 68). The consequences of this diplomatic stumble were, however, soon mitigated by the major rift that emerged between Alexander and Napoleon in 1809, putting into sequence events that would ultimately lead to Napoleon's ill-fated invasion of Russia in 1812 and remove France as a threat to British influence in Asia. Encouraged by Napoleon's defeat, Czar Alexander exercised growing influence over his eastern territories, constituting a serious cause

¹³ The term 'Great Game' is primarily a literary description of strategic contest in Central Asia between Great Britain and Russia during the nineteenth century, coming into wider currency through Rudyard Kipling's 1901 novel *Kim*. Russian historiography sparingly makes reference to a 'Great Game', although there is mention of the Турниры теней (*Turniry Teney*) or *Tournament of Shadows*. Yapp (2001) suggests the term was employed to describe a number of different policy objectives in Asia during the period. Morgan (1973: 64) finds little evidence of the actions ascribed to the Calcutta government and its intelligence operations. See also Shareen Brysac and Karl Meyer *Tournament of Shadows: The Great Game and the Race for Empire* in Asia Abacus, London 2001.

¹⁴ *The Imperial Gazetteer of India*, Volume IV, Clarendon Press, Oxford 1908, pp. 332-34.

of concern for the British General staff at Calcutta who were operating under the authority of the East India Company. Whereas the spectre of a Napoleonic invasion of British India faded with Napoleon's defeat in Russia, the threat posed by Russia was just emerging.

In anticipation of such a threat, the British government in India had dispatched two officers in 1809 to reconnoitre the eastern reaches of Persia, including the cities of Herat and Merv, two cities thought to determine the route of any potential Russian invasion of India (Hopkirk 2001: 39). Captain Charles Christie and Lieutenant Henry Pottinger returned to Calcutta with an assessment of the tribes inhabiting the regions they had traversed, including numbers of men under arms, structures of leadership there among, and descriptions of those geographical features that could facilitate or impede an offensive and defensive campaign (Hopkirk 2001: 39-43). This mission set the qualitative precedent for subsequent British and Russian explorations of Central Asia that subsequently came to be known as the 'great game'.

Russia's first major eastward move of the 'game' came in 1819 with the dispatch of a Captain Muraviev from Orenburg to the Khanate of Khiva (Hopkirk 2001: 80). Muraviev's was successful in scouting the terrain and concluding a mutual agreement to expand trade with the Khan of Khiva, Muhammad Raheem Bahadur (Muraviev 1871: 162). Returning to Russia in January 1820, Muraviev urged his military superiors to initiate a campaign for the annexation of Khiva, judging that a Russian force would be able to rely on the support of the 3000 or so Russian slaves held captive in the khanate (Muraviev 1871: 217). Muraviev's assertions were overlooked in St. Petersburg as Russia was pre-occupied with a re-emergent threat from Persia which had embarked upon an expansive campaign seeking to reacquire its former territories in the Caucasus which had been ceded to Russia in the 1813 treaty of Gulistan (Hopkirk 2001: 110). Russia went on to impose a succession of defeats upon the Persian military leading to the Russian annexation of Armenia (Ingram 1973: 512).

Russian military successes in Asia now began to shape British perceptions of a Russian threat to British India, assisted by Colonel George De Lacy Evans' publication of *On the Practicability of an Invasion of British India* (Yapp 1987: 652). Partly in consideration of this increasing awareness, the British Indian government in Calcutta dispatched a Lieutenant Arthur Connelly to reconnoitre Central Asia and present-day Afghanistan. Departing from Moscow in the autumn of 1829 with the knowledge of the Russian government, Connelly travelled through the Caucasus and Central Asia. Failing to reach Khiva, Connelly returned to India having followed the route he felt was most likely to be taken by a Russian army were it to march on British India (Conolly 1834: II, 134).

Connelly's travels were shortly followed by those of Captain Alexander Burnes who in 1832 proceeded through Afghanistan to Bukhara, returning to India through Persia. Burnes realised that in order to establish any substantive influence in Central Asia, the British would have to establish a diplomatic presence in Afghanistan, through which the movement of British goods into Afghanistan and Central Asia could be facilitated (Wright 1977: 101). This, of course, would afford Britain the pretext upon which to closely observe the nature of Russian expansion into Central Asia. Burnes asserted a British diplomatic mission in Afghanistan would demonstrate that the British government considered Afghanistan to be within its own sphere of political influence, possibly deterring any Russian ambition on or through the territories of Afghanistan. The Calcutta administration refused Burnes's advice, cautioning that such a move would be likely to draw a Russian response in kind, precipitating further expansion of Russian influence in Central Asia to reach Afghanistan (Hopkirk 2001: 165).

However, the arrival of a new Governor General at Calcutta, in March 1836 ushered in a new approach to Afghanistan and by November 1836 Governor General Auckland had dispatched Burnes to Kabul to establish his diplomatic mission (Fraser-Tytler 1958: 93). As had been anticipated by the previous Calcutta administration, Russia did respond in kind by despatching a delegation to Kabul to seek an audience with Dost Muhammad, the Amir at Kabul, offering the Czar's friendship. Auckland responded by delivering a threat to the Amir through Burnes, suggesting that the British would be unwilling to hold back the advance of Ranjit Singh from Peshawar into Afghanistan were the Dost to conclude any agreement with the Russian delegation (Hopkirk 2001: 139-145).

Auckland's response precipitated a protracted military campaign from 1838 to 1839, resulting in the successful British defeat of the Dost, and his replacement with Britain's ally Shah Shuja (Fraser-Tytler 1958: 112). However, the tribal *khans* viewed Shah Shuja as a British puppet, lending tribal support to Muhammad Akbar Khan, son of the deposed Dost (Yapp 1964: 350).

Russia, in response to the increased involvement of Britain in Afghanistan and now virtually expelled from that country, sought to increase its gains in Central Asia, ultimately leading it to Afghanistan. The Eurasian interior, however, proved an insurmountable obstacle as the winter of 1840 left a Russian force dispatched to Khiva stranded in the steppes resulting in yet another military failure for Russia in Central Asia (Skrine 1904: 70).

Britain's own position in Kabul had begun to deteriorate. By August 1841 the Pashtun tribes were readying for an uprising against British presence (Yapp 1964: 354). The developing

tension finally erupted in November 1841 with the assassination of Alexander Burnes at the hands of an angry mob in Kabul (Fraser-Tytler 1958: 115). Within days Pashtun tribes began to amass at Kabul, besieging the British garrison which now found its presence in Kabul unsustainable. Led by Akbar Khan, the tribesmen lured the British out of the relative safety of the garrison under the pretext of safe passage. The retreating British column was then gradually broken down by marauding Ghilzai tribesmen resulting in the death and desertion of practically the entire contingent (Fraser-Tytler 1958: 115).

Britain responded with decisive force, despatching two columns from Peshawar to relieve the Jalalabad garrison, each taking different routes eventually combining at Kabul (Hopkirk 2001: 271-4). Finding that Akbar Khan had withdrawn from the city, the British proceeded to place Fateh, the son of Shah Shuja, onto the throne and now felt that they had restored both their military prestige and the political alignment of Kabul to Calcutta (Yapp 1964: 360). Fateh himself was promptly overthrown by Akbar Khan who resumed the throne at Kabul within months. However, Akbar had by now himself lost the support of the tribes resulting in a power vacuum which the British reasoned could only be effectively filled by Dost Muhammad. Hence 1853 began with the restoration to power of the Dost who had been in exile in India, leaving Afghanistan politically where it had been prior to Auckland's evidently misguided interference (Hopkirk 2001: 288).

It was in the midst of this commitment in Afghanistan that the events of 1857 in India unfolded. The British were forced to respond by engaging in a counter-insurgency extending across the subcontinent and lasting over two years, resulting in mass casualties among the indigenous inhabitants and high numbers of casualties among the British.¹⁵ It was a critical period for the British in India, whose recovery of the situation was in no little part due to the inaction of the of the Pashtun tribes under Dost Muhammad, whose involvement on the side of the uprising could have been a critical factor for the British in India (Hopkirk 2001: 290). As it was, the response to the uprising imposed a huge fiscal burden upon Britain as the debt of the government in Calcutta rose to over £100 million Sterling by the time the main developments in the Indian uprising had come to pass (Sykes 1859: 16).

¹⁵ Amaresh Misra, an indigenous Indian author, has put the total number of Indians killed as a direct result of the events of 1857 and subsequent repercussions at over one million, including deaths from punitive killings that continued into the next decade, and the effects of famine exacerbated by the British authorities in India. See *War of Civilisations: India AD 1857* (New Delhi, Rupa & Co, 2007). Most other accounts place the number of deaths at around 100,000.

The Russians observed the financial burden Britain was under, as well as Dost Muhammad's reluctance to exploit Britain's weakness from north of the Suleiman range, and soon dispatched a further contingent to Khiva to examine the possibility of overcoming the independent khanates of the steppes. Arriving at Khiva in the summer of 1858, a Count Nikolai Ignatiev was able to travel on to the khanate of Bukhara finding the principal khanates in a state of belligerence with each other (Becker 1968: 14-18). This state of affairs inspired Ignatiev to petition Czar Alexander to annex the khanates, pushing further towards Afghanistan. Russia moved forward slowly, and by 1864 Russia moved troops to surround the khanate of Khokhand (Hopkirk 2001: 296-8). This move precipitated the Khan of Khokhand's request to Britain for direct military assistance. It soon became evident that no military support from Britain would be forthcoming (Hopkirk 2001: 299). Now, Russia set upon a policy of aggressive expansion in Central Asia, while Britain continued along its newly declared trajectory of 'masterly inactivity' in Afghanistan (Hopkirk 2001: 303). Over the next eight years Russia steadily encroached upon, surrounded, and then took the principal khanates of Tashkent, Samarqand and Bukhara (Becker 1968: 25-8) culminating in the successful Russian assault on Khiva in May 1873 (Becker 1968: 52). Russian now had a continuous border stretching from the Caspian Sea to the lower Oxus River which became the *de facto* northern boundary of what would emerge as the Afghan state. Only 500 miles from the city of Herat, Russian forces were now within a range from which they could launch an offensive into India. The critical barrier to this endeavour remained the Pamir mountain range in which Russian explorers had been observed seeking out mountain passes through which artillery and infantry could be moved southward.

3.4.2 The 'Forward Policy'

Alarmed, the new Disraeli government in London brought to power in 1874 abandoned the previous policy of masterly inactivity and embarked upon a 'forward policy' (Fraser-Tytler 1958: 137). Through it, the British sought to engage the Amir of Afghanistan, Sher Ali, in a strategic relationship. Sher Ali, however, had established relations with Russian General Kaufmann, the conqueror of the khanates of Khiva, Bukhara and Samarkand and now the Governor General of the newly established Russian province of Turkestan (Hopkirk 2001: 394-8). This prompted Britain to impose a diplomatic mission upon Kabul, a proposition that Sher Ali rejected on the grounds that it would oblige him to accept a similar Russian proposal, compromising what was ostensibly a position of declared neutrality (Fraser-Tytler 1958: 141-4). Future events over the coming decades would reveal the difficulty of sustaining such a position by any Afghan ruler, a maxim that held true in the mid 20th century also.

In light of Anglo-Russian tension in the European strategic theatre during 1876-7, General Kaufman assembled a force of 20,000 Cossacks ready to move into India should hostilities have erupted between Russia and Britain (Pierce 1960: 39). In July 1878, the Treaty of Berlin saw a reduction of tensions in Europe, and although the likelihood of an Anglo-Russian war subsided, Kaufman dispatched the diplomatic mission to Kabul that had been delayed on account of the Anglo-Russian tensions, despite the protestations of Sher Ali (Fraser-Tytler 1958: 144). Predictably, the British were alarmed at the apparent duplicity of the Amir, and dispatched three columns totalling 35,000 men into Afghanistan, launching the second Anglo-Afghan war of 1878-1880 (Stewart 2007: 77).

Adverse weather, ineffective communication, and incessant tribal insurgents plagued British forces (Hopkirk 2001: 385). Keen to avoid a further military disaster in Afghanistan, the British offered terms to the new Amir, Yaqoob Khan, who had succeeded his father the Sher in February 1879. Yaqoob Khan accepted a British diplomatic mission at Kabul, the surrendering of the Khyber pass to Britain, and the expulsion of all Russians from Afghanistan, resulting in the signing of the Treaty of Gandamak in May 1879, through which Afghanistan effectively surrendered the conduct of her foreign affairs to Britain (Singhal 1982: 35-6).

However, fears of a repeat of the fate of the first British mission to Kabul were borne out within weeks. Afghan troops began to amass at Kabul and soon stormed the British mission killing all of its members and ransacking the facility (Hopkirk 2001: 388). Again, predictably, the British sent a punitive campaign to Kabul to assist Yaqoob Khan in bringing the culprits to justice. Soon after the arrival of that punitive expedition in Kabul, a new and larger tribal force began to amass numbering close to 100,000 men (Barthrop 1982: 84). The British force in Kabul was forced to retreat to India, leaving the lasting impression upon the British government in Calcutta that Afghanistan was not to be ruled directly through a British Viceroy or occupied militarily. The withdrawal once again left Kabul in a political vacuum, not unnoticed by Russia which sought to convert Britain's strategic failure into a Russian political success consistent with the zero-sum nature of Anglo-Russian strategic rivalry. Sensing the tenuous nature of the authority of Yaqoob Khan over Afghanistan, Russia sent forth Abdul Rahman Khan into Afghanistan from his residence under Russian protection in Tashkent in the spring of 1880 (Fraser-Tytler 1958: 155). A first cousin of Yaqoob Khan, Abdul Rahman Khan began to generate support in the north of the country, drawing the British to approach him. Soon, he was acknowledged by the British as the Amir of Afghanistan and British military was withdrawn from west of the Khyber Pass.

Not unlike the situation in Afghanistan currently, the Amir enjoyed support from the north of the country and Kabul, but not the south and west of the country, particularly Kandahar where the British fought a costly engagement with Abdur Rahman's cousin and rival, Ayub Khan. By 1881, as the British completed their withdrawal from Afghanistan, Abdur Rahman took Kandahar, extending his authority to most of Afghanistan. A Durrani from the Barakzai clan, Abdur Rahman faced a series of rebellions from the rival Ghilzai for the duration of his rule, which he repressed forcefully (Dupree 1980: 344-362). None of the rebellions succeeded in reversing his rule or in creating a political power vacuum. Afghanistan remained relatively stable politically, and came to be considered a potential British ally, if not a stable buffer between British India and Russian Central Asia.

The demarcation of the Durand Line was part of an understanding between Russia and Britain resulting in the definition of the parameters of the sphere of influence of each in Central Asia as one of the final plays in the nearly century long 'great game' (Sykes 1926: 213). By the 1870s, Russia's expansion in Central Asia had reached the Lower Oxus River. There was no indication that Russia would cease to extend its influence further south as it proceeded to attempt to cultivate political support at Kabul, initiating a number of diplomatic missions (Muraviev 1871: 162). Further, the Pandjeh crisis of 1885 indicated Russia's southward ambitions beyond the Lower Oxus boundary (Hopkirk 2001: 418-424). Given the trans-Oxus population spread of Tajiks, Uzbeks and Turkomen, it is highly likely that the Russians sought to establish significant influence over and among these communities residing in northern present-day Afghanistan.

The Russian perspective of British conduct in Afghanistan was that of repeated diplomatic and military incursions and campaigns into Afghanistan in order to establish sustained political and military influence.¹⁶ It was quite apparent that Russia would not be willing to accept the Lower Oxus as the northern boundary of Afghanistan without a reciprocal understanding from Britain leading to the definition of a southern boundary beyond which British influence would not extend northward (Sykes 1926: 210-212).

3.4.3 The Durand Commission

Thus, the Durand commission departed from Calcutta to Kabul in 1893 with an understanding that the demarcation of the southern boundary of Afghanistan would result in Russian acknowledgement of the Lower Oxus as the northern boundary of Afghanistan also, pending

¹⁶ Although Russian historiography largely discounts that there ever was an Anglo-Russian 'great game', Muraviev's mission and the subsequent exploits of Kaufmann correlated with British successes in Afghanistan just prior to and during the 'forward policy'.

the agreement of the Afghan Amir Abdur Rahman (Sykes 1926: 212). It thus becomes apparent that the demarcating of the Durand line through Pashtun tribal territories reflected the desire of the British first and foremost to have a resolution to the larger strategic question of the 'great game' and determination of the respective spheres of influence for Britain and Russia. Local considerations of the impact of the demarcation of the line through Pashtun tribal territory were secondary and of a lesser import (Stewart 2007: 96-100).

Following the conclusion of border demarcation, the geo-strategic contest around the Afghan borderland expanded. While the emergence of the Afghan state introduced a conventional political structure to what had remained a relatively amorphous geographic buffer,¹⁷ the Afghan state failed to displace the authority and influence of pre-existing structures of tribal authority, identity and organisation. Abdur Rahman's rule was thus characterised by tribal insurrections, and the draconian response to such challenges as is afforded by state power. Ghilzai clans were uprooted from their historical *zai* and relocated around northern Afghanistan resulting in the pockets of Pashtun population that are spread across the Uzbek-dominated northern provinces of Afghanistan today (Dupree 1980: 419).

The Afghan state had to immediately contend with the challenge of the Durand Line in so far as it represented the forced secession of Afghan territory and its acquisition by British India. The period immediately following the demarcation of the Durand Line saw a series of insurrections across the borderland on the Indian side of the border that were facilitated by tribal elements remaining on the Afghan side of the border. Prominent among these insurrections was the pan-Pashtun tribal uprising of 1897-9 (Stewart 2008:100-113). Taking over two years to quash, the 'great Pathan revolt' was followed by a series of lesser insurrections that lasted until the withdrawal of the British immediately following Partition. Crucially, however, through both world wars Afghanistan did not embark upon any military action to reclaim the parts of *Pakhtunkhwa* which now lay under British suzerainty. Following the emergence of the state of Pakistan in 1947 however, the strategic scenario within which Afghanistan found itself was suddenly altered. Pakistan emerged from partition as a weak state, particularly so its Western unit which shared a then indefensible border with Afghanistan stretching for over 2600 km. This presented Afghanistan with the opportunity to pursue its claims over the territory of *Pakhtunkhwa* that was now apportioned to Pakistan as the inheritor of the former British administered province of NWFP.

¹⁷ As Elphinstone (1972: 112) famously observed in his treatise; "It is difficult to fix the limits of the Kingdom of Caubul."

3.5 A Greater Game: The Afghan Borderland through the Cold War

Pakistan emerged into a post World War II strategic setting in Asia that was soon to be dominated by the Eisenhower doctrine which saw the United States embark upon a policy of containment of what it perceived as the threat of Soviet expansionism across and beyond the Eurasian land mass (Cleveland 2004: 315). Eisenhower drew particular international attention to both Pakistan and Afghanistan following his 1959 visit to Kabul, taken generally to be the first significant US move in an expanded multi-lateral 'greater game' over the following decades. Eisenhower's visit demonstrated that the United States did not consider the Durand Line as a delimiter on US influence. Seeking to insulate the Central Asian Soviet republics from American intervention via Afghanistan, the Soviet Union was thus increasingly drawn into Afghanistan through the trans-Oxus populations of Tajiks and Uzbeks present in both the Soviet republics of Uzbekistan and Tajikistan and northern Afghanistan. This trans-border demographic reality insured that the Soviet Union would take on a significant role in the internal political dynamics of Afghanistan.

This it did through the person of Muhammad Daoud who became Prime Minister of Afghanistan in 1953 (Arnold 1985: 58-60). Daoud initially had strong non-communist credentials, as a first cousin of the monarch Muhammad Zahir Shah, and was careful to solicit aid from both the US and the USSR. However, it was through the communist *Parchami* and *Khalqi* political groupings around him that the USSR was able to extend considerable influence on the Afghan political medium (Arnold 1985: 58-60). After being excluded from government in 1963, Daoud made a sudden re-emergence in 1973 by overthrowing King Zahir Shah and proclaiming himself as the first ever President of the Republic of Afghanistan (Dupree 1980: 485). This period saw a great increase in the level of Soviet military assistance provided to the Afghan state (Donaldson 1981: 220). In addition, Soviet officers oversaw the training of Afghan officers, establishing close political and ideological links with the *Parchami* and *Khalqi* oriented officers. It was these officers who were instrumental in the overthrow, with direct Soviet assistance, of Muhammad Daoud in 1978 (Donaldson 1981: 220-2). The Saur (Pashto for April) revolution saw the now Democratic Republic of Afghanistan embark upon a political trajectory far more closely aligned with the Soviet Union than that adopted by the previous government, introducing a number of Marxist inspired social and political changes (Dupree 1980: 774), as well as adopting tactics of mass arrests and executions of political opponents and dissidents (Kaplan 2001: 115). It is the resistance among the larger segment of rural tribal society across the borderland, to these changes and to the perceived spread of Marxism, that is widely

regarded as having initiated the contest that was subsequently the anti-Soviet Afghan *jihad* (Edwards 2002: 132-5), a struggle that played out according to both the dominant strategic scenario within which it was conducted, and the inter-tribal dynamic of conflict and alliance that characterises the Afghan borderland.

The struggle within Afghanistan between the Marxist-oriented government and the rural population became a conventional proxy conflict between the Soviet Union which was materially supporting the Marxist-oriented government, and the United States and Pakistan which extended material support to the rural population (Lansford 2003: 127). By the beginning of 1980, the Soviet Union had deployed its 40th Army into Afghanistan to bolster the pro-Soviet regime in Kabul and to crush the rural insurgency that was spreading westward from the eastern province of Kunar (Garthoff 1994: 1017). As for the United States, it had actually been providing support for the insurgents since the summer of 1979¹⁸ and was supplying matériel to what became known as the Afghan *mujahideen* with the assistance of Pakistan, Egypt, Iran and China (Dreyfuss 2005: 274-278).

Regarding the tribal dimension of the insurgency, the Saur revolution of 1978 represented a shift in power within the Afghan state from the Durrani tribal confederation to the Ghilzai.¹⁹ Muhammad Daoud was a Barakzai Durrani, the clan and tribe within which the authority of the Afghan state had remained for the majority of the preceding century. The principal personalities involved in orchestrating and leading the revolt against the government of Muhammad Daoud were all from the Ghilzai tribe including Hafizullah Amin, Nur Muhammad Taraki and Babrak Karmal.²⁰ Thus the Saur revolution represented the termination of Durrani authority and its replacement with Ghilzai authority for the next turbulent decade. The pro-Soviet Ghilzai dominated government, however, was unable to hold authority over the bulk of the Ghilzai. Leading Ghilzai tribesmen, prime among them being Gulbudeen Hekmatyaar, were supported by Pakistan (Rashid 2008: 10) in their guerrilla campaign to reverse the Soviet presence in Afghanistan. As the campaign expanded, it drew support from both Ghilzai

¹⁸ In a 1996 interview with Vincent Javert of *La Nouvelle Observateur*, former US secretary of state Brzezinski stated that CIA assistance to anti-Marxist guerillas was approved by the US government in July 1979, more than five months before the Soviet invasion. See Javert, Vincent "Oui, la CIA est entrée en Afghanistan avant les Russes", *La Nouvelle Observateur* No. 1732, 15-21 January 1998, p. 76.

¹⁹ This insight was concurred with in discussions by Dr. Shaista Wahab at the University of Nebraska, Omaha 17th December, 2008.

²⁰ This understanding is resultant from an analysis of the names and familial backgrounds of the concerned individuals which reveals a definite trend towards the inclusion of Ghilzai tribe members to the exclusion of Durrani tribe members. Such an analysis remains to be published. These findings were corroborated through an interview with Dr. Shaista Wahab at the University of Omaha 19th December, 2008.

tribesmen and Durrani tribesmen²¹ in Helmand and Kandahar, with Kandahar city remaining under *mujahideen* influence despite repeated Soviet attempts to clear the city of insurgency.²²

With the withdrawal of Soviet forces in 1989, the pro-Moscow government of Muhammad Najibullah, who himself hailed from the Ahmedzai clan of the Ghilzai tribe, remained in authority for another three years. Najibullah's government collapsed in 1992, followed by the subsequent failure of the *mujahideen* factions to form a functioning government after which Afghanistan descended further into a multi-sided civil war. Into this political vacuum emerged a new pan-Pashtun phenomenon. By the time the Taliban had taken Kabul in September 1996, they had developed a formula of leadership that included among its members principals of both the Durrani confederation and of the Ghilzai (Rashid 2001: 98, 223-5). This formula contributed to the rapid expansion of the Taliban to where they dominated the overwhelming majority of Afghan territory, within a year of taking Kabul, with the notable exception of Badakshan, the Panjsher Valley, and contiguous parts of Takhar, Laghman and Baghlan.²³ As a prospective unifying force in Afghanistan, the Taliban attracted engagement from the United States,²⁴ driven by hydrocarbon transit considerations, and were recognised as the legitimate government of Afghanistan by the US' allies Pakistan and Saudi Arabia.

During this period, the degree of integration among the Pashtun populations on both sides of the Durand Line was on a greater scale than had been previously, despite Pakistani hopes that the Taliban would recognise the Durand Line as the legitimate southern border of Afghanistan, something no Afghan government had yet done (Rashid 2001: 184-186). Road and transport linkages between Peshawar in KP and Jalalabad in Nangarhar were frequent, uninterrupted and unregulated, facilitating a large scale population flow in both directions.²⁵ This was also

²¹ However, the *Hizb-i-Islami* was less tolerant of tribal identities, engendering the impression that it was a primarily Ghilzai organisation. This is in contrast to the Taliban who were able to adapt puritanical Islamism to a tribal context effectively. See Jones (2008: 28-31).

²² Nur ul Haq Ulumi, former General in the Najibullah Regime, claims to have held Kandahar for the PDPA regime. However, his control of the city was tenuous, temporary and did not extend to the whole city and none of the surrounding areas. See: Mark Urban 'A Meeting in Kandahar with a former General turned MP' 29th July, 2010; http://www.bbc.co.uk/blogs/newsnight/markurban/2010/07/kandahar_the_last_time_i.html. Accessed 20th March, 2011.

²³ The fall of Mazar-i-Sharif to the Taliban in August 1998 was the fall of the last bastion of the 'Northern Alliance' (NA) outside of this region. Panjsher and Badakshan remained outside of Taliban control for the duration of the Taliban regime, while the Taliban held a tenuous grip over surrounding territories at the peak of their expansion in mid 1999.

²⁴ In 1997, a Taliban delegation visited Unocal headquarters in Texas in discussions over the construction of a trans-Afghan pipeline. At the time, statements from the Clinton administration were considerably more accommodating than those that would follow within two years. See 'Taliban in Texas for talks on gas pipeline' 4th December, 1997 http://news.bbc.co.uk/1/hi/world/west_asia/37021.stm. Accessed 16th April, 2010.

²⁵ Observed by the author in November 1999 in Peshawar and the Khyber agency.

the case between the cities of Quetta in Baluchistan province and Kandahar. Whereas previously, particularly during the Prime ministership of Muhammad Daoud, the government in Kabul continuously reiterated its position that Pakistan's then NWFP was an integral part of Afghanistan, now many in Pakistan considered Afghanistan to be part of its own strategic depth and firmly within its military and intelligence sphere of influence.²⁶ It is during this period that the infrastructure of Pakistan's KP and Baluchistan provinces became the *de facto* infrastructure for southern Afghanistan in terms of medical facilities, education, trade, food and commodity supply as well as in terms of physical infrastructure.²⁷

3.5.1 2001

This integration across the Durand Line became a serious challenge to Pakistan after the US led invasion of Afghanistan in October 2001. Following the attacks of September 11th, 2001 Pakistan embarked upon a policy of 'unstinting' co-operation²⁸ with the US, a decision that was strongly and widely opposed across Pakistan, particularly in KP and FATA.²⁹ The political orientation of FATA and KP, previously always on the periphery of Pakistan's political medium, now became more distinct and distant from the trajectory embarked upon by Islamabad. The reverberations of this contusion were felt across Pakistani society and within the military. The period between October and December 2001 saw a number of high-profile resignations and retirements of senior staff within the army, including the retirements of Lt. General Muzaffar Usmani (commander Karachi Corps) and Lt. General Mehmood Ahmed (Director General ISI). Further, speculation was rife in Rawalpindi that a *coup d'état* against Musharraf was imminent.³⁰ Despite strong opposition in society and from within the military to the extent of support pledged to the US, Musharraf took the unprecedented step in the summer of 2002 of gradually deploying the army into the autonomous FATA belt in support of US operations

²⁶ Interviews conducted at the Institute for Strategic Studies Islamabad with Foreign Office analysts in December 2000 revealed the majority accepted the concept of Afghanistan as the 'Strategic Depth' of Pakistan. The then director of the Institute, Ambassador Tanvir Ahmed Khan however, did not share this opinion.

²⁷ Interviews conducted at the Institute for Strategic Studies Islamabad with Foreign Office analysts in December 2000 revealed that the Pakistani government was constructing the communications infrastructure across Afghanistan for the Taliban regime. Numerous advisers on a host of technical issues were also assisting the regime.

²⁸ Musharraf declared "unstinting support" for the US in a broadcast widely covered by media outlets on 14th September 2001. See 'Analysis: Building a Coalition' 16th September, 2001; <http://news.bbc.co.uk/1/ji/world/americas/1546289.stm> . Accessed 17th April, 2010.

²⁹ This opposition manifested in an electoral victory for the Islamist opposition *Muttahida Majlis Ammal* (MMA) in provincial elections, and support for Sufi Muhammad's *jihad* expedition from FATA into Afghanistan to the amount of 10,000 fighters. See 'Pakistan: Timeline on Swat Valley turbulence' 11th February, 2009 <http://www.irinnews.org/Report.aspx?ReportId=82864> . Accessed 19th April, 2010.

³⁰ On 10th October, 2001 a fire broke out at GHQ Rawalpindi. Informed witnesses suggested to the author that it resulted from a failed attempt to seize GHQ by elements from within the military opposed to Musharraf.

across the border. Predictably, this step drew a strong reaction from the tribal militias across the tribal belt, particularly in the Mohmand agency where opposition to army deployment resulted in a series of battles in which the army eventually prevailed.³¹ Clans from within the Karlanri tribes of FATA had closely supported the Taliban regime, with the encouragement and assistance of the Pakistani military, and had offered refuge to fellow tribesmen who had been part of the Taliban regime and sought sanctuary in FATA after the fall of the Taliban was complete by December 2001 (Rashid 2008: 270). Particular among these tribes were the Waziri, Mehsud, Orakzai, and the Yusufzai tribes of northern FATA. Now the army had embarked upon a counter-policy, and was engaging in military action against the tribesmen. The impact upon the tribesmen of what they perceived as this betrayal by the army can easily be understated.

As US political and military pressure upon Pakistan to curtail the autonomy of these tribes increased, the tribes increasingly began to define their autonomy in opposition to the imposition of the military presence of the Pakistani military across the tribal belt. By 2004, the insurgency in FATA had extended to all tribal agencies. The Karlanri tribes found themselves engaged in an insurgency against a superior military force in the form of the Pakistani military operating from the south and east, while to the north and west lay the US led NATO forces against whom the Karlanri were assisting in the insurgency.³² Consistent with long-term trends, the FATA tribes found themselves once more besieged from north and south, forcing them to rely on geography, military prowess, and the tactical depth afforded by strong support from within the Ghilzai to the north and west of FATA in Afghanistan to overcome these challenges. Within this geographical core began the resurgence of borderland autonomy from the Pakistani state.

By 2006 the government of Pakistan had been forced to enter into a number of political agreements with tribal militias including conditions relating to the withdrawal of Pakistani forces from the concerned tribal agencies (Khan 2004: 64). Among the agencies in which such truces were concluded were South Waziristan and North Waziristan.³³ The subsequent draw-

³¹ By June 2003, Frontier Corps detachments had successfully subdued militancy in Mohmand, a situation that lasted over a year. See: 'Analysis: Pakistan's army in the tribal areas' 25th June, 2003; http://news.bbc.co.uk/1/hi/world/south_asia/3020552.stm. Accessed 24th January, 2011.

³² Kornstadt, Alan K. & Katzman, Kenneth *Islamist Militancy in the Pakistan-Afghanistan Border Region and US Policy* Congressional Research Service, November, 2008; http://assets.opencrs.com/rpts/RL34763_20081121.pdf . Accessed 25th January, 2011.

³³ Three 'cease fire' deals were arranged between the Pakistani military and the Taliban in the Waziristans. Firstly, in March 2004, Nek Muhammad Wazir of South Waziristan concluded a cease-fire with the military which lasted for 2 months until his death. A follow-up agreement was concluded between the military and Baitullah Mehsud which appeared to last through 2006. A third deal was

down of Pakistani forces from these agencies only increased US pressure upon Pakistan to comply with US strategic demands which required sustained Pakistani military pressure on the Waziristans specifically.³⁴ By the end of 2006, the US had begun to unilaterally strike targets of tactical value within the tribal belt with drone launched missiles.³⁵ One particular strike at Chenagai in Bajaur agency in October 2006 targeting a *madrassa* and resulting in the deaths of 80 students³⁶ precipitated a strong tribal response within the agency, further fuelling the tribal insurgency and galvanising cross-tribal support for emerging elements such as the Tehreek-e-Taliban Pakistan (TTP) and aligned militant groups.

Gaining in strength, these tribal militias, now amalgamating under the umbrella of the TTP, began to expand the areas under their influence until they were able to draw a following in all seven tribal agencies and through areas of northern KP populated by the Yusufzai.³⁷ By 2008, the militancy fuelled by these tribal lashkars had spread to the Swat Valley, Dir district and Buner. Support for the insurgency was also high in the adjacent districts of Mansehra and Kohistan.³⁸ Although the army has since reversed a significant amount of the gains made by insurgents in Swat, Buner, Dir and Shangla, resentment against the army continues to remain high in the area.³⁹

The Afghan borderland is thus the setting for an insurgency against the Pakistani state. This sense of siege on the part of tribesmen in the areas in which the army has launched major operations has served to further galvanise tribal identity in contrast and indeed in opposition

concluded between the military and militants in North Waziristan in September 2006. The ‘Red Mosque’ siege in August 2007 effectively terminated all deals between the Taliban and the Pakistani military.

³⁴Shahzad, Saleem ‘Pakistan: Hello Al-Qaeda, Goodbye America’ *Asia Times* September 8, 2006; http://www.atimes.com/atimes/South_Asia/HI08Df03.html . Accessed 26th January, 2011.

³⁵In January 2006, a US drone-launched missile struck a suspected al-Qaeda leader, killing 18 alleged civilians. See ‘US air raid outrages Pakistan press’ 18th January, 2006; http://news.bbc.co.uk/1/hi/world/south_asia/4623688.stm. Accessed 26th January, 2011. On October 29th 2006, a US drone attack killed at least 80 *madrassa* students. See: ‘Pakistan madrassas raid kills 80’ 30th October, 2006; http://news.bbc.co.uk/1/hi/world/south_asia/6097636.stm . Accessed 21st April, 2010. These were the highest profile US drone attacks to date, after which the frequency and lethality of such attacks increased.

³⁶See: ‘Rally condemns Pakistan air raid’; 31st October, 2006; http://news.bbc.co.uk/1/hi/world/south_asia/6101092.stm . Accessed 11th January, 2011.

³⁷For a detailed analysis of the spread of the militancy from FATA across KP see ‘Pakistan conflict map’ 13th May, 2009; http://news.bbc.co.uk/1/hi/world/south_asia/8047504.stm . Accessed 11th January, 2011.

³⁸See: ‘One Killed in Possible Suicide Blast’ 17th August, 2010; http://www.thenews.com.pk/top_story_detail.asp?id=21689 . Accessed 12th April, 2010.

³⁹Shahzad, Saleem ‘Pakistan wield a double-edged sword’ 18th July, 2009; http://www.atimes.com/atimes/South_Asia/KG18Df03.html . Accessed 9th January, 2011.

to the state, and specifically the leadership of the army.⁴⁰ Although the insurgency has not yet articulated the desire for an independent borderland area, the divergence in identity between the borderlanders and those who identify with the Pakistani state manifests a deep contrast that does not evidence any signs of amelioration in the current context.

3.6 The Ghilzai and the Karlanri as Strategic Factors

3.6.1 The Ghilzai

While the geographic reality of the Afghan borderland may have determined its role as a gateway from the sparse Central Asian highlands to the fertile plains of the Indian subcontinent, it is the inhabitants of the borderland that have transformed this gateway into an autonomous region lying beyond the writ of the polities existing on either side of the Suleiman Range. The structural nature of Pashtun tribalism, the autonomy of its constituent *zai*, and the martial predisposition of its clans, constitute a significant strategic reality. That reality is currently a major challenge to international efforts to stabilise the states of Afghanistan and Pakistan. The borderland thus represents the struggle between the state, with its internationally backed administrative and military capabilities, and tribal structures, driven by tribal ideology that is resistant to the imposition of state authority over tribal *zai*. Hence, as part of examining the strategic reality of the Afghan borderland historically and currently, this chapter will proceed to examine those elements of Pashtun tribal structures within the Afghan borderland that function as strategic drivers.

The dominant tribal structure along the northern and western front of the Afghan borderland in south-central and south-eastern Afghanistan is the Ghilzai tribal confederation. Estimates of Afghanistan's population vary and no reliable state organised census has been conducted for decades making it very difficult to suggest the population of the Ghilzai with any degree of accuracy. However, statistics compiled during the years of Soviet occupation suggest that the population of the Ghilzai is around one quarter of the entire population in Afghanistan.⁴¹ This would place the population of the Ghilzai tribal confederation at around 4.5 million. The Ghilzai dominate the Afghan provinces of Zabul, Ghazni, Uruzgan, Wardak, Paktya and are

⁴⁰ In an interview recorded on 6th October 2009, and broadcast on the Pakistani satellite channel ARY in January 2010, Hakimullah Mehsud, then leader of the TTP, stated the reason for his opposition to the Army was the acceding of the army to a US plan to dismember Pakistan. In the interview, Mehsud declared his defence of Pakistan but opposition to the army which had accepted a role as an extension of US policy.

⁴¹ This number is corroborated by the 2005 version of '*Ethnologue: Languages of the World*'. See Gordon, Raymond G., Jr. (ed.), *Ethnologue: Languages of the World*, Fifteenth edition., SIL International, Dallas 2005; available at <http://www.ethnologue.com/>. Accessed 12th April, 2010.

found in and around Kabul, Kandahar, as well as in Ghilzai settlements across northern and Western Afghanistan (Anderson 1979:14, 40-45).

As with the Karlanri tribes, the Ghilzai are organised on the basis of *kor*, *khel* and *qawm* (Anderson 1979:192). In addition to these structures of organisation, there two additional factors that introduce a spatial element to *kor*, *khel* and *qawm*. These are the *killi* and *zai*. Where the *kor* tends to be constituted of an immediate family including parents, spouse or spouses, siblings, the spouses of siblings, children, the children of siblings, and any grandchildren, the *killi* consists of a collection of *kor* of close patrilineal association in a given locality. A grouping of *killi* will thus tend to originate from the same genealogical branch and belong to the same *khel*. The size of a *khel* varies significantly and may be limited to part of a *killi* or may extend to include dozens of *killi*. The aggregate of the space inhabited by the *khel* is its *zai*, while the larger *zai* of a *qawm* may be referred to as an *atrap* (Anderson 1979: 192, 223).

This structured spatial arrangement has maintained genealogically based hierarchical structures of authority, manifest in the *khan*, *maliks* and the sanctity of the *jirga* (Anderson 1979: 192-200). Hence, from a social organisational perspective, the Ghilzai as a tribal society have evolved effective command and control structures making them well suited for martial enterprises (Alam 2008: vii-xi). Spread over a large and sparse terrain, the Ghilzai maintain a pastoral and nomadic tradition. The Ghilzai have historically resisted the domination of the Durrani over the Pashtun belt and have led a series of insurrections against Durrani authority over the previous two centuries (Dupree 1980: 418-419). The Durrani have in the past served as clients of the Safavid Persians, the Afsharid Persians and the British in *Pakhtunkhwa* and wider afield, thus periodically transcending the tribal role of being borderlanders by administrating and ruling polities to the north and west of the borderland. The Ghilzai, in contrast, have remained in a state of belligerence with any authority seeking to administer the wider *atrap* of the Ghilzai from without and thus, despite inhabiting territories that extend beyond the Suleiman range into central Afghanistan, are considered in this study to be borderlanders. This consideration is not solely on account of Ghilzai autonomy from and opposition to state authority. Indeed, the Soviet invasion of Afghanistan saw members of the Ghilzai rise to prominent positions within the Afghan state and military.⁴² Also, in the three decades since, prominent Ghilzai have remained in key positions both within the Afghan

⁴² M. Jamil Hanafi's entry in the *Encyclopedia Iranica* entitled 'Gilzi or Galzi' identifies the rise to prominence of the Ghilzai in post-Zahir Shah Afghanistan. See : M. Jamil Hanafi 'Gilzi or Galzi'; <http://www.iranica.com/newsite/articles/v10f6/v10f637.html> . Accessed 21st April, 2010.

government and in opposition to it. Rather, the consideration of the Ghilzai as borderlanders is largely based upon their adherence to the tribal structure of socio-spatial organisation which, as a sub-state and indeed pre-state phenomenon, endures largely in opposition to attempts by the state to eclipse it through conventional statist structures. It is in lieu of these observations, and due to the size of the Ghilzai as a tribe, that in the dynamic of the borderland the Ghilzai occupy a central position.

3.6.2 The Karlanri

The areas populated by the Ghilzai are contiguous with the areas populated by the Karlanri tribes which lie predominantly to the South and East of the Durand line in the FATA region of Pakistan. In aggregate, the size of the Karlanri tribes approaches over 5 million.⁴³ However, none of the constituent Karlanri tribes is considered among the larger Pashtun tribes on its own. Indeed, for genealogical classification purposes, the Karlanri are grouped together on account of the common genealogical origin from which many of their constituent clans are derived.⁴⁴ The fact that they occupy a swathe of topographically challenging territory that lies along the Durand Line and is nominally administered by Pakistan forms another commonality between them. While their autonomy is at the same time collective and disparate, it is the differences between them that are the determining attribute of the Karlanri. These tribes are characterised by a near perpetual condition of feuding and a high degree of militancy along tribal bases. Confrontations between the Waziri and Mehsud tribes in South and North Waziristan are perhaps among the most prolific among the Karlanri, often resulting in dozens of fatalities from each of the periodic violent engagements that these tribes engage in.⁴⁵

Each of the principal tribes from among the Karlanri functions autonomously within the *zai* which they inhabit, and have done so for centuries, although the tribesmen themselves identify with the tribe and clan and not with a fixed territory *per se*, stating “*Mung Apridai*” or “*Mizh Wazir*” when prompted to describe identity (Khan 2007: 17). The Karlanri have remained ardently opposed to the imposition of any state authority over their territories,

⁴³ Pakistan’s sixth national census, scheduled for 2008, has been delayed due to the emergent political situation in the country. 1998 figures suggest that the population of FATA was 5.7 million. See Rahimullah Yusufzai’s ‘Analysis: Pakistan’s Tribal Areas’ 14th December, 2001; http://www.news.bbc.co.uk/2/hi/south_asia/1711316.stm . Accessed 21st April 2010.

⁴⁴ The genealogical origin of the Karlanri tribes is addressed in Chapter 2 of this study. It is important to point out that a number of clans are attributed an external origin. The Orakzai tribe, according to oral tradition, is of Persian origin, as is the Urmar.

⁴⁵ In January 2008, the Mehsud and Waziri fought a protracted battle over the alleged trespass of a military convoy over Mehsud territory allegedly facilitated by the Waziri. This episode was extensively covered in the Pakistani press. See: ‘Mehsud-Wazir tension grows after power cut’ 17th January, 2008; http://www.dailytimes.com.pk/default.asp?page=2008/01/17/story_17-1-2008_pg7_33 . Accessed 23rd January, 2010.

whether revenue collection, conscription or administration (Khan 2007: 5), a characteristic very similar to that exhibited by the Ghilzai. This is one of a number of factors that has contributed to the development of strong links between the Ghilzai and the Karlanri tribes across the Durand Line. Another significant factor is that a number of Karlanri clans reside in territories spatially dominated by Ghilzai clans and vice versa. This is particularly observed in the South Waziristan agency, and the contiguous provinces of Paktia and Nangarhar, as well as in the Kurram valley.⁴⁶

Among the Ghilzai and Karlanri tribes there has developed a protocol of reciprocal assistance in times of conflict. Following the demarcation of the Durand line in 1893, the Pashtun belt shortly erupted into a pan-Pashtun insurgency ostensibly aimed at mitigating the border. Despite assurances from the Afghan Amir, Abdur Rahman, to the contrary, historical, military and intelligence sources suggest that the insurgency was supported in a significant manner by Ghilzai and other tribesmen, encouraged by the Afghan state, who were assisting their ethnic and tribal kin in their struggle against the foreign presence of the British military (Churchill 2002: 25). Although the treaty of Rawalpindi appeared to put an end to the claims of the Afghan government over the then NWFP, these were re-instigated with the emergence of the new states of Pakistan and India in 1947. On a number of occasions since then, particularly in the early 1960s, tribesmen from Nangarhar, Paktia and further afield have moved en masse into FATA to assist in uprisings against attempts by the Pakistani state to impose its writ over FATA (Dupree 1980: 539-540). Thus, the Karlanri tribes had the support of their Ghilzai neighbours, as well as that of the Karlanri present on the Afghan side of the border, increasing their military strength in countering the imposition of state authority over FATA.

Reciprocally, during the years of the Soviet occupation of Afghanistan, a mass migration of Ghilzai and other tribes moved between southern and eastern Afghanistan into FATA, where they took refuge from the Soviet occupation.⁴⁷ The Pakistani authorities and the US were particularly interested in cultivating strong support among these Ghilzai tribesmen against the pro-Soviet regime in Kabul that had been constituted largely from Ghilzai Marxists (Dreyfuss

⁴⁶ Taken from a map charting the spatial distribution of tribes along the Durand Line. Available at <http://www.khyber.org/images/maps/tribalallocations.jpg> . Accessed 6th February, 2010.

⁴⁷ Although refugees entering Pakistan came from all across Afghanistan, the geographic proximity of the Ghilzai areas with the Durand Line, along with the fact that in the last few years of the insurgency much of the fighting occurred around Khost and Paktiya, determined that many of the refugees were Ghilzai. A significant number remained in FATA among related clans. Afghan refugees made up 25% of FATA's population by 1989. For a full assessment of the Afghan refugee presence in FATA see: Syed Minhajul Hassan 'The Impact of Afghan Crisis on Federally Administered Tribal Areas of Pakistan' in *Federally Administered Tribal Areas of Pakistan* Area Study Centre, Peshawar, December 2004, pp. 131-38.

2005: 262,268). Prominent leaders from among the Afghan resistance were accommodated at Peshawar in then NWFP which came to function as the headquarters of the resistance against the Soviet occupation of Afghanistan, co-ordinated from the *Maktab al Khidamaat* (office of services).⁴⁸ In Peshawar, resistance groups recruited largely from both the Afghan refugees that had resettled en masse in FATA and NWFP, and also from Karlanri tribal fighters. The effect upon tribal dynamics of these developments was to further galvanise the relationships between the Karlanri tribes and the Ghilzai in Afghanistan.

When the Taliban emerged from Kandahar via Quetta to harness pan-Pashtun sentiment across the Pashtun belt, the militia relied heavily upon support for its cause from among the Pashtuns who had come from the tribal areas of Pakistan as well as those who had been recruited in Pakistan, but were originally either Ghilzai or Durrani now studying in madrassas in Pakistan (Rashid 2001: 31-33). Through this process of recruitment the Taliban militia was able to form a Ghilzai-Karlanri organisation that developed into a pan-Pashtun organisation, a feature that was reflected in its 10 men *Rahbari shura* (Giustozzi 2007: 47, Rashid 2001: 98). This pan-Pashtun phenomenon saw the successful expansion of the domain controlled by the Taliban until it included most of Afghanistan, short of the Panjsher Valley which remained a Tajik strong hold.

3.7 Conclusion

The postcolonial state in Asia has been built over indigenous substructures which are in turn a function of primary geographic, ethno-linguistic and tribal realities. Prior to colonialism, under Ottoman and Qajar transnational authority, these substructures were the basis of *de jure* or *de facto* administrative and executive configurations. The territorial contours and institutional arrangement of the subsequent postcolonial state however, have created incongruities between it and these underlying substructures over which it is imposed. The postcolonial state seeks to suppress, reform or accommodate these substructures into the state enterprise.

The geographic, ethno-linguistic and tribal reality of the Afghan borderland has functioned to prevent its assimilation with the Pakistani and Afghan states. This physical reality of the borderland is the setting of, and a formative contributant to, the psycho-social reality of the borderlanders which includes the clearly defined segmentary, patrilineal structures of

⁴⁸ The *Maktab al Khidamaat* (MAK) or 'office of services' functioned in Peshawar from the early 1980s until the assassination of its founder Abdullah Azzam in 1989. Although senior CIA officials state that the agency did not create or run the office, informed sources suggest that the CIA facilitated the financing and recruitment which the *maktab* carried out. See (Scheuer 2002: 41).

organisation that are the Pashtun tribes; the ideational framework of *pashtunwali* and its ubiquitous and demanding edicts; the autonomy of the *zai*; and the reliance on tribal *jirgas* for adjudication and decision making. The combination of these physical and psycho-social factors results in an enduring borderland identity amongst the Pashtun tribes that precedes the postcolonial state, and forms an underlying substructure that has manifest itself in the Hotaki, Qajar, Durrani and Mughal polities that have existed at various periods around the Afghan borderland over the last millennium.

Hence, the Afghan borderland has not been created by the imposition of the postcolonial states of Pakistan and Afghanistan. Rather, the Afghan borderland is an enduring product of primary physical and psycho-social elements that have been shaped by successive waves of migration and invasion across the borderland and the larger historical domain of *Pakhtunkhwa*, the main processes of which are recorded in an historiography dating back over a millennium.

For periods of its history the Afghan borderland has been subsumed by a single, trans-borderland polity as in the cases of Gandhara between the first and fifth centuries C.E., the Ghaznavids in the twelfth century C.E., and in the example of the Durrani state in the eighteenth and nineteenth centuries C.E.. Outside these periods however, the Afghan borderland has retained its autonomy and its role as a strategic buffer between polities established on the plains of India and those established in the central highlands of present-day Afghanistan.

This geo-political constant was formalised in the resolution to the strategic contest between Britain and Russia through the nineteenth century, as the contours of the state of Afghanistan which emerged as a strategic buffer between the Asian domains of the two European powers. These contours were primarily strategic considerations largely disregarding the socio-political Pashtun substructure across the borderland and the wider *Pakhtunkhwa* region resulting in the demarcation of the Durand Line through Karlanri and Ghilzai territory.

The withdrawal of the British from India and the creation of Pakistan introduced the Afghan borderland to a new strategic formulation shaped by the Eisenhower doctrine. Strategic competition between the USSR and the US saw the United States attempt to encircle and limit the expansion of the Soviet Union beyond Central Asia, culminating in the US assisted reversal of the Soviet occupation of Afghanistan by 1989.

The withdrawal of Soviet forces left the Afghan state and the borderland, which had been transformed to a strategic support point for the anti-Soviet *mujahideen*, in the condition of political vacuum. This vacuum has seen resurgence in the primacy of tribal authority, power, and legitimacy in the borderland which now constitutes the central challenge faced by Pakistan and Afghanistan in attempts to diminish and assimilate the borderland.

4 Borderless Borderland

4.1 Introduction

The literature on borderlands explores interdependencies between communities in contiguous sovereign states which can erode the exclusivity of the role of the state as the determinant of identity, and in cases where the state faces a crisis of legitimacy, the exclusivity of authority, power and legitimacy enjoyed by the state. Cross-border interdependencies generate elements of identity characterised by degrees of exclusion or autonomy from the state, often precipitated by the structure of economic flows in cross-border interdependent communities. This is particularly the case where state policy diverges from economic and social interests as perceived by the cross-border community.

Such an analysis is contingent upon the international border functioning as a barrier to unrestricted movement between contiguous communities in neighbouring states. The borderland, in such analyses, emerges as territorial zone around the border, its expanse varying considerably from case to case, in which communities are impacted by the structure of cross-border flows, both regulated and unregulated.

This perspective reflects the conventional treatment of borderlands in a European context offered by Wilson, O'Dowd and Anderson (2003) where borderlands are analysed as emerging as a function of international borders and the state. In the context of Asia, however, the challenge of borderlands takes on a more compound characteristic. Postcolonial states erected over primary, underlying substructures experience crises arising from incongruities between the contours of the postcolonial state, and of these underlying substructures. Borders between postcolonial states reflect the imposition of international boundaries across territory and populations identifying with enduring pre-state substructures arising from ethno-linguistic identity, tribal identity, spatial identity and/or ideational identity. This brings the border, and the state which it delimits, into direct competition with these pre-state forms of identity and, in cases, polity. Hence, in Asia, borderlands represent competition between enduring pre-state identities and polities carried by populations as psycho-social phenomena, and identities and polities created and enforced by the postcolonial process.

Pakhtunkhwa is a territorial substructure underlying significant parts of the states of Pakistan and Afghanistan. Within *Pakhtunkhwa*, the Afghan borderland is the territory of primarily the Karlanri and Ghilzai tribes, organised into tribal polities that generate the borderland's

autonomy from the state. The characteristics of the Afghan borderland, as they relate to identity, autonomy, tribal polity, economic flows, social structures and the diminishing role of the state, result not so much from the impact of the Durand Line as an international boundary running between and through tribes that are patrilineally and territorially related, as they do from the competition between the autonomous tribes concentrated in and around FATA, and the Pakistani state. Indeed, this study considers the Durand Line as a non-border with negligible effect in separating the populations on either side of it.

This chapter quantifies the nature and scale of cross-border inter-tribal dynamics. The chapter explores the impact of the Durand Line on identity among the Pashtuns, its physical geography and ethnography, jirga as an inter-tribal and cross border political process, the structure of cross-border economic flows, and patterns of cross-border social interdependencies looking at patterns of cross-border marriage. Through this, the chapter constructs an understanding of the dynamics of inter-tribal cross-border interaction as a manifestation of the organic elements of the substructure of *Pakhtunkhwa*, and in doing so identifies driving factors behind tribal autonomy and its re-ascendancy through competition with the postcolonial state.

4.2 The Durand Line and Identity

Within the field of International relations, identity is a multi-dimensional phenomenon. This is evident in Asia, where the postcolonial state competes with pre-colonial substructures for legitimacy, authority and identity. The Afghan borderland represents the complex of identity in Asia, through competition in the borderland between sub-state, tribally based identities and identity associated with the states of Pakistan and Afghanistan. This identity complex is manifest, for example, in the continued insistence on tribal identity and autonomy amongst the Afridi of Khyber who, at the same time, insist they are part of Pakistan.¹ The fact that Pakistan supplies intermittent electricity free of charge to the Khyber Agency undoubtedly influences the tribesmen's declaration of *Pakistaniat*,² but this *Pakistaniat* amongst the Afridi appears relative to the degree of affiliation with the Afghan state, which happens to be an even more distant source of identity among the Afridi at the eastern mouth of the Khyber pass than at the western, where *Pakistaniat* is far reduced. This study finds that within the larger identity of Pashtun, there are a multitude of identities which are a function of tribe, *zai* and

¹ Discussions of the author with unnamed Afridi tribesmen on 16th, 24th August 2008, in the vicinity of the eastern opening of the Khyber Pass. The security conditions were not conducive to the conduct of a formal interview.

² An Urdu expression where the suffix *iat* connotes the degree of the condition of the phenomenon preceding the suffix. Common iterations in Urdu discourse include *Islamiat*, *Kashmiriat*, *Pakistaniat*.

geography. *Pashtunwali* functions as an important source of identity for tribesmen, as does the geography of the borderland and its historical role as a northern delimiter on the extent of influence of successive polities arising in the Indus Valley. The topography of the borderland and nature of its potent tribalism continue to be the principal determinants of identity in the borderland, and significant contributors to its political and military autonomy, and the character of economic flows across it.³

4.2.1 The borderland and identity

With non-static parameters, the Afghan borderland is a political condition arising within the geographical context of the Suleiman Range and the surrounding territories. The borderland's most salient characteristic is its enduring autonomy from polities adjoining it, a condition significantly afforded by the nature of the physical terrain within which the borderland lies which, for centuries, has constituted a prohibitive obstacle to invading armies. The political condition of the borderland is not exclusively a result of its geography, although the geography is a principal component of it. Rather, the political condition arises from the human experience within this geographic context. The human experience manifests in the individual and collective behaviour of the borderlanders, which itself is determined by their psycho-social orientation. Tribal Pashtun conceptions of the collective *atrap* as a borderland which are founded on the ideational framework of *pashtunwali* constitute the underlying construct of the psycho-social reality of the borderlanders. This reality has been reinforced through centuries of existence as borderlanders and forms the basis of the pre-state and now sub-state conceptual schema of identity that characterises the inhabitants of the Afghan borderland.

It has been suggested that the psycho-social condition of the borderlanders is itself a result of the physical geography of the borderland (Khan 2008: 3), where competition over sparse resources has led to the development of acute martial qualities among tribes, both organisationally and culturally. However, arriving at a judgement on the causal relationship between the physical environment and the psycho-social condition of its population is outside the scope of this study. This study proceeds upon the understanding that the political condition that is the borderland is resultant from both geography and the psycho-social orientation of the borderlanders. As such, tribal Pashtun perceptions of identity within the context of the borderland constitute a significant driving factor of the borderland dynamic.

³ The Afghan Transit Trade and the legally marginalised economy emergent around it are treated extensively in this chapter.

This understanding can be expanded to an exploration of the multi-dimensional concept of identity. Among the multiple contributors to the formation of identity is territoriality, and more specifically the physical nature of the territory within which a specific community resides. Mountain dwellers in harsh and sparse environments will invariably evolve a lifestyle that varies from that among pastoral communities in fertile areas. Hence, in the Afghan borderland there is a variance in identity between the pastoral communities of Swat and Mansehra, and those communities in the arid and rugged mountains of South Waziristan. Both communities adhere to *pashtunwali* and consider themselves part of the larger Pashtun genealogical family, but each has evolved specific communal traits reflecting the lifestyle that is shaped by the physical environment of each. Hence, the inhabitants of Swat and Mansehra exhibit territoriality on a *kor* scale due to the centrality of agricultural land in the economic life of the community.⁴ The Wazir, in contrast, have developed a culture of opportunistic raiding and clan-based militancy given the scarcity of agricultural land.⁵ Territoriality among the Wazir is experienced on the level of *khel* and *qawm*, while the *kor* derives its status not from its own capacity to generate economic activity, but from the manpower and material strength it can provide to the *khel*.⁶ Thus it is established that within the borderland, there is a variance in identity among borderlanders derived, to a significant degree, from variation in the physical environment across the borderland. There are, however, important similarities in identity among borderlanders.

The Afghan borderland occurs within a tribally differentiated, ethno-linguistic domain, the foundation of which is the Pashtun genealogical *shajara* and the normative precepts of *pashtunwali*. The territorialisation of this identity has historically taken the form of *Pakhtunkhwa*, a region that encompasses the Afghan borderland and a larger surrounding area reaching into Afghanistan and Pakistan that includes KP, western Baluchistan, Helmand, Kandahar, Zabul, Ghazni, Uruzgan, Logar, Nangarhar, Paktiya (including Khost and Paktika).⁷ The Pashto language, *pashtunwali*, the Pashtun *shajara* and the territorialisation of these facets of identity contribute to the formation of a Pashtun identity which the inhabitants of

⁴ Frederick Barth (1959: 44-46) treats the impact of ownership of agricultural land upon Swat Pashtuns, including the Swati Wesh system.

⁵ 'Tribes and Castes in Bannu' *Gazetteer of the Bannu District, 1887*. <http://www.khyber.org/publications/031-035/tribescastesinbannu.shtm#Waziris> . Accessed 8th January, 2011.

⁶ Interview with NCO-A, upper Pakhli KP 3rd September, 2008.

⁷ Khost and Paktika are administrative provinces, formed in 2004 from the province of Paktiya as part of an administrative reconfiguration. Paktiya province continues to exist as a smaller province. Appendix IX shows a rendition of the territorial extent of *Pakhtunkhwa*.

the borderland and the larger surrounding areas of *Pakhtunkhwa* manifest, albeit to varying degrees.

In contrast, the borderland identity is not synonymous with the identity of Pashtun or of *Pakhtunkhwa*. The presence and exclusive authority of the states of Afghanistan and Pakistan is evident in significant parts of *Pakhtunkhwa*. Inhabitants of Kabul, Peshawar, Charsadda, Mardan and Mansehra have historically manifested the identities associated with the states in which each of these cities is located. In contrast, the borderland identity manifests autonomy from both states. The territorialisation of this identity largely corresponds with FATA and the contiguous areas of Afghanistan. These areas derive their autonomy from being able to sustain trans-border familial, economic, military and tribal links contrary to the attempts by the Pakistani state to enforce the border, an enterprise now pursued only nominally by the Pakistani government.

4.2.2 Pashtun perceptions of the Durand Line

Perceptions of the Durand Line constitute an important theme in Pashtun written culture and oral tradition. Judgements of its validity or lack thereof, inform debates over identity, authority and loyalty across the Pashtun belt. Treatment of the historical experience of the Durand Line in Pashtun culture illustrates a number of themes within the Pashtun identity, and more specifically of the borderlander identity within the larger identity of Pashtun. The ability of the FATA tribes to continue to cross the border as needed reinforces their identity as borderlanders, while the sequence of migrations across the border, largely from Afghanistan into FATA and KP in times of escalating violence in Afghanistan, and the associated cross-border flow of trade and goods, reinforces a trans-border and pan-Pashtun identity among borderlanders, which can contrast with identity associated with the state within the larger identity of Pashtun.

Within Pashtun perceptions of the Durand Line, there are elements upon which judgements are largely uniform, and aspects over which there is a marked variance. Regarding the actuality of the Durand Line, in so far as its effectiveness as a barrier separating the Pashtun populations of Pakistan and Afghanistan is concerned, judgements across the borderland and across *Pakhtunkhwa* are widely uniform over the fact that the Durand Line is largely ineffective as a barrier separating the Pashtun populations on either side of the border.⁸ This

⁸ Field work in KP and FATA in 2000-2002 and July-September 2008 revealed, through a wide range of interviews, observations and dialogue, the practically unanimous judgement that the Durand Line was ineffective as a barrier separating the population of Pakistan from Afghanistan. Observations made

widespread judgement is derived from a number of principal factors including the physical geography of the border region, the ethnographic and economic realities of the populations that live along it, the reality of the tribal institution of the *jirga* which is practiced across the border, and by the political realities on the level of state and province that indeed both reflect and contribute to perpetuating the status quo of the non-border.

However, in answer to the question of whether or not the border should exist, there is a marked difference of views. The position of the Afghan state and the intelligentsia in Afghanistan has historically revolved around the position that the border of *Pakhtunkhwa* should fall between the Pashtuns, including all of the Pashtuns of KP, and the other ethnicities which comprise Pakistan.⁹ This notion of greater *Pakhtunkhwa* includes the Pashtun cultural and historical centres of Charsadda, Swabi, Swat and other areas lying on the east bank of the Indus River within Pakistan's KP. For this group of people, the Durand Line as a border is unacceptable. Various alternative boundaries have been suggested by proponents of this view, including the Indus River, KP's boundary with Punjab province, and even KP's Punjab boundary along with Baluchistan's Punjab boundary.¹⁰

The counter-opinion, most commonly found among Pashtuns within the Pakistani administration as well as among the intelligentsia in Pakistan, is that the border is a political and strategic necessity, the legitimacy of which has been established through international law and international conventions.¹¹ Proponents of this perspective also cite the fact that Afghanistan is an ethnically heterogeneous state and as such does not represent the political aspirations of the Pashtuns. Pakistan's KP province remains, according to this perspective, the historical and cultural centre of the Pashtuns, containing the political and cultural centres of

by the author in both periods, revealed the extent of cross border movement through the main crossing points, reinforcing the validity of this judgement. This judgement is not countered in any academic publication.

⁹ For example, after coming to power in 1973, Daoud sent a letter to UN Sec. Gen. Kurt Waldheim informing him that Afghanistan did not consider interference in NWFP and Baluchistan as meddling in the affairs of a sovereign state as those provinces belonged to Afghanistan (Marwat 1991: 67).

¹⁰ Pashtun nationalists generally fall into three categories: Those who seek FATA and KP integrated into a greater Afghanistan; those who seek an independent *Pashtunistan* carved out of Afghanistan and Pakistan; those who had sought autonomy for the former NWFP within the Pakistani Federation, changing the name of NWFP to '*Pakhtunkhwa*'. The government of Afghanistan has historically affiliated itself with the first group while the third group, largely represented by the ANP, is the main political force behind the name change from NWFP to KP in April 2010. The independent *Pashtunistan* movement reached a peak in activity prior to the Soviet invasion of Afghanistan and is widely considered to have been a proxy for Soviet intervention in Pakistan.

¹¹ The position of Pakistan on the legitimacy of the border is derived from article 11 of the Vienna Convention on Succession of States in Respect of Treaties. Article 11 determines that successor states be bound by international borders agreed to by treaty. See *The Durand Line Border Agreement 1893*, Area Study Centre, University of Peshawar, 2005 pp. 10, 20,21.

Peshawar, Swat, Swabi and Charsadda. This perspective has been the driving force behind a number of attempts to rename Pakistan's former NWFP with a name reflecting its centrality to the Pashtun identity. During the 1980's, the name *Pakhtunkhwa* was raised as an alternative to NWFP, but rejected by then President Zia-ul-Haq on account of its being perceived as nationalist and secessionist by the Punjab-dominated military.¹² After joining the government in the summer of 2008 as a coalition partner, the nationalist ANP proposed a name change from NWFP to *Pakhtunkhwa*. As a member of the PPP led government, the ANP demand carried much more political weight than previous attempts at a name change and on 15th April, 2010 the Zardari government ratified an amendment to the Pakistani constitution instituting the name change.¹³ NWFP became *Khyber-Pakhtunkhwa*, an idiom indicating the province was not a new rendition of historical *Pakhtunkhwa*, but referred instead to the territory of *Pakhtunkhwa* historically associated with Khyber, including the Peshawar valley and the surrounding areas.

Identity remains a compound phenomenon across *Pakhtunkhwa*. Within the larger identity of Pashtun, there are often conflicting identities associated with tribes, territory, environment, and the Pakistani and Afghan states. Amid this variance, there is a clearly perceptible identity of Pashtun which constitutes the foundation of the substructure of *Pakhtunkhwa*. Within the larger identity of Pashtun, there is a clearly discernable identity among borderlanders. This borderland identity results from the dynamics of cross-border movements in the areas of economic flows, *jirga* and tribal politics and militancy, and social interdependencies and marriage. It is also a product of the geography and ethnography of the borderland, which constitute significant challenges to the state in asserting its authority upon the borderland.

4.3 The Physical Geography and Ethnography of the Durand Line

4.3.1 Physical geography

The tribes of the Afghan borderland demonstrate organisation, territorialisation, militancy and ideational vitality, factors which are the basis of a resurgence of tribal autonomy in the borderland. However, these factors alone are not in themselves the chief causes for the lack of success of the state in mitigating tribal autonomy and authority in the borderland. The geography and topography, within which this tribal dynamic unfolds, determine that the

¹² Taizai, Sher Zaman 'A Matter of Identity' (unpublished) 2003;
<http://www.khyber.org/articles/2003/MatterofIdentity.shtml> Accessed 5th January, 2011.

¹³ 'NWFP officially renamed as Khyber-Pakhtunkhwa' 15th April, 2010;
<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/07-senate-begins-voting-on-18th-amendment-ha-02> . Accessed 9th January 2011.

effective imposition of the Durand Line as an international border will constitute a considerable challenge to the state and its partners indefinitely, as will the surrounding borderland that extends across the same environment.

The physical geography of the border traverses some of the most severe features in the region. From its northern origin where the boundaries of China, Pakistan and Afghanistan meet in Pamir Range, the first 250 KM of the Durand Line forms the southern boundary of the Wakhan corridor, traversing the Pamir Range where some peaks reach a height of 20,000 ft.¹⁴ By Dir, a further 150 KM south, the mountains have reduced in height to closer to 10,000 ft, and are thickly forested with conifers, with an increasing population concentration. As the line reaches the northern agencies of FATA, the mountains along its path reduce further in height to around 4000 ft, but are increasingly rugged and arid.¹⁵ This remains the dominant feature for the next 400 KM until the Waziristans, where again the height of the mountains increases as does the aridity and ruggedness of the terrain to where, by South Waziristan, the border reaches the heart of the Suleiman range, a particularly arid and rugged mountain range given to temperature and topographical extremes. Consequently, the physical geography through which the Durand Line is drawn has been a prohibitive factor to the efforts of both Pakistan and Afghanistan to control movement across the border, and constitutes a very significant obstacle to the effectiveness of military operations.¹⁶

Historically, northern invading armies have crossed this mountainous barrier into the Indus Valley through the Khyber Pass in the north and the Bolan Pass in the south (Caroe 1958: 48-52). The Khyber Pass today lies along Highway N5, and transects the Durand Line at Torkham, a major border crossing point on the route from Peshawar to Jalalabad. The main route through the Bolan Pass is Highway N25, linking Quetta with Kandahar. The Chamman crossing point lies on this route, just south of Spin Boldak in Afghanistan. These border crossings are traversed by a near constant flow of civilian traffic largely composed of passenger cars, buses, coaches as well as trucks transporting the immense variety of goods that is the Afghan Transit Trade.¹⁷

¹⁴ The distances and elevations are taken from the 1993 'Survey of Pakistan' produced in map form by the Survey of Pakistan, Rawalpindi, Punjab under the direction of Major General Jamil Ur Rahman Afridi, Surveyor General of Pakistan.

¹⁵ Physical observations conducted by the author along the tribal belt in August 2008 included a low altitude aerial survey of the Peshawar Valley and Khyber Pass.

¹⁶ Firoz Khan Afridi 'Pakistan Intelligence Officials believe Bin Laden Moving in Rugged Border Terrain' 1st October, 2005; <http://intellibriefs.blogspot.com/2005/10/pakistan-intelligence-officials.html> . Accessed 9th April 2010. This is an often repeated observation among NATO military officials.

¹⁷ Observations made by the author between Nov-Dec. 2000, Jan 2002, and July-Sept. 2008.

The crossing points are manned on each side by border authorities. However, the *de facto* procedure of crossing the border is that any checking for documents is partial, largely unobtrusive and superficial.¹⁸ Travel documents, while required officially by both governments, are as a matter of fact not required to cross the border. Approximately 1.2% of travellers crossing the border were stopped, asked for identification and recorded on a given day in November 2008.¹⁹ These individuals were predominantly of Hazara origin.²⁰ A number of these reported successfully crossing the border with no form of identification. Pashtun travellers are almost exclusively not checked for documentation.²¹ An identity card from either state, or a confirmation of refugee status by the UNHCR in the form of an identification card to that effect suffice as documents establishing the identity of the traveller.²² These are easily available at the various *kar khano* markets surrounding Peshawar and in various bazaars in the city.²³ Alternatively, a signed document from the local police station in Pakistan attesting the identity of the traveller suffices. Hindrance to the crossing of the border, where it arises, usually results from the interference of corrupt elements of the state authorities.²⁴ Both Afghan and Pakistani authorities are notorious for this, and intimidation in order to extract a bribe is widely anticipated as a norm among travellers. The lack of any rigorous control procedure is only eclipsed by the occasional absence of control procedures altogether, where cross-border traffic is not interrupted at all for the verification of travel documents.²⁵

A major factor contributing to the relatively unobtrusive border control procedures is the existence of hundreds of routes in the form of unpaved roads, trails and passes that lead across the border. Raverty (1867: vii), while serving with British forces in Afghanistan, placed the number of passes through the Suleiman range (before the demarcation of the border) at over 1700. This number has since only increased with the emergence of villages and small towns in proximity to the border, and the desire by smugglers to continually seek out

¹⁸ Interview with Muhammad Shakeel, University of Peshawar, 16th August 2008. Confirmed through observation by the author through August 2008.

¹⁹ *Study on Cross-Border Population Movements Between Afghanistan and Pakistan* UNHCR and Altain Consulting, Kabul, June 2009, p.20.

²⁰ *Ibid.* p.5

²¹ *Study on Cross-Border Population Movements Between Afghanistan and Pakistan* UNHCR and Altain Consulting, Kabul, June 2009, p. 5.

²² Interview held in Saddar, Peshawar with Muhammad Tariq, former regional manager for KP and southern Afghanistan for a major private goods distributor, 24th August, 2008.

²³ Observed by the author in Peshawar, January-March 2000, November-December 2000, January 2002.

²⁴ *Study on Cross-Border Population Movements Between Afghanistan and Pakistan* UNHCR and Altain Consulting, Kabul, June 2009 p.21.

²⁵ *Ibid.*

previously unknown routes. These routes often pass through territory under dispute between tribes, while others remain the exclusive preserve of certain tribes. For example, the Afridi remain the patriarchs of the corollary routes that pass through the Khyber agency,²⁶ while the Utmanzai Wazir remain the dominant force around the routes linking South Waziristan with Pakiya province in Afghanistan.²⁷

Routes across the border that connect minor roads on both sides number in the dozens, linking towns and major villages that lie in proximity to the border. The greatest concentrations of cross border-roads are found in the Kurram Agency, connecting the agency with Afghanistan's Nangarhar province to the north and Pakiya province to the southwest, linking the strategically important towns of Parachinar in Kurram and Khost.²⁸ North and South Waziristan are comparably interlinked with Pakiya, Paktika and Khost through a network of smaller roads. These roads are occasionally manned by military check-posts, which sometimes carry out obtrusive searches. By and large, however, transit through this road network is unimpeded.²⁹

Beyond this there is the reality that communities, and in some case families, find their homes, schools, businesses and mosques on different sides of the Durand Line. In Goshta, Nangarhar there is a well known situation where a father and son live on different sides of the Durand Line, and traverse it numerous times daily in common social interaction.³⁰ This is worthy of note because between Khyber and Nangarhar, the border is relatively perceptible due to the visibility of border control personnel and markers. This is in contrast to the situation along most of its length where the precise location of the border cannot be determined without reference to satellite assisted technology, a fact reflected in the observation that few borderlanders actually know the precise location of the border.³¹ This has resulted in, for example, schools and madrassas being attended by students from across the border. In some cases residential compounds find themselves divided by the border where the residential structure is divided from animal sheds or seeded land by the border.³²

²⁶ Interview with Muhammad Khan Afridi of Khyber agency, 23rd August, 2008

²⁷ Interview with NCO-A, upper Pakhli, KP, 3rd September, 2008.

²⁸ 'Survey of Pakistan' Map, *Survey of Pakistan*, Rawalpindi, 1993.

²⁹ Interview with NCO-A, upper Pakhli, KP, 3rd September, 2008.

³⁰ *Study on Cross-Border Population Movements Between Afghanistan and Pakistan* UNHCR and Altain Consulting, Kabul, June 2009 p.13.

³¹ *Ibid.* p. 5.

³² Interview with Muhammad Tariq, Peshawar, 24th August, 2008.

4.3.2 Ethnography

The ethnographic reality of the 'Zero Line' as the Durand Line is also known, is that it borders certain ethnic groups and divides others. At its northern stretch along the Pamir Range, the line runs through a sparse ethnic Tajik population residing in Wakhan and Gilgit. The Wakhan corridor, which separates Pakistan's Gilgit-Baltistan from Tajikistan by as little as 23 KM at some points, functions as a strategic buffer and indeed was designed as such by the Durand commission (Sykes 1926: 213). However, as Magnus and Nagy (1998: 84) point out, the cross-border cultural and economic links between Wakhan and Gilgit-Baltistan are strong, despite the extreme environment.

Forming the eastern boundary of Afghanistan's Tajik dominated Badakhshan province, the line then reaches the Nuristani areas of Kunar province, approximately 250 KM from its point of origin. Here the line divides the western Nuristani population, concentrated in Afghanistan's Kunar province, and the Kalash people of Pakistan's Chitral agency who are also a Nuristani race (Dupree 1980: 12-19). Whereas the centre of the Nuristani population is concentrated west of the Peeh River, Nuristani settlements can be found reaching up to the border area. The Kalash however, are largely confined to Pakistan's Chitral agency (Ali and Rehman 2001: 154-58).

For the next 1000 KM, the line bisects the tribal Pashtun population who inhabit southern Afghanistan and northwest Pakistan. The tribes present on both sides of the border function as largely autonomous centres of political and military authority, yet are closely linked through the reality that their status of autonomy is a commonly held virtue that, if compromised on by one tribe or region within the tribal belt on either side of the border, can compromise autonomy across the entire tribal belt. Hence, tribes have a common interest in the autonomy of all tribes, even though at any given time each maybe in a state of belligerence with one or more of the others.

An aspect arising from the autonomous nature of these tribes is that they regard the sovereignty of the Pakistani and Afghan states in a relative context. While both states do exercise limited authority over the tribes present on the respective side of the border of each,³³ neither has been able to decisively establish the writ of authority of the state over the

³³ The Pakistani government appoints a Political Agent for each of the seven tribal agencies who holds nominal authority over the agency and is responsible for the implementation of the Frontier Crimes Regulation (FCR) under which clans have the authority to enact judicial judgements in accordance with *jirga* and *pashtunwali* edicts (Ali and Rahman 2001: 52-55).

tribes on their respective side. As such, the tribes divided by the border maintain their tribal relationships largely disregarding the border. The tribes populating the six tribal agencies (excluding the Orakzai agency which is separated from the border by the Kurram agency) that lie along the border continue their close associations, trade and movements among related tribes in Afghanistan across the line largely unhindered.³⁴

Where clans are bisected by the Durand Line, the frequency of cross-border linkages among households divided by the line is found to be higher than in other areas, as is to be expected. However, there are also ideational and political drivers of cross-border movements. In Mohmand and South Waziristan, for example, the Durand Line isn't acknowledged at all, neither as an existential nor practical political factor. Indeed, in Mohmand the Durand Line remains un-demarcated.³⁵ Hence, in the perception of the tribal Pashtuns in Mohmand and South Waziristan, cross-border movement isn't considered cross-border by these tribes because the border doesn't exist in their *zai*.³⁶ This is a distinct proposition from crossing the border unimpeded, as it reflects an ideationally based rejection of the authority of the Pakistani and Afghan states to demarcate a border through the tribal *zai*, a manifestation of the degree of autonomy which the tribes within these agencies claim.³⁷

A further aspect of the ethnographic reality of borderlanders that challenges the effectiveness of the Durand Line as a border is the migratory style of the Kuchi or Powindah tribes. The Powindah are a cultural icon among the tribal Pashtuns and embody, within the Pashtun psyche, the sense of freedom and self-reliance that Pashtuns aspire to.³⁸ These tribes migrate seasonally every winter from south and central Afghanistan to the Gomal River Valley in the South Waziristan Agency in FATA and Tank districts in KP, where they remain until the spring. Here the Pakistani government has designated land on which they graze their livestock. Akbar Ahmed (1982: 171-182) points out that, in the case of these Powindah, largely from the Suleiman Khel of the Ghilzai and the Dotani of the Lodhi, their migratory patterns and lifestyle

³⁴ Interview with Dr. Azmat Hayat Khan, Director, Area Study Centre, Peshawar University, 5th August 2008.

³⁵ Interview with Dr. Azmat Hayat Khan, Director, Area Study Centre, Peshawar University, 5th August 2008.

³⁶ Interview with NCO-A upper Pakhli, KP, 3rd September, 2008.

³⁷ Interview with Dr. Azmat Hayat Khan, Director, Area Study Centre, Peshawar University, 5th August 2008. Also, the non-acknowledgement of the border by the Mohmand reinforces the absolute authority the Mohmand have over the agency, and of specific clans over their respective *zai* on both sides of the border.

³⁸ An often narrated Pashto oral idiom likens to the Powindah to a soaring bird, where a sedentary lifestyle clips the wings of the bird.

are maintained as a deliberate political decision wherein they seek to maintain a lifestyle independent from the confines of and obligations to either the Pakistani or Afghan state. Hence, the Powindah trans-border lifestyle is described as determined not solely by ecology, but increasingly by ideology, and by political cognizance (Ahmed 1982: 174). The numbers of Powindah who actually migrate seasonally are gradually decreasing as families increasingly adopt a sedentary lifestyle, establishing homesteads along the Gomal River valley with the permission of the Utmanzai Wazirs and the Ahmedzai in South Waziristan. However, the numbers of migratory Powindah remain significant. Statistics dating from before the Soviet invasion place the number of migratory families at around 1000 among the Dotani with a slightly less number of Suleiman Khel (Ahmed 1982: 180). Despite opportunities availed by many Powindahs to earn money as labourers in the Gulf states since, the number of migratory Powindah remains in the region of 10,000.³⁹ The unobstructed seasonal movement of Powindah across the Durand Line underscores its ineffectiveness as an international boundary. The significant position of the Powindah within Pashtun tribal society deems their cross-border migrations as exemplary, reinforcing perceptions of an integral nature of *Pakhtunkhwa* across the Durand Line.

Thus the physical geography and ethnography of the Afghan borderland determine that it is a region through which an international boundary will remain ineffective in separating the populations on either side of it. Topographical extremes, cross-border ethno-linguistic communities, tribal structures and vibrant ideational precepts all function to distance the borderland from the state, enhancing the profile of its autonomy. A salient feature of the capacity of the Pashtun tribes to sustain and enhance the profile of their autonomy from the state is the process of *jirga*.

4.4 Jirga

4.4.1 Jirga as tribal politics

If the tribe and its *zai* represent the social and territorial elements of autonomy in the Afghan borderland, the *jirga* is the political modality through which tribal autonomy and authority are expressed. Participation in and contribution to the *jirga* process is the medium through which

³⁹ Post-Soviet statistics on the movement of Powindahs are yet to be compiled by either the Ministry of Tribal Affairs in Afghanistan or the Pakistani government. However, observations of Powindah migration were made on a number of occasions between January 2000 and September 2008. By estimating their relative number in Peshawar and surrounding municipalities, and through conversations with them, this study estimates their number at around 10,000. This only includes those who do not settle temporarily in refugee camps such as Jalozei (since closed), east of Peshawar and Khaki, north of Mansehra.

rank and position within a clan and between clans is recognised and conferred, and as such *jirga* represents a central tenet of doing Pashto. As a central social and political factor in the life of the tribal Pashtun, patterns in the convening of *jirga* across the Durand Line are an accurate indicator of the impact of the border upon the structure of tribal association, alliance and opposition. This study thus examines the process of *jirga* as it is conducted among the tribes of the borderland.

Jirga is the principal modality of tribal politics and adjudication to which all major decisions affecting the tribe are referred and through which conflict resolution and dispute adjudication is conducted. Larger issues affecting more than one tribe commonly see a *loya jirga*, a form of *jirga* including representatives from a number of tribes.⁴⁰

The origin of the term *jirga* is disputed. In origin, the Pashto word *jirga* refers to consultation, and a gathering for the purpose of consultation.⁴¹ In Dari, it describes a ring, derived from *jirg* meaning wrestling ring (Ghayaatudin 1871: 118-19). However, there is no variation in the meaning of the term among the Pashtun tribes. *Jirga*, as a process among the tribal Pashtuns today, is a frequently all male consultation aimed at reaching consensus, which then becomes binding upon the tribes and clans represented in the process. Rubin (1995: 42) states;

The jirga includes all adult males and rules by consensus. In theory, a jirga can be convened at any level of tribal organisation from the smallest lineage to the largest confederation. Jirga's are most commonly held at the lineage level, but there are larger tribal or even inter-tribal jirgas as well...

The enduring phenomenon of the *jirga* is a central theme in *pashtunwali* and in the life of the borderland. *Jirga* is the modality through which the structure of authority and representation within the *khel* is maintained. The *khan* or *malik* of the clan is the patron of the *jirga*, but does not enjoy more authority over the *jirga* than the other participants.⁴² In this manner the *jirga* process reinforces the relative autonomy of each participant through affording him the right to speak and decide independently of all other participants. Decisions made by the *jirga* are taken through consensus or overwhelming majority, often lasting for days before consensus or

⁴⁰What is a Loya Jirga? 1st July, 2002 http://news.bbc.co.uk/1/hi/world/south_asia/1782079.stm. Accessed 13th January, 2011.

⁴¹ *Pashto Descriptive Dictionary* The Afghan Academy of Sciences, Kabul, 1978. p. 1272.

⁴² Bangash, Mumtaz 'Jirga;Speedy Justice of Elders'; <http://www.khyber.org/culture/jirga/jirgas.shtml>. Accessed 13th January, 2011.

overwhelming majority can be reached. The outcome of a *jirga* is absolutely binding upon the members of the *khel* or *killi* who participated in it.⁴³ Through the institution of *jirga*, the borderland maintains a distinct political and judicial structure that is representative and effective and, as such, is a key structural component in the autonomy of the borderland.

In settled parts of KP, particularly among the Yusufzai, the *jirga* process has been partially amended by the presence of other methods of adjudication provided by the civil administration such as the police and the judiciary.⁴⁴ This is most widely seen in Peshawar, Charsadda, Abbotabad and Mansehra where civil institutions operate with a degree of effectiveness. In these localities the civil administration is, in many cases, constrained by the pre-existing norms of *jirga*, is obligated to acknowledge and submit to that process, and respects the decisions made therein.⁴⁵

4.4.2 Jirga as conflict resolution

Conflict resolution typically relates to the sphere of land disputes between clans and between tribes. This can be related to inheritance of land following the death of a land-holding *khan* or *malik*. It can be related to grazing rights for pastoral farming communities. Conflicts can also be related to riparian rights for tribal communities along rivers. Most frequently, however, *jirgaey* are related to conflict resolution following the settlement of *badal* between clans and between tribes.

Through the summer of 2008, the Turi and Bangash tribes in the Kurram Agency were engaged in a particularly intense conflict leading to nearly 300 deaths and an unknown number of casualties.⁴⁶ The violence was periodically halted to allow for the convening of *jirgaey*, a process that eventually saw the violence subside by the end of October 2008. Despite the significant military offensive and defensive capacities of both the Turi and the Bangash, the

⁴³ Observations made by the author in November-December 2000 and June-July 2002 in Peshawar and Mansehra.

⁴⁴ Observed by the author in Mansehra Division January 2002, between local police officials and Muhammad Jawaid Swati, a *khan* of Tanda, over the enforcement of a recently legislated hunting ban.

⁴⁵ Most evident in FATA where the *jirga* is the principal modality through which the Political Agent adjudicates disputes and seeks support from tribesmen for his policy decision. It is also widespread across KP as a means for the police and civil administrators to solve problems among the population, particularly in rural areas.

⁴⁶ 'Kurram Peace Accord Signed' 28th September, 2008; <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Politics/28-Sep-2008/Kurram-peace-accord-signed> . Accessed 14th January, 2011.

jirga's decision is considered final and adhered to, and currently forms the basis of the release of prisoners and the opening of roads and the resumption of trade.⁴⁷

Often, a *jirga* convened to address an inter-tribal dispute will involve representatives from a third, non-aligned tribe to fulfil the role of the arbiter. In the case of the Turi-Bangash conflict of 2008, the *jirga* which led to its conclusion was comprised of 50 members from each of the two tribes plus 16 members each of the Orakzai and the Hangu tribes.⁴⁸ The offices of the then Political Agent Kurram, Azam Khan, were used to facilitate the *jirga*.⁴⁹

Cross-border *jirgaey* are also a frequent occurrence. These are held within tribes on the level of clans, particularly among the tribes bisected by the Durand Line.⁵⁰ Among these are the Mohmand, Shinwari, Afridi, Mangal, Achakzai and clans within the Waziri. Occasionally a *jirga* will involve surrounding tribes on both sides of the Durand Line. Alternatively, a tribe across the border will be asked to either act as an arbiter or send a delegation to participate in an inter-tribal *jirga*. Afridi tribesmen from the Khyber Agency in FATA are occasionally invited to participate, for example, in *jirgaey* in Afghanistan's Nangarhar province as well as in Charsadda, the cultural heart of KP.⁵¹

4.4.3 Loya jirga

Through 2007, the Afghan and Pakistani governments sought to facilitate parallel *jirgaey*, held concurrently in FATA and in Afghanistan, in an attempt to establish a pan-tribal front against insurgents in Afghanistan.⁵² The parallel *jirgaey* concept was rejected by participants and, ultimately, by the Afghan government. A single *loya jirga* was finally convened in August 2007 in Kabul, and was termed cross-border on account of the participation of FATA tribes although, crucially, the Wazir did not participate forcing the *jirga* to conclude on general terms without mandating any specific sanction against those tribes considered more central to insurgent activities.⁵³

⁴⁷ 'Kurram Peace Accord Signed' 28th September, 2008; <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Politics/28-Sep-2008/Kurram-peace-accord-signed> . Accessed 14th January, 2011

⁴⁸ 'Kurram Violence Dies Down' 13th October, 2008; <http://www.dawn.com/2008/10/13/nat4.htm> . Accessed 4th April 2010.

⁴⁹ Comments made by Muhammad Azam Khan, Parachinar, 23rd October 2008.

⁵⁰ Interview with Muhammad Khan Afridi of Khyber agency, 23rd August 2008.

⁵¹ Interview with Muhammad Khan Afridi of Khyber agency, 23rd August 2008.

⁵² 'Unity call as Afghan jirga opens' 9th August, 2007 http://news.bbc.co.uk/1/hi/world/south_asia/6938033.stm . Accessed 15th February, 2011.

⁵³ Walsh, Declan 'Cross-border meeting ushers in 'era of love' say Afghans and Pakistanis' *The Guardian* 13th August 2007; <http://www.guardian.co.uk/world/2007/aug/13/afghanistan.pakistan> . Accessed 17th April 2010.

The process of *jirga* on a clan or tribal level is driven by locally emergent issues and is not impacted by the Durand Line. This relates to the tribes and clans that live along and across the border, as well as tribes that reside physically distant from it. This is also evident in the case of the *loya jirga* of 2007 which was intended, at least on the part of state participants, to confer a distinction between Afghan and FATA/KP based tribes by instituting two simultaneous *jirga* processes. The rejection of that proposition by tribal representatives⁵⁴ and the holding of a single *jirga* further evidence the proposition that the concept of *jirga*, as well as its process, supersedes state derived institutions of authority and adjudication among tribal Pashtuns across the borderland. The *jirga* process is thus a driving factor of the autonomy of the Pashtun tribes from state. *Jirga* is also a manifestation of the larger, cross-border substructure of *Pakhtunkhwa* in that *jirga* is a central tenet of *doing Pashto*, of which *Pakhtunkhwa* is the aggregate territorial component. As for the social component of this larger cross-border substructure, it is evident in the patterns of marriage and social interaction across the Durand Line.

4.5 Family ties and marriage across the Durand Line

4.5.1 Marriage as politics

Marriage amongst tribal Pashtuns in the Afghan borderland is central element of family and clan life. It constitutes an important political element in patterns of alliance, truce and engagement between families and clans within a tribe. It is a principal source of *izzaat*, and potentially of *paighore* or *tor*, all central features of the social standing of a *khan* or *malik* and his *kor*. The frequency and extent of patterns of marriage across the Durand Line are a reflection of the border's impact upon the social and political life of the borderland tribes. This study thus explores patterns of cross-border marriage amongst the tribes of the borderland.

Marriage is a means through which two *kor* or *khel* are bound through forming blood ties, the determinant of the political order among Pashtun tribes, and is thus determined by political realities faced by a clan or family. If a clan or family finds its position weakened on account of the death of a leader or heir, or suffers a setback financially, militarily or in terms of land, it will place great value on marriage into a clan with a stronger social position, more wealth, land or with greater martial strength to deter predation and enhance its security.⁵⁵ Marriage is also a modality of conflict resolution. Thus, marriage may result from a settlement where the

⁵⁴ The initial proposal of two concurrent *jirgaey*, one in Pakistan and one in Afghanistan, was rejected by most participants, resulting in the convening of a single *loya jirga* in August 2007 in Kabul.

⁵⁵ Barth (1959: 20-1, 31-41, 96) has treated the issue of the political aspect of marriage among Swat Pashtun clans.

side found to have committed a transgression presents a female for marriage with a male from the aggrieved side.⁵⁶ Alternatively, it can be the result of a resolution to a long-standing dispute where a marriage insures the integration of blood lines, therefore mitigating the likelihood of conflict to emerge between the two closely related families or clans.⁵⁷ It should be pointed out that in this context, the bonds arising from marriage are stronger than agnatic bonds, where *tarboorwali* or agnatic rivalry is a commonly observed phenomenon (Ahmed 1976: 43).

Accurate data related to the frequency of marriage and the spatial context within which it occurs across FATA has not been compiled.⁵⁸ Among Pashtun tribes, data relating to women remains unverifiable. The names, ages and marital status of women, particularly widows or those yet unmarried, is kept secret by families, as is information relating to a woman expecting a child.⁵⁹ Marriage is announced only immediately prior to its conduct, as any indication that a man is interested in a woman preceding an announcement of marriage creates the possibility of *paighore*, or an affront to *zan*. Based upon the same concerns, pregnancies are never announced, and are known only through the successful birth of a child. As a result, any census data relating to women remains unreliable and incomplete.

Consequently there is no accurate statistical information regarding patterns of marriage among FATA residents. Official documents, where they establish the domicile of the individual, will record him or her as married. These are in the cases of the relatively few tribal individuals who pursue further education or employment with the Government of Pakistan, the KP administration or the office of the Political Agent. The vast majority of FATA residents remain outside the scope of officialdom, and their births, deaths and marriages remain unrecorded by official statistics. However, through interviews with individuals resident in FATA, and with those in administrative positions in FATA and KP, a picture of the main trends of marriage across the various agencies emerges.⁶⁰

⁵⁶ *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan* UNAMA, Kabul and OHCHR, Geneva, December 2010, pp. 11-14.

⁵⁷ *Ibid.*

⁵⁸ Statistics relating to FATA are largely projections based upon estimates provided by Political Agents and their officers. Due to the prevalence of conflict among tribes and between tribes and the military, information provided by tribal leaders and informants is often inaccurate and occasionally misleading. Seeking information about women – even a name – is a great offence to the family and clan of the women in question leading to particularly dubious estimates regarding women's statistics.

⁵⁹ Observed by the author in Tanda, KP in January 2000, in the determination of *Eid fitrana* payments due on each household member, male or female, of the *killi*, according to *hanafi* jurists.

⁶⁰ Given the lack of reliable statistics and records, interviews with concerned and informed individuals who have lived among the tribesmen of FATA were used as a modality through which to develop an

4.5.2 Trends in cross-border marriage

This picture suggests that the impact of Durand Line upon marriage is negligible.⁶¹ Cross-border marriages occur within clans living astride the border, and within clans resident in Peshawar and Kabul, Jalalabad and Khost. Marriage is a family, clan and tribal affair and proceeds according to those criteria regardless of the border.⁶²

Among tribal Pashtuns, the frequency of cross-border marriage is highest in the Parachinar area of the Kurram Agency,⁶³ contiguous with Afghanistan's Nangarhar and Pakiya provinces. Parachinar is closely linked with Jaji in Pakiya through trade and familial ties between the towns. Although the Turi tribe is the most significant tribe in Kurram and is found in the immediate vicinity of the Durand Line, marriages among the Turi tend to be confined to within the immediate vicinity of the Turi *zai* on account of the Turi being predominantly Shia and surrounded by predominantly *hanafi* Sunni tribes.⁶⁴ Hence, there is limited cross-border marriage among the Turi. The Mangal, Muqbil and Jaji tribes, however, do conduct marriages within the tribe across the border. These tribes lie in both Kurram and Pakiya. Interaction between them across the border is of a high frequency as are patterns of marriage.

Cross-border marriages are also frequent among the Mohmand.⁶⁵ The Mohmand agency is contiguous with Afghanistan's Nangarhar and Kunar provinces with the Durand Line remaining un-demarcated in the agency. Cross-border interaction among the Mohmand is as frequent as interaction between the Mohmand within the geographic limits of the agency.⁶⁶ In terms of spatial spread, more Mohmand territory lies in Afghanistan than in FATA, although the concentration of Mohmand population is greater in FATA. Due to the availability of agricultural land in the Mohmand Agency and in the contiguous Peshawar FR which is predominantly populated by the Mohmand, the balance of economic influence within the tribe lies with the

insight into marriage trends. While this did not provide a statistical map of marriage trends, it did enable a comparative analysis to be made between areas within FATA. The bulk of the following analysis is based on information gained through interviews with Jamil Ahmed, District Commissioner Kohat and former Assistant Political Agent Mohmand Agency, Muhammad Nawaz Afridi, an official from Khyber Agency, and Dr. Azmat Hayat Khan, Director of the Area Study Centre Peshawar.

⁶¹ *Study on Cross-Border Population Movements Between Afghanistan and Pakistan* UNHCR and Altain Consulting, Kabul, June 2009 p.13.

⁶² Interview with Dr. Azmat Hayat Khan, Director, Area Study Centre, Peshawar University, 5th August 2008. Also, Interview with Muhammad Nawaz Afridi of Khyber agency, August 2008.

⁶³ Interview with Dr. Azmat Hayat Khan, Director, Area Study Centre, Peshawar University, 5th August 2008.

⁶⁴ Comments by Mariam Abou Zahab at the Jamestown Foundation, 15th April, 2009.

⁶⁵ Interview with Dr. Azmat Hayat Khan, Director, Area Study Centre, Peshawar University, 5th August 2008.

⁶⁶ Interview with Jamil Ahmed, District Commissioner Kohat and Assistant Political Agent Mohmand, conducted on 26th August, 2008.

Mohmand resident in FATA. This suggests that Mohmand clans in Nangarhar and Kunar value maintaining clan ties with those Mohmand in FATA and Peshawar FR through marriage.

Cross-border marriages are very common among the Shinwari, particularly between those in the Khyber Agency and Nangarhar province.⁶⁷ The Shinwari are resident in the both Kurram and Khyber agencies, and Nangarhar province. Where the balance of clan and tribal influence lies is unclear, although the area populated by the Shinwari in Nangarhar is greater than the area they populate in Khyber and Kurram. This suggests that the tribe is based primarily in Nangarhar, and has claim to parts of Khyber and Kurram on account of the Shinwari clans resident in those agencies. The fact that the Shinwari, along with the Afridi, are a principal beneficiary of the Afghan Transit Trade (ATT) suggests that the tribe places great importance upon the Shinwari clans resident in FATA. Hence marriage is a means through which to maintain the close affiliation of the Shinwari in Nangarhar with those clans present in Khyber and Kurram, an association that has a direct economic bearing upon the tribe.

Marriages across the Durand Line are very frequent among the Waziri.⁶⁸ Waziri territories extend from Paktiya through northern Baluchistan and the two Waziristans into KP. The Waziri are particularly averse to allowing a cross tribal marriage to occur, and place great value upon the preservation of bloodlines.⁶⁹ The intensification of military operations in South Waziristan through 2010 has reduced the frequency of border crossings between Warsak and Gula Din Kot, an area mostly populated by the Darwesh Khel. Cross border interaction and marriages, however, continue to occur across other stretches of the border in North Waziristan.⁷⁰

Although the Afridi are resident on both sides of the border, the concentration of Afridi population remains in the immediate vicinity of the Khyber Pass and the Khyber Agency. Afridi presence in Nangarhar is limited to the areas just north of the western mouth of the Khyber Pass. Here the Afridi clans populate extremely hilly areas and tend to confine marriage to within particular clans in a given *killi*.⁷¹ Hence the Afridis are less given to cross-border marriages than other tribes bisected by the border.⁷² It should be noted that this is a result of the spatial arrangement of the Afridi and the topography of their territory, not the

⁶⁷ Interview with Muhammad Nawaz Afridi of Khyber agency, 23rd August 2008.

⁶⁸ Interview with Dr. Azmat Hayat Khan, Director, Area Study Centre, Peshawar University, 5th August 2008.

⁶⁹ Interview with NCO-A, upper Pakhli, KP, 3rd September 2008.

⁷⁰ Interview with NCO-A, upper Pakhli, KP, 3rd September 2008.

⁷¹ Interview with Muhammad Nawaz Afridi, official from the Khyber Agency, August 2008.

⁷² Interview with Muhammad Nawaz Afridi, official from the Khyber Agency, August 2008.

effectiveness of the Durand Line as a political boundary. This is evidenced by the fact that those Afridi residing at the eastern mouth of the Khyber Pass, in the vicinity of the Peshawar Valley, do engage in marriage across clan lines,⁷³ suggesting that the situation on the western mouth of the Khyber Pass is primarily a function of topography.

Marriage is a central theme within the political life of the tribes of the Afghan borderland. It is conceived of principally as a political endeavour, and secondarily as fulfilment of the obligations arising from *nang-o-namus*, where a marriage may be conducted between families as part of a larger settlement to a dispute or conflict involving other aspects such as bequeathing land or money (Barth 1959: 96). A picture of cross-border marriages emerges in which clans of the Afridi, Shinwari, Mohmand, Muqbil, Mangal, Jaji and Waziri conduct marriages across the Durand Line, unimpeded by it. This phenomenon demonstrates that the larger social context of the Pashtun tribes transcends the territorial limits of the state, and reinforces the identification with a larger, cross-border social substructure. This phenomenon also demonstrates a distinct borderland cultural identity within the larger Pashtun identity, characterised by norms wherein cross-border blood-ties supersede the nominal imposition of the state and affiliation with its identities. This distinct borderland identity, occurring within a larger Pashtun identity, is further reinforced by the structure of economic flows across the borderland.

4.6 The Economy of the Borderland

Economic flows across borderlands in Asia reveal the degree to which the state is unable or unwilling to diminish or reform organic substructures that endure the imposition of the postcolonial state. These economic flows emerge as a result of the economic opportunities arising from the demarcation of an international boundary through a pre-state substructure. They are driven by, and in turn reinforce, the interdependence among communities within a single substructure divided by an international border. This reinforces the primacy of the substructure over the imposition of the border and, by association, over the authority state. Across the Afghan borderland, the economic flows between southeast Afghanistan, FATA, and KP demonstrate this trend.

⁷³ Interview with NCO-A, upper Pakhli, KP, 3rd September 2008. Also, interview with Roshna Bibi, Afridi territory by the eastern mouth of the Khyber Pass, January 2001. Also, interview with Muhammad Shakeel, Peshawar University, 16th August 2008.

FATA demonstrates a disproportionate level of economic vitality in comparison with its low level of achievement across all developmental indices.⁷⁴ This economic vitality, however, does not manifest itself in the annual state bank reports on the state of the economy.⁷⁵ Accurate statistics on the state of the borderland economy are not recorded largely because the bulk of the economic flows through FATA are considered illegal according to Pakistani law.⁷⁶ Despite being conducted on the periphery of Pakistan's legal environment, the scale of borderland trade is large enough to be considered a principal source of economic activity for KP and southern Afghanistan. Regulated bilateral trade between Pakistan and Afghanistan tripled in the period 2004-2008 to \$1.63 billion annually, much of it materials and equipment used in reconstruction exported from Pakistan into Afghanistan.⁷⁷ Unregulated trade flows, which are more reciprocal, amount to over \$10 billion.⁷⁸

4.6.1 ATT

Whereas the tribal agencies of FATA have historically sought to maintain independence from both Pakistan and Afghanistan, they have simultaneously sought to develop economic flows in close relation to both states. The principal source of economic activity for FATA is the Afghan Transit Trade (ATT). The ATT stems from the 1965 Afghan Transit Trade Agreement (ATTA) between Pakistan and Afghanistan where the latter receives goods at Karachi's port Qasim, which are then moved overland to Afghanistan with concessionary or abolished rates of transit duty. The ATT, which consists of commodities of all types, is a significant portion of the \$1.63 billion of bilateral trade between Afghanistan and Pakistan that has actually fallen from \$2 billion in 2007.⁷⁹ The drop from 2007 to 2008 was not mirrored in unregulated 'black' trade.⁸⁰

⁷⁴ FATA lags behind the rest of Pakistan both in terms of the absolute developmental indices and comparative indices. Investment in people through medical infrastructure and education is extremely limited. There are nearly 9000 people per doctor in FATA, compared with just over 1500 people per doctor in Pakistan which itself is a low rate according to international developmental indices (Sahibzada 2004: 195). Literacy, in aggregate across FATA, is below 30%, about half the rate of Pakistan (Sahibzada 2004: 193), while female literacy is negligible.

⁷⁵ There is no reference to the 'bara' and 'kar khano' economy, amounting to well over \$100,000,000 according to estimates (interview with Muhammad Awan, Provincial Tax Office Peshawar, 13th August 2008), in the state bank report for FY 2009-2010. See: 'State Bank of Pakistan Annual Report 2009-2010' available at <http://www.sbp.org.pk/reports/annual/arFY10/Vol2/anul-index-eng.htm>. Accessed 19th February, 2010.

⁷⁶ The bulk of trade flow through FATA is either of products on which no import duty has been paid, or products that are illegal in Pakistan. Interview with Abdul Aziz Swati, Khyber Agency, January 2001. Also, interview with Muhammad Awan, Provincial Tax Office, Peshawar, 13th August 2008.

⁷⁷ *Study on Cross-Border Population Movements Between Afghanistan and Pakistan* UNHCR and Altain Consulting, Kabul, June 2009 p.18.

⁷⁸ See: Ashfaq Yusufzai 'Smugglers Profit From Landlocked Afghanistan' 4th August, 2007; <http://www.ipsnews.net/news.asp?idnews=38794>. Accessed 21st February, 2011.

⁷⁹ Pakistan-Afghanistan legal trade grew immensely between 2002-2008. In 2002, bilateral trade was around 200 million dollars. Currently it stands at around \$ 2 billion dollars. See Amina Khan's 'Trans-national Trade with Focus on Afghanistan.' *Strategic Studies* V. XXVII n. IV, 2007. Available at http://www.issi.org.pk/journal/2007_files/no_4/article/a4.htm (accessed 16th January, 2011). The

Hence, while the volume of regulated bilateral trade fluctuates, unregulated trade continues to grow.

Under the ATT, the goods, which are transported by rail from Karachi to Quetta and Peshawar, are then moved to the Afghan border through truck convoys using the principal crossing points. The main crossing point for the ATT is Chamman, lying between Quetta and Kandahar, where the bulk of goods are moved into Afghanistan. Torkham, Nawapass, Marawara and Barikot are all additional significant crossing points for the ATT.⁸¹

4.6.2 Bara and karkhano

Once the goods enter Afghanistan, they are shortly transported *back* into Pakistan to be sold at what are termed the *bara* markets (also referred to as the *kar khano*) in the Khyber Agency on the outskirts of Peshawar, and on the outskirts of Quetta. The *bara* markets conduct trade outside the jurisdiction of Pakistan's fiscal and customs authorities and hence no revenue is collected by the state on the movement of the various globally sourced items available at the markets from Afghanistan into FATA. Available products include virtually all items that are imported into Afghanistan through the ATT, but also items imported into Afghanistan from Iran, Central Asia, Russia, and increasingly the Persian Gulf and the Far East.⁸² This globally sourced import trade into Afghanistan is directly aimed at reaching the *bara* markets, from where distributors move the goods, upon which no duties have been paid, across Pakistan.⁸³

The location of the principal market in the autonomous Khyber Agency just outside the jurisdiction of the authorities at Peshawar, enables the distribution of products illegal in Pakistan. This includes weapons of all scales and a variety of narcotics.⁸⁴ Narcotics are not

volume of the illegal trade has kept par over recent years with the legal trade, driven significantly by the continued boom in opiate exports.

⁸⁰ Interview with Muhammad Awan, Provincial Tax and Excise office, Peshawar, 13th August 2008.

⁸¹ Interview with Muhammad Awan, Provincial Tax and Excise office, Peshawar, 13th August 2008.

⁸² Interview with Muhammad Awan of the Provincial Tax Office, KP held in Afridi territory of FATA on 13th August 2008.

⁸³ Interview with Muhammad Awan of the Provincial Tax Office, KP held in Afridi territory of FATA on 13th August 2008.

⁸⁴ Observed by author in visits to the Bara market, Khyber conducted between 2000-2002. Opiate growth, refinement and transportation continue to constitute a major sector of the Afghan economy, outside legal trade. The UNODC estimated that in 2007, opiate production accounted for half of the Afghan economy. See: 'Opium amounts to half of Afghanistan's GDP in 2007' available at <http://www.unodc.org/unodc/en/press/releases/opium-amounts-to-half-of-afghanistans-gdp-in-2007.-reports-unodc.html>. Accessed 27th June, 2011. However, the transport routes for opiate derivatives are primarily northern, through Tajikistan and westward, through Iran. Hence, opiates do not constitute the primary form of economic activity in the borderland, although opiate smuggling does occur on a large and often uninterrupted scale through FATA.

displayed along with other items, but are widely available.⁸⁵ Weapons are displayed prominently. Electronic appliances available include those manufactured in Europe, Russia, North America, China, Japan, and southeast Asia.⁸⁶ High technology items are widely available, and it is often the case that vendors are unaware of the specific nature of the products they sell, particularly high technology items.⁸⁷

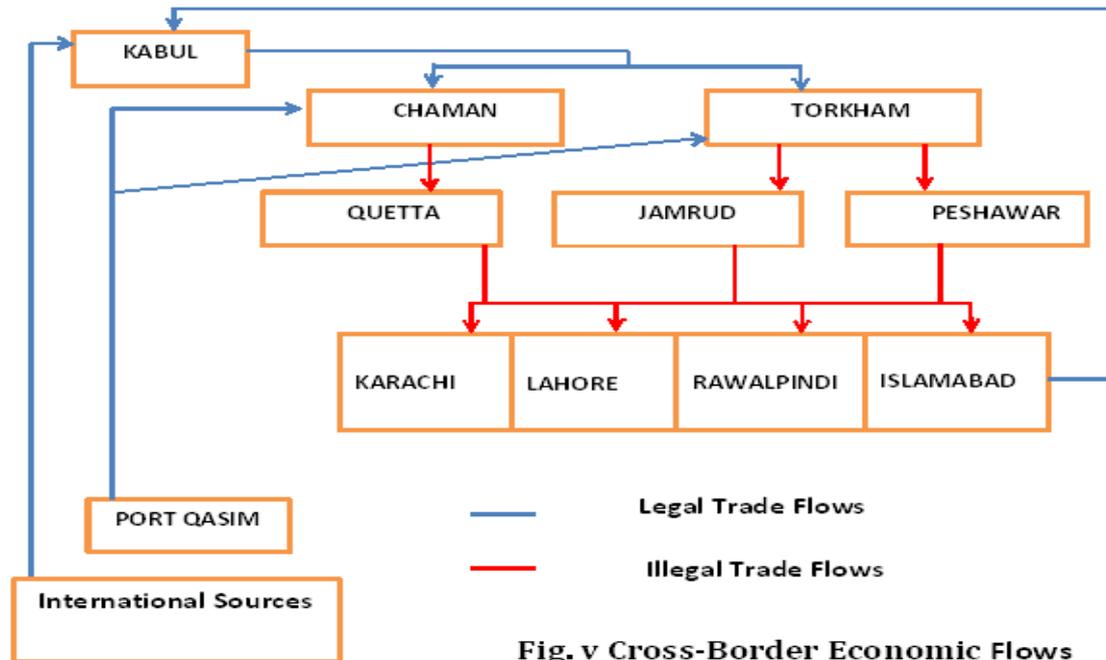


Fig. v Cross-Border Economic Flows

Although the locations of the major markets are Quetta and Khyber, the ATT generates revenue across the borderland. This is primarily through the transportation of goods across the various tribal agencies from nodes in Afghanistan to the main markets at Khyber and Quetta. While the volume of trade that moves into Afghanistan is protected by the ATTA, the return flow of goods into Pakistan without the payment of duties is illegal. Hence the ATT sourced goods are transported back into Pakistan through the numerous routes and passes that traverse the agencies, beyond the reach of border control authorities and paramilitary forces from both sides of the border. Tribesmen have proved efficient at transporting items through the mountain passes and ravines, with networks extending into Punjab and Sindh provinces.⁸⁸ For a price, transporters are willing to transport illegal products such as weapons

⁸⁵ Observed by author in visits to the Bara market, Khyber conducted between 2000-2002. Subsequent interviews confirm the continuation and expansion of trade in these goods.

⁸⁶ Interview with Muhammad Awan of the Provincial Tax Office, Peshawar, 13th August 2008.

⁸⁷ Observed by author in visits to the Bara market, Khyber conducted between 2000-2002. One vendor was under the impression that a high specification laptop computer was ‘a kind of type writer’.

⁸⁸ Discussions of the author with vendors at Bara market, Khyber, January 2001.

and narcotics to the major cities.⁸⁹ For an additional price, transporters will assume the responsibility for the protection of the product if they are interdicted by law enforcement personnel. This is usually through paying the additional transportation cost as a bribe to law enforcement personnel.⁹⁰

4.6.3 Pakistan to Afghanistan trade-flows

A further source of income for the tribesmen is the flow of goods and services from Pakistan into Afghanistan which is not under the provisions of the ATT, and has not been cleared by Afghan authorities for import by the collection of import duties. This trade has arisen largely from the reconstruction of Kabul in recent years.⁹¹ It involves materials such as steel, timber, masonry, cement, industrial tools and machinery.⁹² To avoid having to pay import duties on entering Afghanistan, much of this trade is moved through FATA by tribesmen who, as with the ATT, move this trade through the various passes and routes lying beyond the reach of the border authorities on both sides.⁹³

Another aspect of cross-border trade that sustains the FATA tribes is the movement of food stuffs. Wheat is subsidised by the government in KP and hence is available across KP below the international price.⁹⁴ Afghanistan, which experienced consecutive years of drought between 1999 and 2002, perennially experiences shortages of food, a condition exacerbated by the growing of poppy which covers the majority of Afghanistan's arable land.⁹⁵ Subsidised wheat is therefore moved from KP through FATA into Afghanistan, where it is sold at marked up prices. While this is illegal, it is also a booming trade.⁹⁶

⁸⁹ Discussions of the author with vendor at Darra Adam Khel, F.R. Kohat who manufactures small arms. 12th-14th August 2008. Also interview with Hajji Baba Afridi in Khyber agency, conducted in January 2001.

⁹⁰ Discussions of the author with vendor at Darra Adam Khel, F.R. Kohat who manufactures small arms. 12th-14th August 2008.

⁹¹ Interview with Dr. Babar Sha at the Area Study Centre, Peshawar, 5th August, 2008.

⁹² Interview with Dr. Babar Sha at the Area Study Centre, Peshawar, 5th August, 2008.

⁹³ Interview with Muhammad Awan of the Provincial Tax Office, KP conducted in Afridi territory of tribal areas on 13th August, 2008.

⁹⁴ Interview with Muhammad Awan of the Provincial Tax Office, Peshawar, 13th August, 2008.

⁹⁵ 'Afghanistan poppy harvest jumps 18 per cent' 27th August, 2007; <http://www.telegraph.co.uk/news/uknews/1561423/Afghanistan-poppy-harvest-jumps-18-per-cent.html> . Accessed 16th March, 2011. After eight years of consecutive growth, the scale of poppy cultivation was reduced in 2010. See: 'Afghan opium production halved' 30th September, 2010; <http://www.bbc.co.uk/news/world-south-asia-11442411> (accessed 16th March, 2011). However, this trend appears to be the result of over production in previous years leading to a fall in price, combined with a fungus that has attacked poppy plants through the 2010 growing season.

⁹⁶ Interview with Muhammad Awan of the Provincial Tax Office, Peshawar, 13th August, 2008.

Attempting to regulate trans-FATA trade, the government of KP has instituted a system referred to as the 'card system' or '*parchey*' system where political agents in the various tribal agencies have the authority to issue a card entitling the holder to conduct trans-FATA trade legally. Although the government of KP claims the issuance of these cards is a transparent process, the actual prices for such cards run into the millions of dollars,⁹⁷ and are a means through which the government of KP seeks to generate revenue from the trans-FATA trade.⁹⁸

Peshawar remains a major source of economic activity for tribesmen from both sides of the Durand Line. Hundreds of construction workers, significantly from Mohmand and Bajaur, congregate at specified locations where they are recruited for daily construction labour.⁹⁹ Working for extremely competitive wages, the influx of tribal labourers over the recent years has driven local Peshawarites out of the construction industry altogether.¹⁰⁰ Transportation is another sector that employs tribesmen both as conductors and drivers of buses as well as taxis. Tribesmen dominate the bus networks across KP and across the whole of Pakistan. Beyond transportation and construction, tribesmen are widely employed as armed security personnel.¹⁰¹ The degeneration of the security situation in Pakistan generally and in KP specifically, clearly observable since 2006,¹⁰² has led to a growth in this industry. Tribesmen working in these jobs tend to return to their agencies of origin regularly, taking home money earned to contribute to the economy of the homestead which is typically a collective homestead inhabited by a number of closely related families. Unskilled daily wage labourers earn an average of \$112 per month, while living expenses in Peshawar for unskilled workers amount to an average of over \$90 per month.¹⁰³ This results in an average saving of around \$20 per month per worker. Armed security personnel typically earn around \$100 per month.¹⁰⁴

4.6.4 Patronage and bounty

A very significant source of economic activity for the tribes remains the patronage from the government of Pakistan which continues to pay the tribesmen significant stipends for their political and military loyalty. This in turn typically enhances the *khang* within a tribe or clan

⁹⁷ Interview with Rahmat Shah Swati, former Political Agent South Waziristan, Tanda, KP 6th July 2008.

⁹⁸ Interview with Rahmat Shah Swati, former Political Agent South Waziristan, Tanda, KP 6th July 2008.

⁹⁹ Observations made by the author made in Peshawar through August 2008.

¹⁰⁰ Interview with Dr. Babar Shah, Peshawar University, August 2008.

¹⁰¹ Observations made by the author made in Peshawar through August 2008.

¹⁰² Observations made by the author made in Peshawar through August 2008.

¹⁰³ *Study on Cross-Border Population Movements Between Afghanistan and Pakistan* UNHCR and Altain Consulting, Kabul, June 2009 pp. 35-38.

¹⁰⁴ Discussions with armed guards at various locations across KP, August 2008.

tribe as it demonstrates that the state recognises the *khang* of the recipient of the payment. This patronage is in the form of *nikkat* and *lungi* payments.¹⁰⁵ *Nikkat* is paid to the principal *khans* within a tribe such as the leaders of the clans who wield *lashkars* and enjoy the support of and authority over their clans. The *nikkat* varies from a quarter million rupees per month to millions, depending on the tactical salience of the clan in question.¹⁰⁶ The *lungi* is paid to significant others within the tribal structure. Typically the *lungi* payment is significantly less than the *nikkat*. The *khans* then share this wealth with others through largesse, thereby becoming a central economic node for their clan. Hence the *nikkat* and *lungi* system does generate economic activity for the principal *khans* and the clansmen under their authority.

Parallel to this is the influx of money from the US government spent on tribesmen in searching for significant leaders of al-Qaeda and the Taliban.¹⁰⁷ Estimates place the amount of US money spent on informants within the FATA region as of December 2009 at \$57 million, a significant amount that will invariably filter through the families and clans of the recipients.¹⁰⁸ It is evident to observers that the source of the information regarding al-Qaeda principals in FATA is actually coming from the tribesmen themselves. Given the extent of animosity between the tribes, it is also quite evident that various tribes are providing information regarding al-Qaeda principals to Pakistani and US forces that implicates tribal enemies and rivals in an attempt to gain monetary benefits and bring about a military response against rival tribes.

Money generated in FATA by the *khans* and *maliks* through all these means is then largely invested back into Pakistan. Tribesmen have purchased extensive property in KP and other parts of Pakistan. Real estate is the principal form of investment made by tribesmen in Pakistan.¹⁰⁹ Enjoying a constitutional provision specific to them, tribesmen are absolved from having to pay any taxation on income generated in FATA, or any taxation on property purchased in Pakistan.¹¹⁰ Businesses established by tribesmen in Pakistan that generate an income in Pakistan are, however, subject to taxation.¹¹¹

¹⁰⁵ Mohmand (2002) treats the issue of *nikkat* and *lungi* in great detail throughout his work.

¹⁰⁶ Interview with Rahmat Shah Swati, former Political Agent South Waziristan, Tanda, KP 6th July 2008.

¹⁰⁷ Interview with Rahmat Shah Swati, former Political Agent South Waziristan, Tanda, KP 6th July 2008.

¹⁰⁸ Ahmed Rashid (2008: 265-285) details some transactions conducted between the US, Pakistan and tribesmen where informants were paid money and where militants were bribed into signing peace accords.

¹⁰⁹ Interview with Muhammad Awan of the Provincial Tax Office, KP conducted in Afridi territory 13th August, 2008.

¹¹⁰ Article 247 (3) of the 1973 Constitution of Pakistan establishes that FATA lies outside the legislative authority of Parliament (*Majlis ash-Shura*). This extends to immunity from right of the

Tribesmen have utilised these provisions to enter the sector of property development on a large scale. The Deans Trade Centre in Peshawar, currently one of Asia's largest retail centres, was developed by a conglomerate of Afridi tribesmen involving investment of over a billion Pakistani rupees.¹¹² Other areas of property development include compressed natural gas (CNG) filling stations for cars. The sheer number of such stations in KP, far greater than that warranted by demand, demonstrates that such investment actually seeks to procure large tracts of real estate.¹¹³ On one stretch on the G.T. Road, on entering the district of Hassan Abdal, there are seven near contiguous very large CNG stations, each quite new and built to international standards of quality, but with very little customer traffic between the seven stations.¹¹⁴

The largest single source of economic activity across *Pakhtunkhwa*, and Afghanistan's principal export, is opiate derivatives forming the bulk of a \$4.3 billion dollar black market that is larger than the legitimate GDP of the country.¹¹⁵ FATA remains a significant export route for opiates. However, the principal routes for opiate exports from Afghanistan remain Tajikistan and Iran.¹¹⁶ Nonetheless, the distribution of opiates across Pakistan does constitute a significant source of revenue for FATA tribesmen.¹¹⁷

This economic survey of the Afghan borderland reveals that the revenue exclusions afforded to FATA by the constitution of Pakistan ensure that it remains a thriving economic node and source of income for the tribesmen who transport globally sourced commodities to FATA via Afghanistan, and then on to destinations in Pakistan. There is a strong economic motivation to perpetuate that autonomy on the part of the tribesmen of FATA. This economic reality is a driving factor behind the continuity of borderland autonomy. The political and economic will on the part of the Pakistani government to assimilate FATA with KP has not been evident thus far. Such an endeavour would also have to address the intractable question of the economic

government to exact taxation. See: 'The Constitution of the Islamic Republic of Pakistan, Section XII, Chapter 3, Article 247 (3); available at <http://www.na.gov.pk/publications/constitution.pdf> . Accessed 26th February, 2011.

¹¹¹ Interview with Muhammad Awan of the Provincial Tax Office, Peshawar, 13th August 2008.

¹¹² Interview with Muhammad Awan of the Provincial Tax Office, Peshawar, 13th August 2008.

¹¹³ Observed by the author in August 2008.

¹¹⁴ Observed by the author in August 2008.

¹¹⁵ 'The Big Question: Why is opium production rising in Afghanistan, and can it be stopped?' *The Independent* 14th October, 2008; <http://www.independent.co.uk/news/world/asia/the-big-question-why-is-opium-production-rising-in-afghanistan-and-can-it-be-stopped-960276.html> . Accessed 8th January, 2011.

¹¹⁶ Umar Khan 'Opium Production Compounds Karzai's Woes.' *ISN*, 31st March 2005; http://www.crisisgroup.org/home/index.cfm?action=cw_search&l=1&t=1&cw_country=1&cw_date= . Accessed 27th February, 2010.

¹¹⁷ Discussion with Haji Baba Afridi, vendor in Khyber Agency, January 2001.

dependency of southern Afghanistan upon FATA and KP, and would in effect result in disrupting an integrated economic zone linking the Afghan borderland, KP and much of southern Afghanistan.

4.7 Medical Migration

Kabul, Kandahar, Jalalabad, Quetta, and Peshawar are the main cities within *Pakhtunkhwa*. However, the concentration of population around northern and central KP, and eastern Afghanistan result in Peshawar's position as a political and economic centre for the entire *Pakhtunkhwa*.¹¹⁸

A distinguishing feature of Peshawar is its medical infrastructure. There are six principal state owned and operated hospitals in Peshawar with an even larger and growing number of private hospitals, clinics and laboratories.¹¹⁹ Relative to the region, these hospitals provide a high standard of medical care and have led to the development of Peshawar as a destination for medical travel across southern Afghanistan. This medical infrastructure remains one of the principal drivers of cross-border movement, attracting patients from over much of Afghanistan and FATA.

Other than at Peshawar, the Afghan borderland has a minimal medical infrastructure. The agency administrative centres in each of the FATA agencies also house a basic hospital and clinics, albeit with limited capabilities.¹²⁰ These facilities do attract patients from within each agency as well as from across the Durand Line. However, tribesmen state unequivocally that the facilities and expertise in Peshawar are of a much higher quality than those in FATA resulting in their travelling to Peshawar for medical care.¹²¹ Further, Kabul has seen a growth in the number of private hospitals since 2003, the prominent ones being CURE international, DK- German Medical Diagnostic Center, and Imran Clinic. However, each of these is a private facility and far beyond the means of most Afghans.

In contrast, the Khyber Teaching Hospital in Peshawar charges a nominal fee, often not paid. Affiliated with the University of Peshawar, Khyber Teaching Hospital saw 40% of its beds

¹¹⁸ Interview with Muhammad Nawaz Afridi, at Peshawar 23rd August, 2008. This view was widely held among a number of interviewees and officials.

¹¹⁹ State hospitals include: Mission Hospital, Lady Reading Hospital, Khyber Teaching Hospital, Cromwell Hospital, and Al-Khidmat Hospital. These are supplanted by Rehman Medical Centre and Tehkal Medical Centre a prominent among the private hospitals and clinics in Peshawar. .

¹²⁰ Interview with Dr. Muhammad Nawaz Khan at the Khyber Teaching Hospital. 8th August, 2008.

¹²¹ Interview with Dr. Muhammad Nawaz Khan at the Khyber Teaching Hospital. 8th August, 2008.

occupied by patients from Afghanistan in August 2008.¹²² The hospital is immensely overcrowded. Apparatus is basic and electricity is intermittent. The intake of new patients has been reduced to two days per week, excluding cases of trauma. Yet large numbers of tribesmen with their families continue to descend on the hospital and are often seated in the court yards and steps outside the hospital.¹²³ In the case of the Rehman Health Institute, a private hospital highly regarded for its apparatus and doctors, 90% of patients present in August 2008 were from across the Durand Line.¹²⁴

Medical migration constitutes a significant fraction of all cross-border travel from Afghanistan into Pakistan. In September and November 2008, surveys of individuals at the Torkham and Spin Boldak border crossings revealed that 9.5% were travelling to Pakistan for medical care,¹²⁵ the overwhelming majority of which were intending to travel on to Peshawar for medical care. The long-term trend for medical migration at these border-crossings is 11.2%, while 21% of migrants report that travel into Pakistan is for medical and social services.¹²⁶ This percentage corresponded to approximately 2000 individuals a day crossing the border into Pakistan for medical care alone.¹²⁷

In addition to medical migrants entering Pakistan through the border-crossings at Torkham and Spin Boldak, an as of yet un-enumerated flow of persons continues across the hundreds of trails that traverse the Durand Line along much of its length. The percentage of these that travel to Pakistan for medical care is yet unknown, but is considered to be of a similar order to that arriving through Torkham and Spin Boldak.¹²⁸

The role of Peshawar as the centre of medical infrastructure in the Afghan borderland has been enhanced as a result of the mass internal displacement of individuals through 2008 and 2009 following major military operations in Swat, Bajaur, South Waziristan and Orakzai.

¹²² Interview with Dr. Muhammad Nawaz Khan at the Khyber Teaching Hospital. 8th August, 2008

¹²³ Observed by author at Khyber Teaching Hospital, Peshawar in August 2008.

¹²⁴ Observed by author at Khyber Teaching Hospital, Peshawar in August 2008.

¹²⁵ *Study on Cross-Border Population Movements Between Afghanistan and Pakistan* UNHCR and Altain Consulting, Kabul, June 2009 pp. 22, 32.

¹²⁶ Ibid.

¹²⁷ *Study on Cross-Border Population Movements Between Afghanistan and Pakistan* UNHCR and Altain Consulting, Kabul, June 2009 pp. 22, 32.

¹²⁸ The number of migrants that cross the border at points other than Torkham and Spin Boldak is higher than at those points, but tends to be from localities in the immediate vicinity of the border. Such crossings are made by individuals a number of times a day in many cases. Based on the number of villages in the immediate vicinity of the border, an estimation can be made of the number of cross-border migrants. This number is of a similar order to that at the major crossing points, which makes for a total cross-border migration from Afghanistan into Pakistan on any given day of around 65,000 individuals.

Estimates place the number of internally displaced at over 1 million,¹²⁹ many of whom have arrived in Peshawar in pursuit of medical care. In response to this influx, the medical facilities in Peshawar are greatly overwhelmed, leading to the movement of internally displaced individuals and cross-border migrants beyond Peshawar, a trend reflected in statistics charting the destination within Pakistan of cross-border migrants which show that 6.6% of cross-border migrants now travel beyond KP to other destinations in Pakistan.¹³⁰

There is currently no method of verifying whether patients are from KP, FATA or Afghanistan. Patients report that there is no impediment to them in crossing the Durand Line into Pakistan for medical treatment.¹³¹ This absence of control, both at the border and in hospitals, has served to reinforce the position of Peshawar as the medical infrastructure for the entire Afghan borderland. This position, in turn, attracts increasing numbers of patients from further afield in Afghanistan, beyond the areas in proximity of the border.¹³² In November 2008, all 34 provinces Afghanistan were represented at Torkham and Spin Boldak on a given day.¹³³ 67.5% of cross-border migrants, however, were from the Pashtun dominated provinces contiguous with the Durand Line. Hence Peshawar is integrated into both sides of the Afghan borderland across the Durand Line on account of, in addition to many other facets, its medical infrastructure.¹³⁴

4.8 Conclusion

Borderlands in Asia are a form of reaction of the substructures that underlie the postcolonial state to the imposition of an international border across them. The incongruity between the contours of the postcolonial state and the primary substructures that underlie it results in the socio-political contusion that characterises borderlands in Asia.

As part of the larger substructure of *Pakhtunkhwa* that underlies Pakistan and Afghanistan, the Afghan borderland has existed on a geo-physical level and psycho-social scale for over a

¹²⁹ The Internal Displacement Monitoring Centre maintains a data base on Pakistan's internally displaced population. See: <http://www.internal-displacement.org/countries/pakistan> . Accessed January 2011.

¹³⁰ *Study on Cross-Border Population Movements Between Afghanistan and Pakistan* UNHCR and Altain Consulting, Kabul, June 2009 p.28.

¹³¹ *Ibid*, p.5.

¹³² Interview with Dr. Muhammad Nawaz Khan at Khyber Teaching Hospital, Peshawar on 8th August 2008.

¹³³ *Study on Cross-Border Population Movements Between Afghanistan and Pakistan* UNHCR and Altain Consulting, Kabul, June 2009 p.25.

¹³⁴ Observed by the author at Khyber Teaching Hospital, Peshawar in August 2008.

millennium. Despite the current absence of a conventional political manifestation, this larger substructure retains primacy as a psycho-social driving factor among the tribal Pashtuns, challenging the tenuous grip of the Pakistani and Afghan states over it.

This study confirms that the Durand Line does not constitute an effective barrier between the tribal populations on either side of it. Further, its validity as an international boundary is continuously challenged by sub-state, tribal centres of power, authority and legitimacy that constitute a specific borderland identity within the larger Pashtun identity.

These borderlanders are characterised by the frequency and scale of their inter-tribal cross-border movements. Such patterns of movement manifest in the structure of cross-border economic flows, trends of cross-border marriage and social interaction and the *jirga* process, which is an inter-tribal political process disregarding of the border and part of the larger dynamic of inter-tribal politics and militancy which proceeds largely unimpeded by the Durand Line. These cross-border inter-tribal dynamics are a manifestation of the competition between the tribe as an enduring sub-state form of polity, and the state. The replication of this cross-border dynamic across the borderland between a number of prominent tribes, establishes a collective disregard for the authority and legitimacy of the state in the borderland, enhanced by the mass cross-border movement on daily basis by individuals around the wider domain of *Pakhtunkhwa* in pursuit of objectives as varied as trade, medical care and education.

The combination of this tribally driven disregard for the contours of the state, and mass cross-border movement of individuals from across *Pakhtunkhwa*, creates interdependency between populations across the border, assimilating KP, FATA and southern Afghanistan on a practical level, as the cases of medical infrastructure and the structure of cross-borderland economic flows establish. This assimilation, evidenced by the prominence of Peshawar across the entire borderland and much of *Pakhtunkhwa* as a principal economic and infrastructural node, is driven by the re-emergence of the underlying substructure of *Pakhtunkhwa* as a primary ethno-linguistic, cultural and geographic identity. The near-obfuscation of the role of the Durand Line as an international border enhances the degree of autonomy of the tribes in the vicinity of the border, eliminating the barrier to a tribally driven re-territorialisation of pre-state identity and polity.

5 The Retreating State

5.1 Introduction

The state is conventionally understood to describe an institutional arrangement through which compulsive power is exercised over a territory.¹ This institutional arrangement may vary in its character, reflecting the prevalent ideational orientation and preponderant forms of identity underlying these institutions. Sovereignty, centralisation, external legitimacy, and a significant degree of internal consent are some of the additional elements conventionally considered to characterise a state. However, the variation in the degree to which these elements arise in states is great. Thus, this study considers these latter criteria to be of secondary importance in describing the state, reflecting the nature of its character more so than the essence of its existence. That essence, particularly in the post-colonial context in Asia, is a function of spatially limited and sustainable employment of compulsive power.

Where the spatial context of the exercise of this power manifests a single or preponderant ethno-linguistic, cultural, ideational, or indeed 'state' identity, the state will represent the territoriality of political expression of its population. If, however, the spatial representation of the elements of nation discussed in section 1.3.2. are incongruent with its territoriality, the potential exists for a sub-state or trans-state national identity to challenge the contours of the state. Such a challenge questions the legitimacy of the state itself which is derived from the fact that it reflects the institutionalised expression of a preponderant identity within the state.

In its attempts to assimilate underlying substructures into the contours of the state, the postcolonial state in Asia seeks to employ both civil and military structures to create both the incentive and compulsion to adopt the state as an exclusive political identity and political modality. This approach leads the Asian postcolonial state to a paradox. On the one hand, it seeks to establish the legitimacy of civilian administrative and executive organs on the basis of representative participation. On the other hand it employs the military to enforce the writ of civil institutions, which underscores the lack of legitimacy of these institutions. Further compounding this situation is the competition between civil and military organs for functional

¹ Barrow (1993: 9-10) points out that varying understandings of what the state is represent differing ideological perspectives on the nature of political function and strategy. These perspectives of the state vary from the regulator of the macro-economy to an obstacle to the expression of free will. Aside from these prescriptive accounts of the state, Max Weber (1919) introduces a descriptive account of the state as the legitimate source of power, that in turn being derived from its "*monopoly of the legitimate use of physical force within a given territory.*" See: Max Weber 'Politics as a Vocation' Munich University, January 1919 in David Owen and Tracy B. Strong *The Vocation Lectures*, Hackett, Indianapolis 2004, p. 32.

superiority. The result is that the Asian postcolonial state is characterised by a praetorian tendency which, over time, becomes the principal obstacle to exclusive legitimacy of the state.

In the Afghan borderland, both Afghanistan and Pakistan have introduced and maintained military force as both a deterrent and an instrument of compulsion, aimed at facilitating the assimilation of tribally dominated territories with the state. Paradoxically, this initiative has resulted in the weakening of civil administrative and executive structures, further polarising borderlanders from the state, who then find themselves in competition with the military for superiority in the borderland. By enduring the employment of the military, regardless of its operational effectiveness, tribal structures enhance the profile of their autonomy and in turn are distanced further from the civil state.

This chapter explores the dynamics of the recession of the state from the borderland in the critical areas of administrative writ, law enforcement and security, adjudication and education. Also exploring the phenomenon of militancy, the chapter demonstrates that the inadequate response of the state in these critical areas is a significant contributant to the resurgence of tribal autonomy in the Afghan borderland, a resurgence that is driven by the competition between the postcolonial states of Pakistan and Afghanistan, and the underlying substructure of *Pakhtunkhwa*.

5.2 Writ of the State

The borderland lies at the political periphery of the state, where political institutions serve little function beyond representing the legitimacy of the authority of the political centre of the state over the borderland. Borderland political institutions are often electorally non-representative, have no political impact on the centre of political power of the state, and consequently enjoy little legitimacy.

To understand the underlying structural causes of tribal resurgence in the Afghan borderland, it is necessary to understand how the state is receding from the borderland, both territorially and in a psycho-social sense as a cultural phenomenon amongst the Pashtun tribal population of KP and FATA. As such, this chapter addresses the phenomenon of the 'writ of the state' as a conceptual criterion by which to examine the recession of the state in the borderland.

5.2.1 The term 'writ of the state'

'Writ' is a term originally used in a legal context. Carrying the connotation of sovereign judicial right, use of the term 'writ' has since expanded to refer to the sovereign nature of authority in

whatever context it is employed.² In a political context, the 'writ of the state' is widely regarded as the exclusive authority of the state to issue decrees that are binding upon the population and over territories present within the state. 'Writ of the state' also describes the actual capacity of the state to impose and execute its decrees upon the population exclusively and without challenge, beyond institutional checks and balances upon executive authority.

A common example is the raising of a police force by the state to deter criminality and assist effective administration. In a conventional political sense, the state enjoys the sole right to raise a police force that in turn enjoys the exclusive authority to enforce decrees issued by the state. A challenge to the writ of the state in this context would be constituted by any rival or alternative police force raised from an alternative institution outside the structure of the state, or indeed quite possibly from a rival institution within the state.

Afghanistan has faced crises relating to the writ of the state since its territorial demarcation. As addressed in section 3.4.3., the demarcation of Afghanistan's territorial limits by 1893 was a resolution to the strategic contest between Russia and Great Britain in Central Asia, an observation evidenced by Mortimer Durand's records of correspondence with both Amir Abdur-Rahman and the Calcutta government.³ Because the southern boundary in particular transects the tribal Pashtun population, thus limiting its legitimacy and effectiveness, the Afghan state experiences a crisis of legitimacy regarding its territoriality, and consequently its authority. Constantly challenged by Ghilzai and Tajik tribal elements, the Durrani dominated executive has not effectively established legitimacy across the state in the intervening century, although the tenure of King Zahir Shah (1933-1973) did see relative stability and a gradual but definite expansion of the writ of the Afghan state beyond Kabul into the major cities of Mazar-e-Sharif, Herat and Kandahar in the north, west and south of the country respectively. The domestic political turmoil of the intervening decades has culminated in an insurgency that continues to pervade much of Afghanistan, consisting of tribal, jihadist and intervening external state elements. The nascent writ of the Afghan state is challenged by these elements, and superseded by the authority of international forces, which provide the bulk of the hardware, manpower and expertise currently employed against the insurgency. Hence, in Afghanistan the writ of the state is a limited phenomenon.

² The Oxford English Dictionary defines writ as; "...a formal written authoritative command; someone's power or influence." The Oxford English Dictionary, Oxford University Press, Oxford 2002, p. 602.

³ Durand's correspondence and the larger context of the demarcation of the Durand Line is dealt covered in detail in Percy Sykes' biography of Durand. See Sykes, Percy *The Right Honourable Sir Mortimer Durand: A Biography* Cassell and Company, London, 1926.

In Pakistan, the writ of the state is established in Punjab, Sindh, much of Gilgit-Baltistan, and parts of eastern KP. In these areas, the civil administration functions with a degree of effectiveness, and there are no sub-state structures that challenge the exclusivity of the state's writ and its legitimacy. Society in Punjab does not reflect segmentary patrilinealism as a determinant social structure, and is not characterised by the territorial exclusivity of tribes, factors that are determinant features of FATA and the adjoining areas of KP. Further, feudal structures in the largely agrarian Punjab along with the largely Punjabi army constitute two parallel structures that consolidate and perpetuate the writ of the state in Punjab and adjacent areas in northern Sindh and eastern KP.

In the Afghan borderland, however, the state has not effectively penetrated the enduring, pre-state structures of tribally driven territorial autonomy. The system of political agency through which the Pakistani state nominally administers FATA, practically redundant due to the resurging tribal militancy across the agencies, is a state provided veneer over a tribally dominated system of local, *zai* based structures of authority and adjudication.⁴ The principal function of the political agent has remained as a facilitator of cross-agency and cross-borderland economic flows.⁵ These economic flows include the provision of *nikkat* and *lungi* allowances, as well as the repatriation of ATT labelled commodities to the Khyber based *bara* or *karkhano* markets. The absence of the writ of the Pakistani state in the borderland currently manifests in the emergence of alternative judicial structures, rival military structures and re-emergent, pre-state and sub-state centres of political gravity that enjoy both authority over the population and also legitimacy in a psycho-social context, despite their lack of sanction from, and their opposition to, the Pakistani and Afghan states.⁶

The absence of any state presence in the Afghan side of the borderland is a contributant to the difficulty facing the Pakistani state in seeking to extend its writ into FATA. The movement of tribesmen into and out of FATA from Afghanistan determines that the population of FATA is not static, and identifies with trans-border tribal polities. As a result, the options available to the Pakistani state in seeking to assimilate this population are compounded by the absence of a government in Kabul with an effective writ that extends into the borderland. The government of Pakistan thus resorts to a combination of incentives and intimidation designed

⁴ Interview with Rehmat Shah Swati, Tanda, KP, 6th July, 2008.

³ Interview with Rehmat Shah Swati, Tanda, KP, 6th July, 2008.

⁶ Here, 'alternative judicial structures' refers to the multiple *sharia* courts that function across FATA and KP, a phenomenon treated in more detail in subsequent sections. 'Alternative military structures' refers to the tribal *lashkars* that are active, in many cases against the Pakistani military, across FATA and KP, a phenomenon dealt with in detail in the section entitled 'Militancy'.

to manage the autonomy of the tribes of FATA. This includes the provision of vital services and limited infrastructure, largely in exchange for guaranteeing the uninterrupted flow of trade, and the containment of inter-tribal feuds. The withdrawal of such subsidised vital services has historically functioned as a disincentive, an approach dominating the Pakistani army's engagement with FATA since 2002.

5.3 Praetorian versus writ of the state

KP is governed by a popularly elected provincial assembly that is currently administered through a chief minister elected by the assembly, and a federally appointed governor.⁷ The province is administratively divided into eighteen settled districts and seven tribal districts that are provincially administered (PATA- Provincially Administered Tribal Areas, as opposed to FATA – Federally Administered Tribal Areas). However, the actual source of political authority within the province is the military, a fact that is reflected in the military domination of the federal state more generally. Pakistan remains a praetorian state in which the military periodically intervenes in civilian political processes in order to control the political direction of the state. This has been manifest in a number of military *coups d'état* and stage-managed elections,⁸ as well as in the direct involvement of senior military officials in all levels of state and provincial administration.⁹ Retired, and in some cases serving, military officers staff virtually all major administrative posts in the state sector, although there has been a post-Musharraf reduction in the number of military appointees to civil administration roles.¹⁰

On a provincial level, eleven of KP's twenty governors since 1970 have been senior military officers, while four of the remaining nine governors were appointed by military governments. Three of these were by Zia-ul- Haq (1979-88) and one was appointed by Musharraf (1999-2008).¹¹ The real seat of power in the province is the office of the corps commander at

⁷ [Portal of the Provincial Assembly Khyber Pakhtunkhwa: http://www.panwfp.gov.pk](http://www.panwfp.gov.pk). Accessed 18th January, 2011.

⁸ Since 1947, Pakistan has spent 33 years under military rule; Ayub Khan (1958-1969), Yahya Khan (1969-1971), Zia-ul-Haq (1977-1988), Pervez Musharraf (1999-2008). Elections and referendums held by these military rulers have tended to be less than transparent. The April 2002 referendum on the presidency of Musharraf was such an example, with massive fraud observed by the author in Islamabad and Mansehra on the day of the referendum, primarily in the form of multiple votes cast by single individuals in support of the President.

⁹ This phenomenon is treated extensively by Ayesha Siddiqa Agha (2007) in *Military, Inc.* See; Agha, Ayesha Siddiqa *Military, Inc. Inside Pakistan's Military Economy*, Pluto Press, London 2007.

¹⁰ Nawaz, Shuja 'Pakistan and army: a changing relationship?' *Daily Times* 4th May, 2008; http://www.dailytimes.com.pk/default.asp?page=2008\05\04\story_4-5-2008_pg3_4. Accessed 20th January 2011.

¹¹ See Appendix XVII for list of governors of NWFP and KP.

Peshawar, based in the *Balla Hisar* fort overlooking the city.¹² The heavy and very visible presence of the military in the city of Peshawar supersedes the presence of the police and provincial administrative institutions such as the judiciary and revenue collection.¹³ This phenomenon has functioned to erode the development of effective political and administrative institutions in KP, as such institutions tend to be short lived, staffed with appointees agreeable to the objectives of the military, and unable or unwilling to make decisions counter to the objectives of the military on a day-to-day level. Provincial civil authority does not benefit from the ostensible distinction between civilian and military authorities. In fact, any such distinction is nominal, and provincial institutions actually provide a veneer of civil authority under which the praetorian continues to exercise actual power and authority. As a result of these factors, the civil administrative presence of the state in KP has remained weak, ineffective and unable to challenge the hold of tribal and clan structures over the population, a phenomenon extending into the cities.¹⁴

The military has also been unable to dislodge the primacy of tribal structures, despite the overt militarisation of KP. The army has included within its ranks significant numbers of Pashtun tribesmen from across KP and FATA, with some rising to senior positions and then seeking to represent the army to the tribes.¹⁵ However, this experience has not resulted in support for the army amongst tribesmen, and has in cases only further alienated tribes from the army.¹⁶

The Pakistani state was born into a dispute with Afghanistan over the KP province which Afghanistan claimed as its own (Marwat 1991: 16). Pakistan was thus faced with the prospect

¹² In addition to the argument made in the text, this was observed in Peshawar through July-August 2008, and January-March 2002 in numerous incidents involving disputes between civil administration officials and military personnel over a wide range of areas including traffic and law enforcement, airline reservations, public services and utilities, among others.

¹³ The inability of the provincial administration to challenge military officers and individuals affiliated with the armed services was observed on a number of occasions in Peshawar in July-August 2008, January 2002, February 2001.

¹⁴ This is on account of two factors: Firstly, the presence of tribal *lashkars* on the outskirts of the city of Peshawar, particularly Afridi tribesmen encamped by the neighborhood of Hayatabad in western Peshawar through the summer of 2008. Secondly, the large influx of tribal population into Peshawar resulting from military operations in Bajaur Agency in summer 2008. Both of these factors were observed by the author in August, 2008.

¹⁵ Hassan Abbas 'Musharraf Contends with the Pashtun Element in the Pakistani Army' 1st November, 2006; [http://www.jamestown.org/programs/gta/single/?tx_ttnews\[tt_news\]=953&tx_ttnews\[backPid\]=239&no_cache=1](http://www.jamestown.org/programs/gta/single/?tx_ttnews[tt_news]=953&tx_ttnews[backPid]=239&no_cache=1) . Accessed 23rd February, 2011.

¹⁶ Lt. Gen Muhammad Jan Orakzai was corps commander at Peshawar in 2001-2. Originally from FATA, he attempted to visit the Orakzai agency to enlist the assistance of his tribesmen in furthering army penetration in to FATA in pursuit of al Qaeda suspects in late 2001. His helicopter, on arrival, was fired upon by his own tribesmen and he was forced to leave without meeting anyone. Discussions with Abdullah Jan Orakzai, a witness to the incident, Islamabad, July 2002.

of seeking to integrate into the state a region that had previously been considered a borderland beyond effective administrative control. This was counter to the claims of the Afghan state with which the borderland had identified historically, ethnically, linguistically, and culturally. This challenge was further exacerbated by the fact that the literacy rates amongst the Pashtuns were far below that of the usual low rates of literacy in Punjab.¹⁷ The insular and exclusive tribal structure that dominated the overwhelming majority of the Pashtun population functioned as yet a further barrier to state penetration. The weak and limited abilities of the state itself, combined with the above-mentioned challenges, ensured that the inability of the Pakistani state to effectively assimilate KP into the rest of the state with any degree of effectiveness would persist for years.

Thus, since 1947 tribal and clan structures were able to perpetuate influence, authority and legitimacy relatively unimpeded by the state. The state continued to attempt to impose itself through the system of political agents in FATA, through the *nikkat* and *lungi* system, and through providing and withholding developmental assistance.¹⁸ However, these initiatives were unable to remain impervious to Pashtun tribal and clan rivalries and were invariably characterised by nepotism and non-transparent practices.¹⁹ State supported initiatives aimed at achieving the assimilation of tribal territories thus became initiatives through which tribal polities were able to penetrate the state's administrative institutions and manipulate their functioning in accordance with tribal interests. As a result, the institutional penetration of KP and FATA by the state failed to effectively dislodge the position of tribal and clan primacy in the borderland.²⁰

The cumulative result of these factors has been the emergence of nominally functional provincial administrative institutions that lack effectiveness and authority. Dominated by the military and largely ignored by tribal and clan structures, the failure of these institutions

¹⁷ Interviews with education officials in August 2008 and April 2009 suggest that at the time of Partition, the literacy rate in then NWFP was less than 5%. Current estimates of literacy rates in KP vary. The 2002 NWFP Literacy Project claimed a literacy rate of 37% in NWFP, which increased to 40% in 2005. See; 'Literacy Statistics: NWFP' April, 2010; http://www.paklife.net/rfer_library/Reports/4-10.pdf. Accessed 29th January, 2011.

¹⁸ Interview with Colonel B, at Blue Area, Islamabad, June 2002.

¹⁹ This was observed by the author at two institutions; The Foreign Office at Islamabad and The Quaid-e-Azam University in Islamabad. Both observed from September 1999 to August 2000.

²⁰ It should be noted that the political motivation on the part of the Pakistani state to integrate FATA with then NWFP was tempered by considerations over how this action would be perceived by India and the international community, potentially weakening Pakistan's case for the emancipation of Indian administered Kashmir. This was underlined by Pakistan's toleration of the pro-India activities of Abdul Ghaffar Khan's Khudai Khidmatgar movement which enjoyed substantial support in northern FATA, Dir, and Swabi/Mardan at the time of Partition. To suppress the Khudai Khidmatgar would have weakened Pakistan's position of extending support to the Muslim population of the Kashmir Valley who, according to Pakistan, were suffering oppression under Hindu administration.

represents the failure of the Pakistani state to impose its political writ over much of KP and FATA. Rather, the state has relegated the role of assimilating KP and FATA to the military, where continued operations against militants, the widespread presence of military check posts and the domination of all civil institutions by the military is considered a source of strength by the state.²¹ Repeatedly, President Zardari has stated that military operations in KP will continue until the 'writ of the state' is re-established.²² While military force may diminish the capabilities of the militants, the military thus far in KP and FATA has not established either the writ of the state, or the exclusive exercise of coercive power. Rather, the employment of the military continues to fuel a cycle of instability that has the cumulative result of eroding state authority. The continued presence of the military in all areas of state life has contributed to the failure of political institutions to mature and function effectively. This has led to the continuation, and indeed consolidation of sub-state centres of political authority, adjudication and militancy. Thus, as a result of the failure of the Pakistani state to effectively impact KP and FATA through the development and maturation of political institutions, the Afghan borderland remains a politically peripheral region in which tribal structures continue to exercise effective authority.

5.4 The Structure of State Failures

Beyond claims of sovereignty over territory, the writ of a modern state operates in the functioning of a number of civil administrative institutions. Some of these include provincial administration, the judiciary, the police force, systems of education, revenue collection, and in many cases an institution for vital infrastructure. In contrast with the core of a state, a borderland may be characterised by a diminished presence, or total absence, of these institutions and structures leading to the diminished writ of the state or its complete absence in the borderland.

The previous section has detailed the fact that the administration of KP is dominated by the military. Governors of the province have tended to be either senior military officers, or civilian appointees by the military government. All provincial administrative institutions, and many private enterprises, are directly or indirectly under the influence of the military.²³ Aside from

²¹ Interviews with Brigadier A, 17th March, 2004 (location withheld), and 28th July, 2008 in Islamabad.

²² 'War against militancy for country's survival, says Zardari terms operation last option; NWFP leaders meet President' 21st May, 2009; <http://www.paktribune.com/news/index.shtml?215098>. Accessed 30th January, 2011.

²³ During fieldwork in July and August 2008, obstruction to movement by the police promptly dissipated with the announcement of the name of a Colonel who advised that his name should be invoked should the police ever demand documents or instigate questioning. This was also observed at a

its domination by the military, the civil administration of KP has a limited presence across the province, with a non-uniform distribution. There is a discernable presence of the civil administration in Peshawar. Mardan, Swabi, and Charsadda in central KP demonstrate a visible and functioning civil administration, as does the Mansehra region of eastern KP. Outside of these areas, the civil administration of KP and FATA has failed to gain the loyalty of, and hold legitimacy in the perception of, the overwhelming majority of the population.

5.4.1 Law enforcement

A police force represents the presence of the civil administration and engages in core administrative roles, including the regulation of vehicular traffic, the maintenance of state sanctioned law and order, investigation of its violations, and deterring criminality through maintaining a visible presence.

The presence of the police force is unequal across KP. In the city of Peshawar, the provincial capital with a population often placed at around 2 million,²⁴ large sections of the city currently function with virtually no presence of police.²⁵ The University Town section of the city, home to a large student population and a number of foreign aid workers and media personnel, does have a police station outside which up to four police vehicles may be parked at any time.²⁶ However, police personnel tend to remain in and around the vicinity of the station and are rarely seen on patrol around the city, often due to concerns over the safety of officers. Civilian resistance to the presence and actions of the police is also frequent and occasionally violent.²⁷ This is in addition to the fact that police officers tend to be lightly armed, if at all, often with bolt action rifles whereas automatic weapons are widespread amongst tribesmen,²⁸ although

police station where the author's rented vehicle had been impounded for no ostensible reason. Through discussions with military personnel, it was revealed that most large businesses in Peshawar retain the services of a middle ranking army officer, often recently retired but sometimes serving, in order to 'cut through' administrative and judicial obstacles to business.

²⁴ The web portal of the government of KP hosts statistics from the 1998 census of Pakistan which placed the population of Peshawar at 1.7 million.

See: <http://www.khyberpakhtunkhwa.gov.pk/aboutus/Area-Population.php> accessed 30th January, 2011. However, the military operations in FATA and KP since 2008 have seen waves of refugees descend upon Peshawar, with significant numbers staying. Also, a large movement of Afghans has made Peshawar home since the fall of Kabul to the Taliban. Hence, a more accurate estimation of the population in 2010 would be around 2.5 million.

²⁵ Observations regarding the presence of the police were made by the author in KP from July-September, 2008.

²⁶ Observed by the author in August 2008.

²⁷ Observations made in Peshawar in February 2001 of an assault against a police officer on traffic duty made by a tribesman who alleged that the police officer had peered into the assailant's vehicle to 'look' at the women present in the vehicle. This was not an isolated incident, with a number of similar narrations noted in informal conversations about the role of the police in KP.

²⁸ Observations by the author made in Peshawar July-September 2008. Also, interviews with police officials January, 2001.

automatic weapons are less visible within the city of Peshawar than in the adjoining Khyber agency. Police officers in Peshawar tend to avoid altercations with tribesmen, on the understanding that intervention will invariably create violent opposition from co-tribesmen of individuals apprehended or harmed by police action.²⁹ Police actions are thus more often defensive than offensive.³⁰

Police morale in KP is very low, with wages that are amongst the lowest in the state sector at around nine thousand Rupees per month.³¹ Police officers are frequently expected to provide their own resources to pay for fuel for patrol vehicles.³² This practice leads to widespread corruption amongst police officers, who routinely ask for assistance from motorists stopped for moving violations.³³ Low morale is further exacerbated by the direct authority over any police officer enjoyed by any military officer, which occasionally results in the taunting and humiliation of police officers by military officers.³⁴

Outside Peshawar the presence of the police is varied. In southern KP the presence of the police reduces to practically non-existent, although the paramilitary Frontier Constabulary (FC) is visible and does man check posts along arterial routes.³⁵ In this part of KP, as is the case in FATA, the presence of the FC is primarily a show of state-backed force. The FC does not carry out a policing role, and very frequently avoids engaging tribal militants. Where conflicts have occurred, the FC has frequently suffered matériel and manpower losses.³⁶ In the areas of law enforcement, the experience of southern KP and of FATA is that the state seeks to impose its presence through a show of force, but has no effective deterrent, investigative, or administrative role.

²⁹ Observations by the author made in Peshawar July-September 2008. Also, interviews with police officials January, 2001.

³⁰ Observations by the author made in Peshawar July-September 2008. Also, interviews with police officials January, 2001. Two police stations were visited in August 2008 that had been attacked by tribesmen and were, in both cases, totally destroyed.

³¹ This amounts to approximately seventy five UK pounds per month. In 2009, the federal government announced it would increase police wages by 150%. In many cases, this has yet to occur. See: Paul Wiseman and Zafar Sheikh 'Pakistani Police underfunded, overwhelmed' 5th May, 2009; http://www.usatoday.com/news/world/2009-05-05-pakistancops_N.htm . Accessed 2nd March, 2011.

³² Conversation with police officers in Islamabad, January 2001, including participant observation with police officers in pursuit of a criminal suspect in Islamabad.

³³ Observed by the author on numerous occasions between January 1999 and August 2002. Police officers often ask for some contribution to cover expenses for tea and food, euphemisms for bribery. Upon refusal, the vehicle of the motorist in question is often impounded for a period of some hours, necessitating the payment of a release fee.

³⁴ Observations made by the author in Peshawar, January-March 2001, July-September, 2008.

³⁵ Observed by the author in Kohat district, July-August 2008.

³⁶ Observed by the author in Kohat district in 12th-14th August 2008 where tribal militias had destroyed paramilitary bunkers following a firefight.

In contrast, there is an observable and obtrusive police presence in northeast parts of KP, including the districts of Haripur, Abbottabad, and lower Mansehra.³⁷ Police- manned check-posts are frequent along main roads as are patrols. The population of Abbotabad district is unique in that it includes a significant non-Pashtun element, given its proximity to both Punjab and Pakistan-administered Kashmir. This demographic was evident in the opposition to the renaming of NWFP as Khyber-Pakhtunkhwa in April 2010.³⁸

The reality of policing in Punjab is in stark contrast to the experience of much of KP. There is a far greater visibility of the police in Punjab than in KP, with obtrusive police check posts at most major intersections and visible armed patrols.³⁹ Although Rawalpindi is a garrison town with a large military presence, a similar feature as Peshawar, the Punjab police patrol all parts of the city at all hours,⁴⁰ a direct contrast with Peshawar. The Punjab police aggressively enforce motoring regulations and conduct investigations into criminality, another direct contrast with the police experience in Peshawar.⁴¹ This direct contrast in the role and functioning of the police is a manifestation of the contrast in the presence of the state in these provinces. The Punjab police, while as under-equipped as their colleagues in KP, enjoy some degree of confidence amongst the population and are a significant organ of the state administration in the province, and are the state's most visible aspect. This situation is far removed from that in central and southern KP where the imposition of the state upon the province through the police force is minimal.

5.4.2 The judiciary

The presence and functioning of a state sanctioned judiciary is another key indicator through which the degree of presence of the state can be analysed. The Pakistani state has a functioning judiciary that draws on both civil and *sharia* sources of law. Each of the state's four provinces has a high court, which sits in the provincial capital. There is an overall Federal

³⁷ Observed by the author in north-east KP province in Jan.-March 2001, Jan.-March 2002, July-August 2008.

³⁸ In April 2010, demonstrations among the Hazarawaal community, an indigenous Hindko speaking grouping in the vicinity of Abbotabad, were held in opposition to the renaming of NWFP as Khyber-Pakhtunkhwa. Demonstrators felt that the renaming of the province would undermine the representation of non-Pashtun communities present in the Abbotabad area. Some sought the demarcation of an ethnic Hazara administrative division. See: 'Anti-Pakhtunkhwa protest in Hazara Body to hold talks with Hazara representatives' available at [14th April, 2010; http://www.paktribune.com/news/index.shtml?226466](http://www.paktribune.com/news/index.shtml?226466) . Accessed 2nd March, 2011.

³⁹ Observed by the author in Rawalpindi, Islamabad and Lahore July-September 2008.

⁴⁰ Observed by the author through 2000 and 2001 where the police in Rawalpindi frequently stopped vehicles, at all hours, and carried out obtrusive documentation and driver identification checks, occasionally searching vehicles.

⁴¹ Observed by the author in Rawalpindi, Islamabad and Lahore July-September 2008.

Supreme Court with appellate jurisdiction as well as a Federal *Sharia* Court with original and appellate jurisdiction.⁴²

The Pakistani judiciary has been marred by incidence of corruption and politicisation. During the tenure of Pervez Musharraf (1999-2008), it was widely alleged that the Supreme Court had been staffed by appointments that were politically aligned with Musharraf.⁴³ Following the resignation of Musharraf in August 2008, Supreme Court justices deposed by him were reinstated, suggesting a restoration of transparency in the judiciary. In January 2009, President Zardari consented to the instatement of 32 local and provincial judges appointed by the Chief Justice,⁴⁴ another sign of the judiciary's independent function.

There is a functioning judiciary in KP based at the Provincial High Court in Peshawar. There are local and district magistrates in all settled districts. Barristers and lawyers are easily accessible.⁴⁵ Despite this, there is a strong and widespread tendency amongst the population to seek arbitration outside of the court system. This trend, observable since the mid-1990's but increasing in momentum since 2002, seeks to pursue arbitration in accordance with the tribal precedents and edicts embodied in *pashtunwali*, and in accordance with *sharia* law.⁴⁶ This has been the case across FATA due to the provisions of the FCR which mandates judicial powers for the tribal *jirga* process and limits the jurisdiction of the federal and provincial judiciaries.⁴⁷ This situation is mirrored across PATA, arising from the primacy of tribal authority in the seven PATA agencies. However, this study finds that there is a trend towards non-state sanctioned adjudication, usually in the form of *sharia* courts, also across parts settled KP.

⁴² An outline of Pakistan's judiciary is available on the government's portal. See: http://www.pak.gov.pk/structure_government.aspx. Accessed 6th March, 2010.

⁴³ In March 2009, Musharraf rendered Chief Justice Iftikhar Chaudhry 'dysfunctional' replacing him with Justice Javed Iqbal in a move many considered an attempt at silencing the judiciary over concerns voiced on the issue of abductions carried out by intelligence agencies. See: Zeeshan Mansoor 'Judicial Crisis in Pakistan: Musharraf goes after the Supreme Court' 19th March, 2007; <http://www.globalresearch.ca/index.php?contex=va&aid=5122>. Accessed 16th March, 2011.

⁴⁴ In February 2009, President Zardari appointed two senior judges without consultation with the Chief Justice. On being challenged by the judiciary, the President withdrew the appointments and instead consented to a wider series of appointments made by the Chief Justice. See: Zeeshan Haider 'Pakistan government averts judicial confrontation' 17th February, 2010; <http://in.reuters.com/article/idINIndia-46243020100217>. Accessed 3rd January, 2011.

⁴⁵ Observed by the author in July-August 2008. Lawyers tend to congregate at the *Katcheri*, an outdoor meeting point complete with desks, typewriters, and secretarial staff, where their services are available for a fee.

⁴⁶ Although Anderson (1979:137) points out the variance between *pashtunwali* and *sharia* as understood and practiced amongst the Ghilzai, in the experience of the Yusufzai and most of NWFP the two concepts are largely synonymous.

⁴⁷ *FATA, FCR & Human Rights: Challenges and Responses* Parliamentarians Commission for Human Rights, Islamabad, September 2005, p. 4.

Part of the motivation for this growing trend has been the perceived inefficiencies within the civil law procedure in KP. Courts typically face a backlog of cases and decisions often come months or years after the submission of a petition.⁴⁸ Lawyers typically charge rates for their services that are beyond the capabilities of many of the plaintiffs. In contrast, the *sharia* courts, or *Qazi* courts as they are widely referred to, provide an expedient form of justice that is comparatively more accessible to any potential plaintiff than the civil court system.⁴⁹

It is this expedient form of *sharia* justice, and the greater cultural affinity for it amongst the Yusufzai, that is the principal motivation behind the drive for *sharia* courts across northern KP province, including the districts of Bajaur, Dir, Swat and Malakand.⁵⁰ The TNSM movement among the predominantly Yusufzai tribesmen of northern KP led by Sufi Mohammad, established courts that adjudicated according to the Yusufzai conception of *sharia* law across much of the territories in which the group had influence in the late 1990's.⁵¹ Initially, these courts functioned as an alternative structure through which the local population could seek arbitration and adjudication. Following their success, the *sharia* courts began to function as a replacement of the existing provincial judiciary. The fact that the *sharia* court concept spread rapidly across a significant portion of KP province despite the presence of the provincial court system suggests that, in popular Pashtun perception, the *sharia* courts were considered a legitimate source of arbitration, a perception the provincial judicial system lacked.

Beyond northern KP, the trend for *sharia* adjudication has spread across southern KP and all of FATA. FATA is governed by the Frontier Crimes Regulation, a pre-Partition system through which the political agent in each agency nominally oversees the implementation of *pashtunwali* edicts through *jirga*. Article 247 (7) of the Pakistani constitution enshrines the status of FATA beyond the legislative and judicial reach of parliament,⁵² and thus forms the constitutional basis of FATA's judicial exclusivity. The void left by the absence of a state sanctioned judiciary in FATA has been filled by tribally based *sharia* courts that extend their

⁴⁸In May 2009, Pakistan's Chief Justice announced a 'National Judicial Policy' aimed at clearing the backlog facing the judiciary and speeding up the judicial process. See: 'National Judicial Policy 2009: A year for focus on Justice at the Grassroots Level' <http://www.sindhhighcourt.gov.pk/njp2009.pdf>. Accessed 22nd January, 2011.

⁴⁹ Syed Shoaib Hassan 'Swat Taleban find Sharia a challenge' 24th March, 2009; http://news.bbc.co.uk/1/hi/world/south_asia/7959100.stm. Accessed 16th March, 2011.

⁵⁰ Sohail Abdul Nasir 'Religious Organisation TNSM Re-emerges in Pakistan' 17th May, 2006; [http://www.jamestown.org/programs/gta/single/?tx_ttnews\[tt_news\]=740&tx_ttnews\[backPid\]=239&no_cache=1](http://www.jamestown.org/programs/gta/single/?tx_ttnews[tt_news]=740&tx_ttnews[backPid]=239&no_cache=1). Accessed 16th March, 2011.

⁵¹ 'Tehreek Nifaz-e-Shariat-e-Muhammadi (TNSM) Movement for the Enforcement of the Islamic Sharia' <http://www.globalsecurity.org/military/world/para/tnsm.htm>. Accessed 12th January, 2011.

⁵² *FATA, FCR & Human Rights: Challenges and Responses* Parliamentarians Commission for Human Rights, Islamabad, September 2005, p. 4.

remit to an entire *zai*. While the *jirga* structure persists in FATA, *sharia* courts address a wide variety of issues deemed too insignificant for *jirga*. Hence, *sharia* courts are currently established in Dera Ismail Khan, Bannu, Kohat, Karak and Hangu in southern KP,⁵³ in addition to being established in Malakand, Dir, Swat and Shangla in northern KP under the aegis of the TNSM.

The example of the judiciary demonstrates the diminishing role of the state across much of KP. The legal writ of the court is a fundamental aspect of the writ of a state. In bypassing the state established court system, borderlanders are enhancing the trend of the borderland towards autonomy from the institutions of the state. This trend, in so far as the judiciary is concerned, is at least partially resultant from the inefficiencies in the conduct of the local, district and provincial courts in KP. The lack of effectiveness of the courts occurs against a backdrop of an existent alternative judicial process that emanates directly from the *pashtunwali* mandated institution of *jirga* and tribal affinity for *sharia* courts. This alternative, in the form of the *sharia* or *Qazi* courts, is a pre-state judicial process that is re-emerging along with the general resurgence of pre-state tribal polity and identity.

5.4.3 Education

State schools are a visible and widespread manifestations of the presence of the state. In the field of education, the state sector in Pakistan is very weak, manifest in a literacy rate of around 40%, and a rate in KP of around 30%.⁵⁴ Literacy rates in FATA are considerably lower, varying considerably across the seven agencies. In the absence of an effective state sector in education in KP and FATA, two alternative autonomous systems have emerged. One is the growing area of private schools, while the other is the rapidly expanding network of *madrassas*.

Private schools tend to be based in the major population centres of Peshawar, Mardan, Swabi, Kohat and Mansehra.⁵⁵ Less developed localities may also have private schools, but these are

⁵³ Abdul Saboor Khan 'Taliban impose sharia in Hangu' 3rd January, 2009. http://www.dailytimes.com.pk/default.asp?page=2009/01/01/story_3-1-2009_pg7_1. Accessed 21st January, 2011.

⁵⁴ Estimates of literacy rates in KP vary greatly from 30% to over 50%. This is partly due to the fact that higher rates of literacy are concentrated in and around Peshawar, Mardan, Swabi and Mansehra where there are private schools. Large areas of KP are without any formal education structure, and hence reflect a lower rate of literacy. The provincial government claims a province wide rate of literacy of 64% for males and 26% for females. See; <http://www.nwfpfinance.gov.pk/chapter101.php>. The CMDO, an NGO working to improve literacy in KP, reports a provincial literacy rate (in aggregate) of 35.4%. See; <http://www.cmdo.org/?q=node/8>. Retrieved 8th March, 2010.

⁵⁵ Private schools were observed in these localities by the author between January 2001 and August 2002.

sometimes little more than informal gatherings in fields or in a residential compound.⁵⁶ The quality of education varies greatly between various private schools and between different localities. Private schools in Mansehra for example conduct studies in an English/Urdu medium involving professionally qualified staff and conventional ICT technologies.⁵⁷ In South Waziristan, in contrast, schools consist of some learning of Urdu, basic arithmetic and basic literacy usually conducted by a non-professional teacher with no teaching qualifications and in accordance with no discernable curriculum.⁵⁸

Madrassas have proliferated across KP and FATA, in both rural localities and major towns and cities. *Madrassas* tend to be fully autonomous initiatives usually established by collective consent in a particular locality. As a cultural norm, Pashtun clans usually nominate an individual or family to be responsible for the performance of religious rites. However the role of such 'clergy' varies between tribes. The Yusufzai, as recorded by Barth (1959: 92) and Ahmed (1976: 51), tend to value the clergy and establish for them a central role in the political life of the tribe. This is in contrast to the Waziri and the Ghilzai who tend to limit the role of clergy to the performance of religious rites (Anderson 1979: 49, 238). Despite this variation, *madrassas* are widespread across all districts of KP and FATA.

The objective of *madrassas* is to impart religious knowledge from classical Arabic texts in preparing students to be able to function as clergymen on a village level. In addition to this, *madrassas* fulfil an essential social role, that of providing food, shelter and clothing to many of the poorest children in KP and FATA. As such, *madrassas* function to fulfil the state's responsibility of providing some semblance of care for children who are often orphans or from highly impoverished backgrounds. This phenomenon was most evident in the aftermath of the earthquake of 2005 resulting in a large number of orphans in KP.⁵⁹

Since 2003, the government of Pakistan has sought to diminish the proliferation of *madrassas* in KP and regulate existing ones through establishing a system of registration with state authorities, leading to the provision of formal education in temporal subjects.⁶⁰ Despite the large amount of funding that was received by the Pakistani government from international

⁵⁶ Observed in Kohistan, August 2008. Such school charge nominal fees, and serve as a primer before children are able to move to established schools in major population centres. Activities include basic literacy in Urdu and numeracy.

⁵⁷ Observed in Mansehra and Abbotabad in August, 2008. Some schools offer both English and Urdu mediums of instruction.

⁵⁸ Interview with NCO-A, upper Pakhli, KP, 3rd September, 2008.

⁵⁹ This was observed in Mansehra district in August 2008, in a visit to such a *madrassa*.

⁶⁰ Zafar Abbas 'Madrassas resist regulation drive' 24th August, 2005; http://news.bbc.co.uk/1/hi/world/south_asia/4181056.stm. Accessed 16th March, 2011.

donors towards this initiative,⁶¹ the Pakistani government was unable to make any significant impact in the number and orientation of the *madrassas*, although it did succeed in registering a large number of the *madrassas* in KP and FATA, and in establishing a protocol through which militancy and weapons-related activities were virtually eliminated from suspected *madrassas*.⁶²

The proliferation of independent *madrassas* dedicated to imparting Islamic canonical knowledge and training with respect to Islamic rites has increased immensely in recent years across KP and FATA. This trend is occurring as the state school system in KP and FATA particularly remains largely inadequate to deal with the demands of the population in the province. As such, the emergence of these *madrassas* represents a further example of the receding nature of the state in KP where one of the most fundamental responsibilities of the state, education and literacy, is being carried out by local clan and tribe-based initiatives that orient education and literacy in the direction of Islamic theological knowledge within a tribal context to produce *mullahs*. This has resulted in a province-wide alternative education outside state regulation, that has no declared function of political-socialisation and acculturation with concepts and ideals arising from a state founded educational curriculum. The implication is that this alternative educational system is producing individuals educated in a tribal context, dominated by *pashtunwali* and Islamist austerity, resulting in a psycho-socially distance from the state, and an affinity for tribal, *pashtunwali* derived authority.

5.4.4 Firearms

Firearms are an important aspect of culture among tribal Pashtuns. The security of the *kor* is a central element in the conduct of the individual and the family. Many homesteads are surrounded by fortified walls between 1M and 2M thick, and have *murchee* (firing holes in fortifications atop walls).⁶³ The ownership and display of firearms is an important aspect of this protection of the homestead. Although settled districts do not manifest the frequency and

⁶¹ 'Britain doubles aid to Pakistan' 3rd July, 2008; <http://news.bbc.co.uk/1/hi/7486948.stm> . Accessed 22nd January, 2011.

⁶² Interview with an Imam at *madrassas Dar al Uluum Khwajgaan* in northern Mansehra district who related the protocols followed by state intelligence officials in seeking to prevent *madrassas* from becoming centres for militancy 4th September, 2008.

⁶³ Observed in Afridi territories, August 2008. A destroyed FC check-post less than a mile from some fortified homesteads was also observed. A guide explained the kinetics of the destruction of the check-post.

scale of threat from rival clans as is seen in the tribal agencies, firearm ownership is widespread.⁶⁴

The regulation and control of firearm possession is an area in which the state is ineffective. Firearms are widely available in KP particularly. There is no accurate record of the number of firearms in KP, but estimates place the number of ubiquitous AK-47 copies at over two million, with that number again of a variety of shotguns and pistols.⁶⁵ In 2002, the government of Pakistan proclaimed a freeze on the issuance of licenses for gun ownership and threatened to impose heavy fines and prison sentences on individuals caught with guns without the appropriate licensing.⁶⁶ In the major cities in Punjab, this had the effect of people surrendering weapons, under an amnesty program, to avoid severe penalties.⁶⁷ In KP province, however, such an impact did not occur although the government did seek to impose its writ in this area forcefully.⁶⁸

Widespread unlicensed gun ownership has continued in KP, largely in disregard of the 2002 statute outlawing unlicensed weapons, and limiting the type of weapons allowed.⁶⁹ Since 2006, there has been a steady increase in illegal gun ownership, largely in light of the deteriorating security situation in the cities of KP as opportunist criminals seek to exploit the prevailing trend of tribal militancy across the province. This trend has increased steeply in 2008 and 2009.⁷⁰

While the demand for firearms has increased across KP as a result of widespread insecurity, parts of eastern KP have seen an opposing trend. Although the demand for firearms remains high, gun sales in areas such as Abbotabad and the adjoining district of Mansehra have been

⁶⁴ Every home visited in the duration of field work had firearms, although not always prominently displayed.

⁶⁵ Discussions with Brigadier A, Islamabad, August 2008.

⁶⁶ Despite varying coverage in the press on exactly what the penalties would be and which weapons would be affected by the legislation, and indeed whether or not the legislation would be enacted, interviews with gun shop owners in 2002-3 in Islamabad and Peshawar suggested that seizures and prosecutions had indeed been undertaken, as had a ban on the issuance of new licenses. For press coverage of the issue between 2001-2003, see

http://www.gunpolicy.org/Topics/Guns_In_Pakistan.html . Accessed 19th March, 2010.

⁶⁷ The amnesty preceded the enforcement of the licensing laws which, when implemented, did lead to a large-scale recovery of illegal weapons. See: 'Pakistan launches arms amnesty' 5th June, 2001; http://news.bbc.co.uk/1/hi/world/south_asia/1371207.stm . Accessed 16th January, 2011.

⁶⁸ A case observed by the author in March 2002 in Mansehra district, where police arrested a hunter using an unlicensed weapon, precipitating a *jirga* to attain his release.

⁶⁹ Observed across KP July-Sept. 2008. An increase in prices for small arms across KP has been attributed to a shortage in weapons arising from increased demand. Interview with Muhammad Shakeel, Darra Adam Khel, August 2008.

⁷⁰ See: 'Political Patronage, PM Flood Pakistan with 400,000 Private Gun Permits' available at http://www.gunpolicy.org/Topics/Guns_In_Pakistan.html. Accessed 19th March, 2010.

reduced and the presence of armouries and gun shops has decreased.⁷¹ Incidents of violent crime are also less frequent than in Peshawar and its environs,⁷² although the Pakhli plain and Tor Ghar are plagued by frequent home robberies by armed gangs.⁷³

This trend appears to be resultant from a number of factors. As has been established in this chapter, eastern KP, including Mansehra and Abbotabad, manifests many more attributes of the state than northern and southern KP. In addition to this, the area manifests a relatively heterogeneous population including Awans, Kashmiris and Punjabis. Hence the cultural affinity with firearms manifest amongst tribal Pashtuns is less prevalent in eastern KP.⁷⁴ This is in stark contrast to the situation in Kohat and southern parts of KP where the weapons industry, although unregulated and technically illegal, is growing and continues to provide employment and economic opportunity to many tribesmen.⁷⁵ Hence, this study finds that the relative reduction in the prevalence of firearms in eastern KP is a manifestation of the presence of the state's administrative and judicial organs in the districts of Abbotabad, Haripur and southern Mansehra.

The preceding analysis of elements of civil administration demonstrates the lack of presence of the Pakistani state across much of KP, PATA and FATA. Analysis reveals that the provincial civil administration has a weak presence, concentrated in Peshawar, Mardan, Swabi and Charsadda, and eastern districts of Mansehra and Abbotabad where the presence of the civil administration is notable. In addition to having a weak presence across the province, the civil administration is dominated by the military in its structure and functioning. This role of the military has functioned to weaken the civil administration, and has distanced the tribal population of the borderland from it. The employment of the military in operations across

⁷¹ Over a five year period from July 2003 to July 2008, a substantive decrease in the number of gun shops was observed across the northern parts of KP and Peshawar. Discussions with proprietors suggest that this trend was largely the result of changes in legislation instituting severe punishment for possession of unlicensed arms. Discussions also revealed that the overwhelming majority of arms sales prior to that period were to unlicensed customers.

⁷² Although accurate statistics related to violent crime are not kept, largely because most crimes go unreported, Peshawar demonstrated a number of violent crimes such as murder and abduction for ransom each day reported in the local press. There was no such report, whether in the press or brought to the awareness of officials through other means, in August 2008 in the Mansehra division. However, January and February 2010 brought a number of bombings of aid agencies and personnel perpetrated by suspected Islamist militants.

⁷³ Observed by the author in September 2008 in the upper Pakhli plain where homesteads are well armed and movement in vehicles requires the presence of a firearm, particularly after dark. An incident involving a vehicle was observed in passing through an area of intense foliage, between Baffa and Khwajgan, 4th September, 2008.

⁷⁴ The north-east part of KP is home to a substantive population of ethnic Gujjars who speak Hindko and are outside the Pashtun *shajara*. Weapons do not figure as prominently in Gujjar cultural norms as they do amongst Pashtuns.

⁷⁵ Observed by the author in Kohat district 12th-14th August 2008.

FATA has further alienated tribesmen from that institution, a trend that began following the initial deployment of the military in FATA in mid 2002. This alienation of the borderland from both civil and military organs of the Pakistani state has been a key catalyst in the resurgence of tribal authority across FATA, PATA and adjacent districts of KP during this timeframe.

5.4.5 Civil administration in Afghanistan

As has been explored in section 5.2 addressing the writ of the state, the state in Afghanistan has been in a condition of crisis of legitimacy for most of its history. The state, as an identity and as institutions, has failed to displace the primacy of tribally based identity, authority, adjudication and territoriality which are predominant in the south and east of Afghanistan, particularly in the borderland. In contrast, Anderson (1979: 67) observes that it is the tribe that has been able to penetrate and in cases manipulate the institutions of state to further tribal interests, resulting in a perpetuation of the failure of the state to assimilate the tribe.⁷⁶

In the central highlands and north of the country, however, the state has historically had an impact and continues to do so currently. This has been attributed to the fact that the population in the north tends to be predominantly non-Pashtun, exhibiting a less clearly defined segmentary patrilineal culture than the Pashtun in the south. Hence, the northern population tends not to exhibit enduring pre-state structures of polity on a tribal level, creating fewer obstacles for assimilation into the state in comparison to the Pashtun. The numerical inferiority of each of the Tajik, Uzbek and Hazarajat populations vis-à-vis the Pashtun has tended to create a perception among these minority populations, of the state as a vehicle through which to project political influence to counter the numerical domination of Afghanistan by the Pashtun. Structures of the Afghan state, therefore, have always reflected a notable presence of Tajik participants, although the executive function has remained exclusively Pashtun since the tenure of Amir Abdur-Rahman (1880-1901).

Currently, southern and eastern Afghanistan are characterised by the absence of the state. Any semblance of effective administration is limited to Kabul, Jalalabad and Kandahar. Cities in northern Afghanistan manifest a comparatively more effective presence of the state than in the south.⁷⁷ The cities of Kunduz, Badghis, Herat and Mazar-e-Sharif⁷⁸ have emerged from the

⁷⁶ This observation was further supported by Dr. Shaista Wahab, in discussions at Omaha, Nebraska during December 2008, where Dr. Wahab highlighted the resurgence of Ghilzai authority through Afghan state between 1978 and 1992.

⁷⁷ Rajiv Chandrasekaran '7 U.S. Troops Killed in Attacks in Afghanistan' 6th July, 2009; <http://www.washingtonpost.com/wp-dyn/content/article/2009/07/06/AR2009070600191.html>. Accessed 30th January, 2011.

⁷⁸ Although Mazar-e-Sharif has been relatively peaceful and has seen the widespread presence of Afghan police and ANA personnel, Hekmatyaaar's Hizb-e-Islami is still active in the area. See: Tony

post-2001 break down of authority that resulted from the US and NATO led invasion of Afghanistan and do manifest the presence of the Afghan state through structures of civil administration.⁷⁹ However, the provinces of Kunar, Nangarhar, Paktiya, Paktika, Khost, Ghazni, Zabul, Uruzgan, Helmand, Kandahar and many of the areas surrounding Kabul continue to be characterised by the absence of any effective administration and the absence of the writ of the state.⁸⁰ In these provinces, almost all structures providing human developmental assistance are NGOs. The ministry of health has effectively relinquished its function to NGOs⁸¹ which operate with little or no support from the Afghan government, often in danger of reprisal from militias who see them as an instrument of NATO intervention.⁸² There is a Ministry of Tribal Affairs, recently renamed as the Ministry of Tribal and Border Affairs,⁸³ but since 2010, it has been eclipsed in function by the Ministry for Refugees. The Ministry of Tribal and Border Affairs is now practically defunct, a fitting metaphor for the presence of the Afghan state amongst the predominantly Ghilzai clans in the vicinity of the Durand Line and Durrani clans in southern Kandahar province.

The ethno-linguistic and tribal barriers to state consolidation in Afghanistan are compounded by constitutionally mandated centralism. Article one hundred thirty seven of Afghanistan's 2003 constitution states that, in the context of delegating authority to local government, it seeks to preserve the principle of centralism.⁸⁴ This is in response to the serious threat of fragmentation along a north-south divide facing the country in the aftermath of the failure of the *mujahideen* government and the Taliban. However, the centralism of the Afghan state

Cross 'Conspiracy theories blossom as violence increases in northern Afghanistan' 17th November, 2009; http://www.rfi.fr/actuen/articles/119/article_5872.asp . Accessed 29th January, 2011.

⁷⁹ This is manifest in projects as wide ranging as the construction of a new airport (See: Ministry of transport and Civil Aviation Islamic Republic of Afghanistan; <http://www.motca.v.af/?id=104> accessed 23rd January, 2011), and support to the provincial judiciary (See: 'Unit Nations Development Programme Afghanistan Support to Provincial Justice Coordination Mechanism'; http://www.undp.org.af/Projects/Justice/PJCM_Q308_Report.pdf accessed 23rd January 2011).

⁸⁰ See Ahmed Rashid 'Afghanistan: Taleban's second coming' 2nd June, 2006; http://news.bbc.co.uk/1/hi/world/south_asia/5029190.stm. Accessed 24th January, 2011.

⁸¹ World Bank Report 'Afghanistan Building an Effective State' 10th June, 2008; <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/0,,contentMDK:21799277~pagePK:146736~piPK:146830~theSitePK:223547,00.html>. Accessed 12th February, 2011.

⁸² Discussion with representative of the Afghan NGO Safety Office, an EU initiative in Afghanistan, who wishes to remain anonymous.

⁸³ The Ministry of Tribal and Border Affairs appeared to have no practical function, not even addressing the perennial conflicts between migrant Kuchi tribes and the Hazarajat whose lands through which they migrate, an issue ostensibly under the jurisdiction of the ministry. See: Fabrizio Foschini 'The Kuchi-Hazara Conflict, Again' 17th May, 2010; <http://www.aan-afghanistan.org/index.asp?id=764>. Accessed 16th March, 2011. Its minister, Abdul Karim Brahui is a valuable Baluch ally of Karzai, and it appears he is being maintained in an administrative role as a political imperative.

⁸⁴ *The Constitution of the Islamic Republic of Afghanistan*, Secretariat of the Constitutional Commission, Kabul, 2004 p. 37.

functions to impede the development of provincial authority, thereby rendering political and social reforms as centrally mandated. Such centrally mandated provisions are invariably regarded by the tribal Pashtun southerners as an interference by, and imposition of, Kabul based rivals in their affairs.

Another major challenge to the effective establishment of the writ of the state beyond those major cities in the north and Kabul where the state does have a decisive presence, is the dynamic of informal power structures and relationships. Such relationships continue to dominate the political medium in Afghanistan,⁸⁵ reducing the effectiveness of institutionalisation of power and influence through transparent structures. These relationships are predominantly tribal and clan in nature, and are considered to represent the actual dynamics of power and authority in Afghanistan. However, this informal dynamic involves the Durrani disproportionately vis-à-vis the Ghilzai. Unlike the Durrani, from whom almost all of Afghanistan's rulers over the last two centuries have been, the Ghilzai are resistant to the emergence of representation beyond the level of clan (Anderson 1979: 216). This makes it very difficult to assimilate Ghilzai tribesmen into even the informal structures of power.

Thus the Afghan state faces tribally based resistance to its writ, predominantly amongst the Ghilzai, impeding the establishment of effective state administration across the borderland and the larger region of Ghilzai presence in the south and east of the country. The failure of the state to establish its effective writ is exacerbated by deep ethno-linguistically based divisions amongst the constituent minorities in Afghanistan, each concentrated in a separate area of the country. The insistence of the state on a centralist political culture, derived from fears of division along ethno-linguistic lines, is functioning to further distance the south from the centre. Concerns of Ghilzai tribesmen in the south over external interference in tribal and clan autonomy are bolstered by the existence of informal power structures that are non-transparent, and tend to be dominated by the Durrani.

5.5 Militancy

5.5.1 Militancy and doing Pashto

Militancy in the Afghan borderland has two core elements. There is a perpetual condition of militancy fuelled by tribal and clan rivalries which is a determining feature of Pashtun tribal dynamics in the borderland. There is militancy focused on the state and its international

⁸⁵ World Bank Report 'Afghanistan Building an Effective State' 10th June, 2008; <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/0,,contentMDK:21799277~pagePK:146736~piPK:146830~theSitePK:223547,00.html>. Accessed 12th February, 2011.

partners in both Afghanistan and Pakistan. These two elements, ostensibly distinct in their processes, are intertwined in that the driving agent in both cases is the tribe or clan, driven to protect the autonomy of its *zai* from both immediate and larger, structural threats.⁸⁶

Militancy, or the organised employment of militant force on a sub-state level, is an enduring feature of Pashtun tribal society and reflects a strongly perceptible tribal dimension across FATA and the adjoining areas of KP province. Each tribe or significant clan has a standing *lashkar* or *arbakai* which is employed in conflicts with neighbouring clans and tribes. These conflicts may emerge over grazing rights, transportation and thoroughfare rights, from long-standing blood feuds, or part of the shifting structure of alliances that characterises the enduring political reality amongst the tribes. As a result of the almost exclusive autonomy within the tribal *zai* enjoyed by each tribe or significant clan across FATA, tribal *lashkars* have evolved into formidable fighting forces using modern weapons and communication devices as well as modern tactics.⁸⁷

Tribal conflicts are perpetual and typically claim dozens of lives per altercation. Such conflicts are most intense in South and North Waziristan, the Kurram agency, and the Khyber agency.⁸⁸ In addition to the main tribal and clan conflicts occurring in these agencies, there is also opportune violence on a clan or household/ familial basis that tends to erupt suddenly, is short lived and is often in response to a specific event or specific opportunity. Historically, the Pakistani military has tended to avoid direct involvement in tribal conflicts, concerning itself primarily with the containment of the effect of such conflicts upon neighbouring tribes, clans and towns.⁸⁹

In 2002, however, the Pakistani military entered the tribal areas in force in the pursuit of suspected al-Qaeda fugitives.⁹⁰ In the following years, the Pakistani military has sought to isolate personalities within tribes suspected of harbouring al-Qaeda fugitives and significant

⁸⁶ Rahimullah Yusufzai has elaborated upon the impact of tribal competition among the FATA tribes upon the functioning of the TTP, with particular focus upon South Waziristan and Bajaur. The trend is more evident in South Waziristan between the Mehsud and Wazir than in Bajaur. Swat presents yet a different case in which militancy is divided into local and *baraney*. For Yusufzai's treatment of South Waziristan and Bajaur, see: Rahimullah Yusufzai 'The Impact of Tribal Differences upon the Pakistani Taliban' *Jamestown Terrorism Monitor* Volume 6 Issue 3, 11th February 2008, available at [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=4712](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=4712) . Accessed 27th June, 2011.

⁸⁷ Interview with Brigadier A at undisclosed location during the siege of Kalu Shah in April, 2004.

⁸⁸ The most frequent occurrences of inter-tribal violence are reported amongst the following tribes in these agencies: Between the Waziri and Mehsud in South Waziristan, among the Afridi in Khyber Agency and amongst the Bangash, Turi and Mangal in Kurram Agency.

⁸⁹ Interview with Colonel A, Islamabad, June 2002.

⁹⁰ 'FATA- recent developments' <http://www.globalsecurity.org/military/world/pakistan/fata-recent.htm>. Accessed 25th January, 2011.

members of the original Taliban militia that took Kabul in 1996.⁹¹ By 2006, the Pakistani military was facing trans-tribal militant opposition to its presence across FATA (Nawaz 2009: 9). This opposition has since expanded to all of the tribal agencies and a number of adjacent areas of KP, including Dir and Malakand in northern KP, and Kohat, Tank and Dera Ismail Khan in southern KP. From the perspective of the tribesmen, the conflict currently underway in FATA and KP resembles a trans-tribal militancy aimed at reversing the presence of the Pakistani military which is considered an alien or foreign force (Nawaz 2009: 18-20).

5.5.2 The Structure of militancy in the borderland

From an organisational perspective, the Pakistani Taliban, as anti-state insurgents in FATA have come to be known since 2005, is fractious, does not work in a coordinated manner across FATA and KP,⁹² and is given to numerous divisions along tribal and clan lines.⁹³ The *Tehreek-e-Taliban Pakistan* (TTP), as the organisation is formally known, was most recently led by Hakimullah Mehsud based in northern South Waziristan. Following allegations of his death from injuries sustained in a suspected US drone attack in January 2010, before re-emerging by April 2010 as injured but alive, Hakimullah's absence initiated a contest for leadership between a number of principal tribesmen who are considered the next tier of Mehsud leadership. Amongst them were Qari Hussain Ahmed (a cousin of Hakimullah Mehsud), Wali ur Rahman (a Mehsud clansman of Hakimullah), and Noor Jamaal (an Orakzai with whom Hakimullah associated prior to January 2010). The pronouncement by Noor Jamaal that he would assume leadership over the TTP in March 2010 exacerbated the divisions within the organisation along clan lines. By April 2010, no clear leader had emerged and the organisation appeared to have been eclipsed by militancy along clan lines. The re-emergence of Hakimullah in April 2010 appeared to have ameliorated these divisions to a significant degree, although

⁹¹ Comments made by Major Gen. Shaukat Sultan at Peshawar University, Area Study Centre, December 2004.

⁹² A countering view is put forward by Claudio Franco who asserts that the TTP bypasses tribal structures in its operations and organisation and functions as an organisationally centralised yet operationally diffuse structure. This study proposes that, while Franco's perception does reflect the conditions surrounding the TTP between late 2007 and late 2009, events since then – including leadership struggles following the death of Baitullah and the alleged death of Hakimullah, and the manifestation of tribally based polarisation – suggest that the TTP is considerably more factious than it was previously understood to be. For Claudio Franco's perspective see: Claudio Franco 'The Tehreek-e-Taliban Pakistan' in *Decoding the New Taliban* (ed. Antonio Giustozzi) Columbia University Press, New York, 2009 pp. 269-289.

⁹³ Following reports of the death of Hakimullah Mehsud in January 2010, a number of potential leaders of the Tehreek-e-Taliban Pakistan (TTP) emerged. These included Qari Hussain Ahmed Mehsud - a cousin of Hakimullah Mehsud, Wali ur Rahman Mehsud, and Noor Jamaal Orakzai. The potential for fragmentation between Mehsud and Orakzai elements of the TTP was heightened when Noor Jamaal proclaimed himself leader of the TTP in February 2010. Other elements of the organisation include the Abdullah Mehsud group which split from the main body of the TTP following the death of Abdullah Mehsud in 2007. Also, see the following notes referring to the examples of Qari Zainuddin and Nazir Ahmedzai Waziri.

the leadership of Hakimullah appears more tenuous than it was prior to his being injured by the drone attack in January 2010.

Within North and South Waziristan, the Mehsud face strong opposition from a number of Waziri tribal leaders. This opposition has manifested itself in a number of inter-tribal and inter-clan conflagrations and reciprocal assassinations, further escalating the confrontation between the Mehsud and the Waziri, as well as between clans within the Mehsud.⁹⁴

As is to be expected in such a scenario, the Pakistani military has sought to opportunely align itself with elements of the Waziri tribe⁹⁵ to bolster opposition to the Mehsud who will continue to dominate the Pakistani Taliban whatever formulation it takes. However, this alignment has met with limited success as many elements of the Waziri tribe continue to voice support for militancy against the NATO presence in southern Afghanistan, particularly in the Helmand province,⁹⁶ despite being allied with the Pakistani army against the Mehsud. Given the fact that the Pakistani military is politically aligned with the US and NATO in Afghanistan, it becomes difficult for the Pakistani military to sustain support for those Waziri engaged in militancy against the NATO led alliance despite the fact that those tribesmen may be in opposition to the Mehsud who remain the principal adversary for the Pakistani military in FATA.⁹⁷

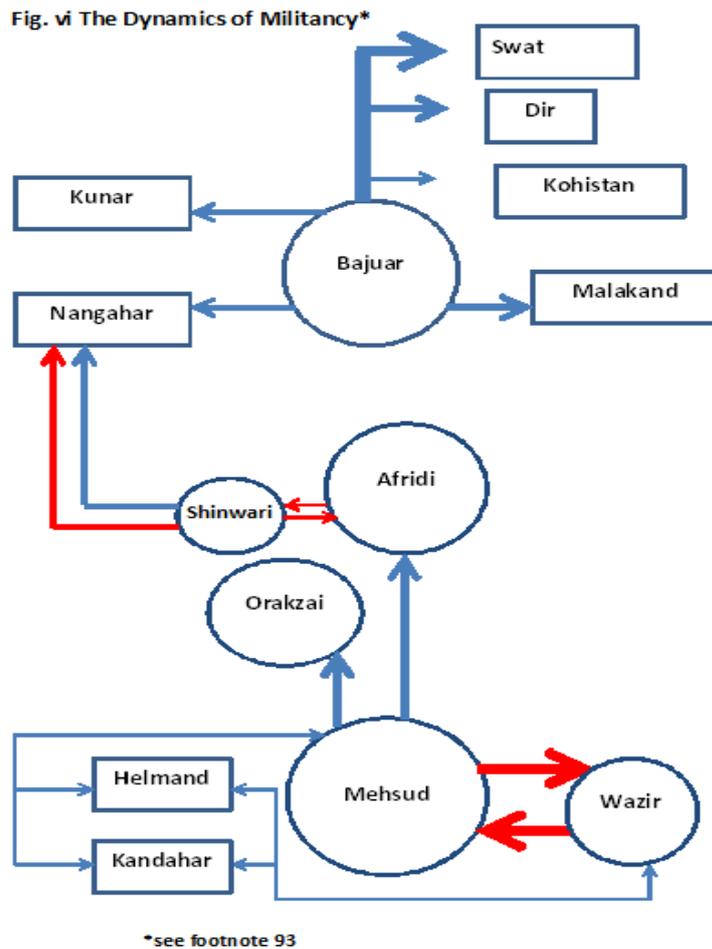
⁹⁴ In June 2009, Qari Zainuddin Mehsud, a rival of Baitullah Mehsud was assassinated in South Waziristan. Zainuddin was from the Shaman Khel clan of the Mehsud while Baitullah hails from the Shobi Khel. See: Mukhtar Khan 'A Profile of the Late Qari Zainuddin Mahsud-Waziristan Militant and Opponent of Baitullah Mahsud' 2nd July, 2009; [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=35220&tx_ttnews\[backPid\]=13&cHash=f5e83bc73a](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=35220&tx_ttnews[backPid]=13&cHash=f5e83bc73a) . Accessed 27th January, 2011.

⁹⁵ Nazir Ahmedzai, a Waziri Khan, has led a campaign against suspected Central Asian militants based in South Waziristan taking refuge with the Yargulkhel clan of the Wazir. Informed sources suggest he is aligned with the Pakistan military, but this has not yet been confirmed by open-sourced intelligence. The alignment of Qari Zainuddin was more evident, particularly since his funeral was guarded by a contingent of the military, as were attendees. See: M Ilyas Khan 'Pakistan tribals-who is killing who?' 5th April 2007; http://news.bbc.co.uk/1/hi/world/south_asia/6529147.stm . Accessed 27th January, 2011.

⁹⁶ See: Syed Shoaib Hassan 'A very strange Taliban burial' 25th June, 2009; http://news.bbc.co.uk/1/hi/world/south_asia/8118373.stm . Accessed 29th January, 2011.

⁹⁷ Christine Fair asserts that tribal militancy in FATA manifests Pakistani state support of particular tribes, including elements of the Wazir in South Waziristan. However, her analysis suggests that the role of the state in supporting tribal elements is more substantial and coherent than this study finds it to be. In addition to inter-tribal conflict, both the Waziri and the Mehsud manifest strident competition for leadership within the tribe, and a complex pattern of alliances with rival clans rendering any external support from the Pakistani state partial and tenuous at best. Further, the Pakistani military does not hold a monopoly on weapons, intelligence or finance in FATA, further limiting its role as a principal determinant in the pattern of alliance and competition in tribal militancy. For Christine Fair's perspective, see: C. Christine Fair and Seth G. Jones *Counterinsurgency in Pakistan* RAND, Santa Monica, 2010.

In addition to the two Waziristans, another node of militancy in FATA is the Bajaur agency at the northern tip of FATA, adjacent to the Dir district in KP. Anti-state insurgency in the Bajaur agency erupted in 2006 following a series of missile strikes across Bajaur, purportedly carried out by US forces.⁹⁸ One strike in particular hit the village of Khar, resulting in over 80 casualties of whom most were young adult *madrassa* students.⁹⁹



¹⁰⁰The 2006 missile strikes precipitated a tribally based movement for revenge against US forces, and against the Pakistani military which was widely seen as having facilitated the alleged US action through providing airspace and intelligence. The Khar strike was followed by a series of attacks throughout late 2006 and early 2007 against Pakistani military facilities and

⁹⁸ Witnesses reported that before the Pakistan army aviation helicopters arrived, a US drone flew over the *madrassa*, following which the missile strike occurred.

⁹⁹ See: 'Pakistan madrassas raid kills 80' 30th October, 2006;

http://news.bbc.co.uk/1/hi/world/south_asia/6097636.stm. Accessed 29th January, 2011.

¹⁰⁰ *The diagram represent the major nodes of militancy in FATA, the dynamics of transfer, and inter-tribal militancy. The red arrows outline patterns of inter-tribal militancy. The blue arrows identify militancy against the military and the state. The size of symbols reflects the relative intensity of the feature; i.e. a larger circle represent a node of greater militancy than a smaller circle and the width of the lines and arrows represents the intensity of militancy transfer and activity.

encampments across KP.¹⁰¹ Concurrently, in the adjacent Dir and Malakand districts, Sufi Muhammad's organisation continued to press for the establishment of *sharia* law courts across the areas where the TNSM had support, an area which correlates largely with the Yusufzai populated areas, the same tribe prevalent in Bajaur. This trend did not extend to Mardan, Swabi and Charsadda, all Yusufzai areas in which state institutions continue to function comparatively effectively.¹⁰²

By 2008, the success of the TNSM movement soon attracted a number of militants from across KP and FATA, describing themselves as loyalists of the Pakistani Taliban, but not exhibiting any particular loyalty to the then leader of the TTP, Baitullah Mehsud, then based in northern South Waziristan.¹⁰³ Through 2008 and 2009, these militants initiated a campaign to pursue the expansion of territory in and around Swat in which *sharia* law would be implemented exclusively. During this time period, this movement began to generate popular support in the adjacent areas of Mansehra and Kohistan also, an expected development given the Yusufzai nature of the population across this entire area. Given the strategic salience of Swat and Mansehra with regards to Kashmir, and proximity to the Pakistani capital city of Islamabad, the Pakistani military was unwilling to concede these areas to the militants and thus engaged in a months long campaign to reverse the hold of militants over Swat and the adjacent Yusufzai areas after a truce between the state and militants brokered by Sufi Muhammad collapsed.¹⁰⁴ While the military has since been successful in diminishing the hold of the militants over the area,¹⁰⁵ it has not been successful in dislodging the calls for *sharia*, and the continued support for the cause of Sufi Mohammad.¹⁰⁶

¹⁰¹ See: M Ilyas Khan 'Militants put squeeze on Musharraf' 7th February, 2007; http://news.bbc.co.uk/1/hi/world/south_asia/6340215.stm. Accessed 30th January, 2011.

¹⁰² See; *Tehreek Nifaz-e-Shariat-e-Muhammadi (TNSM) Movement for the Enforcement of the Islamic Sharia*. Available at <http://www.globalsecurity.org/military/world/para/tnsm.htm>. Accessed cJanuary, 2011.

¹⁰³ In April 2008, Baitullah Mehsud issued orders to militants to stop attacks in FATA. See; 'Baitullah Orders Militants to Stop Attacks in FATA, NWFP' 24th April, 2008; <http://www.cbsnews.com/blogs/2008/04/24/roundup/entry4040305.shtml> . Accessed 30th January, 2010. The fact that these orders were communicated through the media, and carried a warning of dissociation but no punishment for violators, suggests that Baitullah was trying to appeal to FATA wide militants rather than being in a position to order them. This is consistent with analyses of the tribal structure of militancy in FATA.

¹⁰⁴ See: 'Swat deal broker cleric charged' 2nd August, 2009; http://news.bbc.co.uk/1/hi/world/south_asia/8180607.stm. Accessed 30th January, 2011.

¹⁰⁵ This operation was extensively covered in main stream media during May 2009. See: 'Pakistan 'driving out' insurgents' 24th May, 2009; http://news.bbc.co.uk/1/hi/world/south_asia/8065613.stm. Accessed 30th January 2011.

¹⁰⁶ Rania Abouzeid 'Taliban Gone, Pakistan Area Still Wants Islamic Justice' *Time* 25th April, 2010; <http://www.time.com/time/world/article/0,8599,1984067,00.html>. Accessed 16th March, 2011.

A further aspect of the militancy that enhances the profile of the tribes that wage it is the strategic depth they enjoy in terms of FATA, KP and Afghanistan. Militants from southern Afghanistan can escape operations conducted against them, for example by NATO forces, by retreating into FATA and into KP.¹⁰⁷ Further, the militancy in Afghanistan draws recruits from FATA and KP, and vice versa with militancy in FATA and KP drawing militants from Afghanistan.¹⁰⁸ Pakistan has expressed concern that the US troop build up in Afghanistan, underway since mid-2010¹⁰⁹ will eventually force a movement of insurgents across the border into Baluchistan and FATA,¹¹⁰ a trend not yet evident in January 2011. As a result, the non-border between Pakistan and Afghanistan is being exploited by militants on both sides because, while it is fully disregarded by them, it is not disregarded by NATO, the US, and Pakistan, acting as a force delimiter on the operations of each.¹¹¹ It is within this context that the Obama administration issued a series of policy proclamations dealing with Af-Pak, a synonym describing the unique trans-border nature of militancy in the Afghan borderland that encompasses so much of southern Afghanistan, FATA and adjoining parts of KP province.¹¹²

With regards to whether or not this growth in militancy across FATA, KP and southern Afghanistan represents an expanding borderland, it has to be borne in mind that in the case of Afghan side of the borderland, the borderland is not so much expanding against a state as it is demonstrating the resurgence of tribal authority in the absence of any effective state presence. Hence, in the aftermath of the withdrawal of the state following the US and NATO led invasion of 2001, and the political vacuum that was subsequently created through it, tribal authorities have re-emerged and now constitute the sole source of authority in large parts of southern Afghanistan. The resurgence of tribal authority has driven, and then been further

¹⁰⁷ Militants often retreat from Afghanistan, across the Durand Line into FATA during anti-coalition operations, drawing NATO forces across the border. See: Sean Maroney 'Pakistan Protests 'Brief' NATO Incursions From Afghanistan' 27th September, 2010; <http://www.globalsecurity.org/military/library/news/2010/09/mil-100927-voa12.htm>. Accessed 16th March, 2011.

¹⁰⁸ Interview with Brigadier A, 28th July, 2008, Islamabad.

¹⁰⁹ See: Scott Wilson 'Obama: U.S. security is still at stake' 29th December, 2001; <http://www.washingtonpost.com/wp-dyn/content/article/2009/12/01/AR2009120101231.html> . Accessed 29th January, 2011.

¹¹⁰ See: Karin Brulliard 'Pakistan worried U.S. buildup in Afghanistan will send militants across border' 4th January, 2010; <http://washingtonpost.com/wp-dyn/content/article/2010/01/04/AR2010010403335.html> . Accessed 30th January, 2011.

¹¹¹ In September 2008, Pakistani and US troops allegedly exchanged fire after US troops appeared to cross the border in pursuit of Taliban suspects. This was the highest profile occurrence in a series of such incidents. These incidents underscore the fact the US, NATO and Pakistan are bound to respect border demarcation, while the tribal militants do not. See: Eric Schmitt 'Pakistan and American Troops Exchange Fire' 26th September, 2008; <http://www.nytimes.com/2008/09/26/world/asia/26military.html>. Accessed 1st February, 2011.

¹¹² See: David Loyn 'Nato denies 'Afpak' imperial plan' 10th July, 2009; http://news.bbc.co.uk/1/hi/world/south_asia/8143784.stm. Accessed 30th January, 2011.

fuelled by, the militancy that dominates the political landscape of southern Afghanistan. The former commander of US and NATO forces in Afghanistan, General McKiernan, stated before his dismissal from duty in January 2009, that the militancy in Afghanistan had taken on a tribal dynamic, a dynamic that, due to its complexities, the US would be unable to exploit.¹¹³ Subsequently, a number of senior US army officers have encouraged the circulation of a study entitled *One Tribe at a Time: A Strategy for Success in Afghanistan* (Grant 2009), detailing an approach to tribal engagement that has been adopted by US special forces, founded upon a long-term engagement with tribal and clan leaders in order to turn them away from supporting the anti-NATO insurgency by demonstrating how their own long-term interests would be better served by offering assistance to US forces (Grant 2009: 13-18). A core premise is that being aligned with the US will invariably act at once as a deterrent and force multiplier for tribes and clans facing larger enemies.

In the case of Pakistan, the pan-tribal militancy is an indicator of the resurgence of tribal authority across FATA where the civil administration has had a weak presence that is further eroding. The employment of the Pakistani military in FATA since mid 2002 has functioned to enhance the profile of tribal *lashkars* engaged in insurgency against the presence of the military in their respective *zai*. The reliance of the Pakistani state upon the military in seeking to establish the writ of the state across KP and FATA has resulted in both a weakening of the civil administration due to competition with the military, and greater alienation of tribesmen from the state more generally on account of the military's imposition upon the autonomy of tribal *zai*. The confluence of these effects has resulted in two parallel developments. Firstly, as has been identified, the cumulative result of these developments is that tribal authority is ascendant across the Pakistani side of the borderland, mirroring the situation on the Afghan side. Secondly, the territorial scope of the borderland on the Pakistani side is expanding, details of which are identified in Chapter Seven. This expansion is synonymous with the effective withdrawal of the civil administration of the state from areas of KP adjacent with the borderland, and the emergence of tribally based structures of authority, judiciary and security in these areas.

¹¹³ Comments made by former commander of US and NATO forces Gen. McKiernan in remarks made at the Atlantic Council on 18th November, 2008. See: http://www.acus.org/event_blog/general-david-d-mckiernan-speaks-councils-commanders-series. Accessed 16th March, 2011.

5.6 Conclusions

In its attempts to accommodate, restructure or dismantle underlying pre-colonial substructures, the postcolonial state in Asia uses economic, educational and infrastructural development as an incentive for sub-state rivals to adopt the state enterprise. These civil initiatives are often accompanied by an employment of the military prior to, during and following such developmental initiatives. Turkey's Greater Anatolia Project, a vast system of dams and irrigation in the southeast of the country (Kibaroglu 2002: 2-4), has been touted by the Turkish government as creating agricultural and economic opportunities for the tribal people of the southeast, who are predominantly tribal Kurds. It is a central part of the Turkish state's approach to assimilating its southeast, along with an enduring military component of that initiative which was employed on a large scale as recently as May 2008.¹¹⁴

In the case of Pakistan, the state has alternately provided and withheld free electricity, road construction, and the provision of schools and clinics in FATA in order to bring about the desired orientation of the Afridi, Mohmand, Mehsud, Waziri and Orakzai tribes particularly. This approach, combined with the *nikkat* and *lungi* system, has proven to be an effective means through which to manage, or moderate, tribal dissent. In the case of Afghanistan, the state is altogether absent, with vital services either non-existent or provided by NGOs whose presence and activities constitute the only social support mechanism in the areas of health care, infrastructure development, and non-religious education.

These approaches have led to the state being eclipsed by tribal authority in the Afghan borderland. In the case of Pakistan, an underlying reason for this is the peripheral political importance of KP and FATA to the political process at the core of the Pakistani state. Over time, this peripheral status has been manifest in a lack of commitment on the part of the state to establish functional civil institutions that target an improvement in human developmental indices in FATA and KP, greater economic opportunities and a representative political structure.

The employment of the Pakistani military across FATA in 2002, based upon strategic compulsions arising from the US led invasion of Afghanistan in 2001, saw an erosion in the effectiveness of managing tribal dissent with the enticements of developmental assistance. The employment of the military has since resulted in a diminishing role for the civil state in

¹¹⁴ 'Turkey Kills 150 Kurdish Rebels' 3rd May, 2008; http://www.bbc.co.uk/1/hi/world/middle_east/7382150.stm. Accessed 16th March, 2011.

FATA and adjacent parts of KP. This can be explained by the paradox of combining incentives offered by the civil administration with deterrence and compulsion arising through the employment of the military. The functioning of civil institutions is undermined by competition with military organs that invariably encroach upon civil institutions, a dynamic that invariably results in the superiority of military institutions over civil. This erosion in the effectiveness of civil institutions distances the borderland population from the state's approach at assimilation through civil institutions, enhancing the profile of alternative tribal structures and modalities of adjudication, conflict resolution, authority and leadership. This enhanced profile of tribal structures contributes to the rejection of the failing state in the borderland by tribesmen. The consequent reliance on alternative tribal structures invariably elicits a response from the military, which seeks to impose the authority of the state over the borderland through the use of force. This results in the further alienation of the tribes, which in turn rely on tribal *lashkars* for security, autonomy and influence. Hence, the employment of the military is a major obstacle to the assimilation of the borderland through civil institutional means.

Thus, the tribal resurgence in the Afghan borderland is, to a significant degree, the result of the inadequate civil administrative practices over time by Pakistan, and a complete absence of civil administration by Afghanistan in the borderland. The emphasis of both states upon the employment of the military has led to an erosion in the effectiveness of the limited presence of civil institutions in the borderland, and has functioned to enhance the role of tribal structures in the provision of services related to security, adjudication, education, and has increased the prominence of tribes as principal sources of economic activity. This process has conferred increasing prominence upon the role of the tribe, its *lashkar*, and the *jirga* process, enhancing the profile of tribes as constituting a resurgent substructure underlying Pakistan and Afghanistan in the borderland.

6 Looking Forward: The Future of the Afghan Borderland

6.1 Introduction

The postcolonial state in Asia seeks to accommodate, assimilate or diminish the underlying organic substructures over which it is constructed. Most borderlands in Asia reveal the durability of the state in this endeavour. In the case of the Afghan borderland however, tribal substructures are resurging against the state's attempts at assimilating or diminishing them.

The competition between the underlying substructure of *Pakhtunkhwa* and the states of Pakistan and Afghanistan has impacted the international system through the direct involvement of global superpowers, an international military coalition, and trans-national terrorism. The last three decades in particular have seen an international military dimension of this competition that, after the withdrawal of the Soviet Union and the fall of the Taliban regime, has culminated in the presence of US and NATO military forces, committed to being present in Afghanistan in some capacity for decades.¹

The stated objectives of the current international military coalition in Afghanistan prioritise reconstruction and development, reduction of the scale of the narco-economy, development of the Afghan National Army, and countering the threat from the Taliban.² However, the sustained international military presence in Afghanistan since 2001 has led to a situation in which, by the admission of the US force commander in Afghanistan, the insurgents are stronger than ever.³

Since 2003, the tribes of the borderland have embarked upon what has since become evident as a pan-Pashtun millennial uprising against the state as an extension of the identity associated with *Pakhtunkhwa*. This phenomenon has resulted in an arc of anti-state militancy across FATA, southern KP and northern KP in Pakistan, and contiguous areas of Afghanistan. This militancy has a clearly discernable tribal and clan component to it, and centres around geographic nodes addressed in Chapter five. While it has a reciprocal impact on the wider insurgency in Afghanistan, it remains a distinct insurgency, both spatially and operationally.

¹ 'UK may have 40-year Afghan role' 8th August, 2009; http://news.bbc.co.uk/2/hi/uk_news/8191018.stm. Accessed 1st February, 2011.

² For a fuller discussion of NATO's objectives in Afghanistan see; <http://www.nato.int/isaf/>. Accessed 4th April, 2010.

³ Yochi J. Dreazen and peter Spiegel 'Taliban Now Winning' *The Wall Street Journal* 10th August, 2009; <http://online.wsj.com/article/SB124986154654218153.html> . Accessed 10th February, 2011.

As the tribes of the borderland increasingly assert their autonomy from the state, this chapter examines possible permutations in the sub-state – state dynamic in the borderland over the coming five years, from 2011 to 2016.

6.2 The Political Assimilation of Pakistan's Borderland

Comprised of four ethnically distinct provinces and the ethnically diverse Gilgit-Baltistan region in its extreme north, the spectre of secession and disintegration has been a continual feature of Pakistan's political experience from the outset.⁴ KP, FATA and northwest Baluchistan⁵ represent the most acute manifestations of this phenomenon. There is a realisation among Pakistan's political and military leadership of the necessity of assimilating the Afghan borderland with the rest of the country as a fundamental conditional for resolving the security challenges that have emerged since 2003 in the borderland.⁶ This has been variously interpreted as a need to establish the 'writ of the state', create economic opportunities, enhance developmental indices, and counter the often radical conservatism that contrasts starkly with social attitudes in Punjab and Sindh.⁷ It has also been suggested that assimilation see the abolition of FATA's autonomous status and the extension of constitutional authority and judicial writ over the territory.⁸

As has been established in Chapter 5, the writ of the Pakistani state does not extend across the borderland. It is challenged by sub-state tribal centres of power that are a manifestation of the underlying substructure of *Pakhtunkhwa*, which is in turn a manifestation of associative ethno-linguistic, physical and psycho-social attributes. These are further galvanised by the strategic geography of the Afghan borderland and the relative political vacuum in the south of the

⁴ This was most evident after the separation of East Pakistan and the emergence of Bangladesh in 1971, and following the Baluch separatist insurgency of 1973-7. The initial success of the Soviet invasion and the slow emergence of the anti-Soviet insurgency prompted such concerns again between 1980-2. For contemporary analysis see Rizvi (1976: 378).

⁵ Here, northwest Baluchistan is referred to as part of the Afghan borderland, manifesting Pashtun tribal dynamics. There is a parallel but distinct Baluch separatist insurgency being waged across much of interior and southern Baluchistan, not included here as part of the borderland dynamic. For a fuller treatment of the current insurgency in Baluchistan see Chattopadhyaya (2003: 861-902).

⁶ This was observed in a series of discussion groups/ seminars at the ISSI between April 1999 and August 2001. For a similar perspective in the wider international strategic community on this issue see; George Perkovich and Selig Harrison 'Will Pakistan Break Up?' 10th June, 2009; <http://www.carnegieendowment.org/events/?fa=eventDetail&id=1358&prog=zgp&proj=znpp>. Accessed 10th February, 2011.

⁷ George Perkovich and Selig Harrison 'Will Pakistan Break Up?' 10th June, 2009; <http://www.carnegieendowment.org/events/?fa=eventDetail&id=1358&prog=zgp&proj=znpp>. Accessed 10th February, 2011.

⁸ This position has been adopted by the ANP, as well as a number of local political pressure groups. See; 'Pakistan: Political parties stress democratic reforms key for resolving FATA problems' 2nd April, 2009; <http://www.ndi.org/node/15396>. Accessed 10th February, 2011.

Afghan state. All of these factors contribute to the nature of the borderland and none of them, individually or in aggregate, can be resolved through the wielding of superior power in the borderland by the Pakistani state.

The Pakistani state has sought to impose its authority across the borderland through the employment of superior military force. The presence of the military and supporting paramilitary organisations such as the Frontier Constabulary (FC) is highly visible, particularly in Peshawar, Kohat, Razmak, Miransha, and Khar.⁹ This military presence, as discussed in the previous chapter, does not facilitate the assimilation of the borderland. Rather it reinforces the perception that civil institutions are failing, forcing the state to employ the military to project its presence in the borderland. The large-scale employment of the military across KP and FATA, rather than assimilating the borderland with the rest of the state, further undermines the limited functioning of state institutions¹⁰ which further distances the borderland from effective assimilation with the state.

6.2.1 First tier and second tier *khang*

In order to be effective, the political assimilation of Pakistan's borderland with the state requires the support of tribal principals within FATA. The first-tier tribal leadership is committed to the preservation of *khang* as an instrument for ensuring the unity of the tribe, which in turn is crucial for the preservation of the autonomy of the tribe, its *zai* and the perpetuation of *khang*. In this context, the matrix of inter-tribal competition and the associated edicts of *pashtunwali* function to consolidate *khanghi*, and the perpetuation of tribal primacy within the *zai*. This tier of leadership has adapted to the borderland economy, deriving economic benefits for the tribe from the structure of trans-FATA trade flows. This tier is also instrumental in guiding the dynamics of inter-tribal and trans-tribal militancy, establishing a dialogue with the leadership of the Pakistani military which has resulted in a series of short lived truces. This tier invariably views the encroachment of the state as a threat to tribal autonomy, and ultimately to *khang*.

On a *kor* and *killi* level, however, the capacity for engagement with the state is greater. The second-tier leadership, constituting those *khans* and *maliks* on a *kor* and *killi* level who

⁹ This phenomenon was widely observed by the author across Peshawar, and along arterial routes connecting major towns across KP between July-September 2008. The presence of the military has increased further since then due to the large-scale employment of forces in Swat and Bajaur.

¹⁰ As discussed in the preceding chapter, the authority of all military personnel extends over all civil administration personnel, except those who are retired military personnel. This was observed extensively across all periods of field work and research in KP. The cumulative effect of this structure of hierarchy is the undermining of the functioning of civilian institutions, leading to considerable inefficiencies in civil administration and to corruption.

participate in *jirgaey* but seldom convene them, perceives tribal interests in a different capacity than the first-tier of leadership. Second-tier *khans* and *maliks* acutely sense the fact that FATA suffers from a chronic absence of basic services from the state, including basic healthcare facilities, electricity, basic schooling and navigable roads.¹¹ The provision of such services by the state may create an incentive for these tribesmen to begin to relinquish a degree of autonomy in exchange for the benefits to wider tribal society from the provision of these basic services that are the exclusive preserve of the state. Without such an incentive, second-tier *khans* and *maliks* will continue to view first-tier *khanghi* as a means of protection from the state, rather than a barrier to the benefits that come with a greater presence of the state.

The experience of the Yusufzai in northern KP demonstrates the impact of engagement with second-tier *khans* and *maliks*. The Yusufzai areas of KP are largely characterised by a greater state presence than other regions of KP. Civil institutions function effectively in a number of Yusufzai dominated districts, particularly in central and eastern KP, and these regions are considered more closely associated with the state than with the borderland. Since 1980, the state has engaged in a series of infrastructure development projects across Yusufzai territories in KP, linking specific *killi* with the wider road system through providing paved roads and bridges. Electricity has reached the majority of *killi*, as have phone lines. The role of the District Health Officer (DHO) has expanded, as have the network of clinics, medical dispensaries, and hospitals. While most children do not have access to public schools, the situation is improving, supplanted by an expansion in the private education sector. Progress in this regard has not been uniform across Yusufzai areas, with Kohistan, Upper Swat, Tor Ghar falling far behind Mansehra, Abbotabad, Mardan and Charsadda in developmental indices. In Kohistan, Upper Swat and Tor Ghar, *khanghi* is still well entrenched. These areas have not fully acceded to KP with significant parts of Tor Ghar and Kohistan constituting PATA areas. Tribal militancy is very pronounced in these areas, and the military has been employed in a number of counter-insurgency campaigns since 2003. In Mansehra, Abbotabad, Mardan and Charsadda, *khanghi* is receding and occupies a ceremonial aspect of social life. Many *khans* have been surpassed in land holdings and wealth by previously client families, although this demographic transformation has not replaced the phenomenon of *khanghi* altogether.

The Yusufzai experience thus reveals a correlation between the provision of state infrastructure and developmental assistance, and the erosion of *khanghi*. State-led

¹¹ Comments by Sahibzada Saeed, FATA secretary to the Governor of KP, made at Area Study Centre, Peshawar University, 8th December, 2004.

development and infrastructure projects in central and northern KP have been driven by strategic considerations. The Karakorum Highway (KKH), a vital economic and military artery, runs through Abbotabad, Mansehra and parts of Kohistan. Thus, assimilating Yusufzai territories into the state was a strategic imperative. Pakistan now faces a similar strategic compulsion in FATA. There is thus an alignment of strategic and developmental aims in the FATA.

6.2.2 Political parties

Part of the criticism levelled at the Federal government over its administrative practices in FATA has focused on the fact that it is illegal to undertake political activities in FATA.¹² In August 2009 the government of Pakistan announced that the ban on political activities in FATA by political parties would be lifted.¹³ However, by February 2011 the Presidential decree required to implement this legislative decision had still not been issued, leading activists to point out that the lack of political activity and expression was a key component in the tendency towards anti-state militancy among the tribesmen of FATA.¹⁴

With a very limited presence in the national assembly, confined to two seats, it is unclear how each of the major political parties in Pakistan would consider their respective political interests to be furthered through political activity in FATA. The main political parties that have a possibility of undertaking activities in FATA are the various strains of the Pakistan Muslim League (PML), the Pakistan People's Party (PPP), with a lesser role for the Awami National Party (ANP). The PML factions enjoy support from Punjabi voters and consistently field Punjabi candidates from the leading political families of Punjab (Wilder 1999: 224). The PML factions are thus unlikely to pursue the cultivation of support in an ethnically different and electorally insignificant region, particularly against the backdrop of increasing Punjabi-Pashtun polarisation in Pakistan since 2007. The PPP, which since its inception has been dominated by the Bhutto family of Sindh,¹⁵ enjoys the near exclusive support of the electorate in Sindh

¹² '2009 Human Rights Report: Pakistan' *US Department of State* 11th March, 2009; <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136092.htm>. Accessed 16th March 2011.

¹³ 'Pakistan to reform tribal areas' 14th August, 2009; http://news.bbc.co.uk/1/hi/world/south_asia/8201802.stm. Accessed 14th March 2011.

¹⁴ Irfan Bukhari 'Political Activities in FATA Await President's Nod' *Pakistan Today* 3rd February, 2011. <http://www.pakistantoday.com.pk/pakistan-news/National/03-Feb-2011/Political-activities-in-FATA-await-presidents-nod>. Accessed 3rd February 2011.

¹⁵ Following the assassination of Benazir Bhutto in December 2007, the PPP is led by the co-chairmanship of Asif Ali Zardari, Bhutto's husband and Bilawal Bhutto Zardari, their son. Most recently, the PPP website carries Bilawal's name as 'Bilawal Zardari Bhutto'. See: <http://www.ppp.org.pk/party/cec.html>, accessed 4th February, 2011. This has prompted speculation that Bilawal will emerge as the sole chairman, having completed his education at Oxford, graduating in June 2010.

province (Khan 2005: 127). As numerically inferior to the unified PML, the PPP has historically had a presence in KP, relying on Pashtun opposition to Punjabi political domination. In the 2008 provincial elections, held in parallel to the national general election, the PPP took thirty seats, coming second behind the ANP's forty eight, in a one hundred twenty four member assembly.¹⁶ It is the ANP, however, that stands to be most effective in FATA. The ANP, historically representing Pashtun interests but with a record of limited electoral success, has emerged into relative prominence since 2008 due to its alignment with the PPP with whom it is now a coalition partner in government. This alignment, widely perceived as effectively uniting non-Punjabis against the Punjabi dominated PML, has resulted in a renewed focus on the ANP in Peshawar, Mardan, Swabi and Charsadda in central KP.¹⁷ Transferring this support to FATA will require the ANP to adapt its electoral strategy, effective in the tribally homogenous Yusufzai territories of central KP, to the tribally diverse political landscape of FATA.

That landscape has demonstrated a widely held disdain for conventional political parties since the establishment of the Taliban regime in Kabul in 1996, with little support for political parties committed to the democratic process and the relatively pluralistic ideals that underpin Pakistan's ostensibly secular political medium.¹⁸ In contrast, the recent political history of the Afghan borderland suggests that there is widespread support for the political aims and objectives of the more radical Islamist parties such as the TNSM, the MMA and the various strains of the TTP.¹⁹ Against this background, compounded by the evidently widespread support across the population of FATA for the broader insurgency in Afghanistan and the

¹⁶ Dilshad Azeem 'PPP troubles may hit KP, Baluchistan' 30th December, 2010; <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=3023&Cat=138&dt=12/30/2010> . Accessed 3rd March , 2011.

¹⁷ The inability of the ANP to impact the political medium of Pakistan over the last three decades, due to its limited electoral support, had largely consigned the party to the status of a provincial party with limited appeal in Peshawar, Charsadda, Mardan and Swabi. Its success in the 2008 elections, and its inclusion in the PPP led coalition has thrust it into national politics drawing nation-wide media coverage. However, a significant role in government eludes the ANP with only one cabinet member- Ahmed Bilour as Minister for Railways in the current government.

¹⁸ Discussions at the Pakistan Studies Department at the University of Peshawar in August 2008 revealed that despite the fact that the ANP was eclipsing the MMA in electoral support, the overwhelming majority of the population in the province supported a variety of Islamist organisations that functioned outside the electoral process. Hence, despite the fact that the ANP won a slightly larger percentage of the votes cast in the February 2008 poll than any other party, the actual turn out rate (26 %) suggest that support for groups outside the political process remains high. See: <http://www2.ecp.gov.pk/vsite/complete/AllResults.aspx?assemblyid=PF>. Accessed 16th March, 2011.

¹⁹ Although difficult to gauge statistically, support for such groups as the TNSM is widespread, evidenced by periodic marches and rallies held by the group in and around Dir, Malakand and Swat. Imtiaz Ali at the Jamestown Foundation has suggested, in comments made there on April 15th 2009, that FM radio stations run by various radicalist groups have engendered a great deal of support in the province.

insurgency in Afghan borderland, lifting the ban on political activities can only have a limited impact on the assimilation of the borderland with the state.

The assimilation of the Afghan borderland with the rest of the state requires a fundamental restructuring of the political relationship of the state with KP and FATA, based upon a consistent and sustained initiative to reintroduce the state to both the KP and FATA. In order to succeed, this re-introduction will have to reflect a greater Pashtun presence in the institutions of state, both within KP and federally, and will have to introduce an effective initiative to increase the scope and quality of services provided by the state before the state can consider itself as holding sole authority across the Afghan borderland. In light of these observations, the judgement of this study is that the likelihood of such a situation developing over the coming five years is very limited. Current trends suggest that the Pakistani state will persist in prioritising military initiatives in KP and FATA over political initiatives, without addressing the above mentioned factors to any degree of effectiveness. Hence, FATA and KP are highly unlikely to experience any significant degree of increased political integration with the Pakistani state in the coming five years.

6.3 A Self-Sustaining End-State

While the assimilation of the borderland with Pakistan is a challenging proposition towards which the Pakistani state has made little progress, the containment of the borderland as an autonomous zone may present a greater prospect for successful state policy towards the borderland. The Afghan borderland has endured as a borderland through centuries of a shifting regional political landscape, including the direct military intervention of superpowers in the modern age. Its enduring nature is partially a result of its strategic geography, its possibly consequent sociological reality, and the political experiences of the surrounding geographic space. Its volatility is caused by the enduring nature of the underlying substructure of *Pakhtunkhwa* and its resurgence in competition with the states of Pakistan and Afghanistan. Accommodating this substructure, formalising it and limiting the extent of its impact may present greater opportunities for success than consolidating the imposition of the state's political medium over it. The two most salient aspects of the borderland reality that indicate the feasibility of this approach are the nature of tribal militancy across the borderland and the structure of economic flows across it.

6.3.1 Tribal militancy and the state

The tribal nature of militancy in the Afghan borderland is an enduring feature. The *Ghilzai* and *Karlanri* dominated borderland was a source of near constant instability for the Durrani dynasty during the eighteenth and nineteenth centuries (Dupree 1980: 346-48), and continued to plague the British administration of Northwest India through the nineteenth century through cyclic raids and punitive campaigns, including three major wars fought over the borderland.²⁰ The separation of a large part of *Pakhtunkhwa* from the Afghan state as a result of the demarcation of the Durand Line created the conditions within which the Afghan state supported the southward and eastward forays of the *Karlanri* and *Ghilzai* tribesmen across the Durand Line into the British administered territories of *Pakhtunkhwa*,²¹ ostensibly to create a pan-Pashtun resistance to the continued British presence in *Pakhtunkhwa* (Davies 1975: 164). A number of insurrections followed, of which the main ones were the revolt of 1897, the campaigns of the *Faqir of Ipi*, and the activities of the *Asmaas* centre in Malakand. In each of these campaigns, militancy was orchestrated and carried out by tribesmen, with the possible exception of the *Asmaas* campaign which received considerable support from other regions of India (Khalil 2000: 47, 70).

This tribal aspect of militancy remained manifest through the turbulence of Pakistan-Afghanistan relations during the 1950s and 1960s. In 1960 the Pakistani military was employed in an extensive campaign against tribesmen from the Bajaur agency (Fraser-Tytler 1967: 323), setting a precedent for the conduct of the military in the borderland. By the time of the Soviet invasion of Afghanistan in 1979, Pakistan's military leadership realised that the borderland that had previously presented a threat to the integrity of the state, also presented an opportunity through which the state could be consolidated in the borderland and through which the spectre of a Soviet -satellite Afghan state could be reversed.

Through its campaign of orchestrating a tribally based anti-soviet insurgency in southern Afghanistan, Pakistan emerged as the principal benefactor of the tribes of FATA and southern Afghanistan through the supply of sophisticated weaponry, intelligence and financing,²² through the creation of a large network of *madrassas* espousing jihadist ideology, and through having accommodated them as refugees. The result was that by the emergence of the Taliban

²⁰ Of the three Anglo-Afghan wars were fought in Afghanistan in the nineteenth century, much of the fighting occurred in the Ghilzai and Karlanri territories in the borderland region. The 1897 uprising was predominantly across FATA.

²¹ The support of Amir Abdul Rahman for cross-border insurgents, and the British response on discovering this, is addressed by Davies (1975:164).

²² Comments by 'Colonel Imam', Islamabad, 4th September, 2009.

in 1994, Pakistan was the principal source of matériel support for all of the major Karlanri and Ghilzai *lashkars* which by then were providing the manpower for the Taliban in their drive to expand over the whole of Afghanistan.²³ In order to mitigate threats to its integrity arising from the borderland, Pakistan enabled the borderland tribes to extend their influence across the entire Afghan state through the Taliban movement. Assisted by Pakistani road building projects across western Afghanistan and the development of communications infrastructure provided by Pakistan,²⁴ the borderland's economy began to boom as the Durand Line was largely obfuscated, and Afghanistan was practically annexed.²⁵

The reversal of this policy by Pakistan in 2001 generated widespread opposition across the borderland. Pakistan sought to insulate itself from the impact of a now hostile borderland, intimately linked with a newly reconstituted Afghan state which, supported by an international military coalition, sought to establish credibility among the Pashtun tribes in both southern Afghanistan and FATA. For Pakistan, this situation is a return to the *status quo ante* before the Soviet invasion, a situation where an Afghan government competing for tribal loyalties against Pakistan presented a clear and present threat to the integrity of Pakistan.

The competition between Islamabad and Kabul for the loyalties of the borderland tribes is driven by a threat perception premised upon the expectation that each state seeks to use the tribes to undermine the integrity and stability of the other. The abandonment of this threat perception may be highly unlikely over the next five years. However, there is the possibility that both states recognise and formalise the territoriality of the tribal Pashtuns as a premise upon which to establish greater cooperation derived from this territorial and political interdependence. Such a formalisation would limit the territorial extent of the autonomy of the Pashtun tribes, thereby leading to their strategic containment. The formalisation of this strategic containment could then be followed by the formalisation of the interdependencies arising from the structure of cross-borderland economic flows.

²³ Most literature dealing with the leadership of the Taliban describes Mullah Mohamed Omar as a Ghilzai of the Hotaki clan. See: (Giustozi 2008: 47), also see (Forest 2007: 463). The role of Pakistan in supporting the Taliban has been most vociferously declared by Colonel 'Imam'. Interview with Colonel 'Imam' at the Institute of Strategic Studies Islamabad, July 2000.

²⁴ Discussions at the Institute for Strategic Studies Islamabad (ISSI), January 2000. Also, comments by Colonel Imam, ISSI, May 2000.

²⁵ Observed in December 1999 where local buses would travel back and forth from Peshawar to Jalalabad unhindered. Passing through the Afridi controlled Khyber agency presented more of a difficulty than crossing from Torkham into Afghanistan. Small businesses would make the journey from Kabul and Jalalabad to Bara outside Peshawar, and return at the end of the trading day.

6.3.2 The borderland economy

Under the ATT, goods enter Afghanistan through Pakistan without being taxed, to be re-imported into Pakistan as taxable Afghan exports. This formal arrangement is undermined by the informal borderland economy which has grown to where 80% of Afghanistan's trade is informal,²⁶ covering a wide variety of commodities sourced from around the world, entering Pakistan untaxed across the trails and passages traversing the Durand Line.

The political administration of KP and FATA has adapted to this growing economic reality, forcing the federal government to acclimatise to this economic arrangement across the Afghan borderland. Facing the impossible task of closing the border to the import of untaxed goods, the Pakistani government has instead sought to regulate trade through both formal and informal arrangements. The principal object in this approach appears to be controlling the flow of weapons and narcotics, while deriving some revenue from providing safe passage, albeit discreetly, to traders and goods traversing the border.²⁷

In addition, the cross-border trade is a source of income for many law enforcement personnel and customs officials tasked with regulating cross-border traffic. Guards at check posts along cross-border routes frequently harass traders and consumers seeking bribes, a practice that grows in scale with the size of shipments and the level of officialdom involved.²⁸ Larger scale trader-level movements of goods require an arrangement with local police officials and excise and taxation officers to ensure harassment free importing into Pakistan.²⁹ In this way, the informal economy is closely interwoven with the formal economy and conventional political structures. This has resulted in a situation where, for example, principal administrative positions are awarded through an informal bidding procedure where the price of appointment to the position of political agent in a FATA agency, for example, now reaches over US\$1 million.³⁰ Hence, there is considerable institutional inertia, guided by a growing economic critical mass, which is averse to any significant change in the current conditions in FATA and

²⁶ 'Afghanistan-State Building, Sustaining Growth, and Reducing Poverty' *World Bank Report*, World Bank, Washington, DC, 2005 pp. 7-9.

²⁷ Interview with Muhammad Awan, Provincial Excise and Taxation official, Peshawar, 13th August, 2008.

²⁸ Bribery plagues all aspects of law enforcement in KP. In comments in August 2009, Imran Khan accused the government of dedicating 60% of law enforcement personnel to the protection of V.I.P's, describing corruption in KP as massive and unprecedented. He also accused to the government of awarding appointments on the basis of bidding. This corruption was observed first hand in February 2000, and was also confirmed through interviews with Muhammad Awan, Provincial Excise and Taxation official, in Peshawar in August 2008.

²⁹ Interview with Muhammad Awan, Provincial Excise and Taxation official, Peshawar, 13th August, 2008.

³⁰ Interview with OGDC chief engineer Muhammad Naeem Khan of Ughi disitric, KP, in London 9th April, 2009.

the Afghan borderland. This institutional resistance to change extends to the political relationship between the Afghan and Pakistani states, a relationship that forms that backdrop to both the formal and informal economic arrangements. This institutional resistance to change is a significant factor in the failure of the Pakistani state to extend its writ formally over FATA, and is part of the reason for the reluctance of the state to establish conventional politics across FATA and parts of KP, and to extend conventional judicial processes and the rights and responsibilities arising therein to the inhabitants of FATA.³¹

The Pakistani state cannot eliminate or significantly diminish the manifestations of the substructure of *Pakhtunkhwa* as they arise in the borderland in the form of tribal resurgence against the authority of the state. Both the tribally based militancy and the structure of cross-borderland economic flows have forced the state to adapt to these phenomena, resulting in an institutional inertia to significant change. A series of peace deals between militants and the army has resulted in the non-deployment of troops in South Waziristan, and a reciprocal drop in insurgent attacks in 2011. In parallel, informal cross-borderland economic flows continue, abetted by the Zardari government's unwillingness to implement structural changes to the ATT expected in January 2011. These factors demonstrate that the borderland has the potential to perpetuate its condition indefinitely. Neither Pakistan nor Afghanistan will be successful in altering the nature of the borderland in order to assimilate it with either state, although there is the potential for a formalisation of the structure of interdependence around the borderland, as part of a policy of containment, in order to limit its impact upon either state.

6.4 The Current Prospects for Gradual Change

While political, institutional and economic inertia demonstrate that the current situation of the Afghan borderland, as illustrated in the previous section, can endure indefinitely, the large-scale internal displacement following military operations in Swat, Bajaur and Mohmand, and unprecedented flooding that devastated large parts of KP in the summer of 2010, create opportunities through which the borderland can undergo gradual change towards a degree of assimilation. However, the political actions required to realise these opportunities are axiomatic to the current security footing of the Pakistani state in the borderland.

³¹ Prior to the introduction of political activities to FATA in August 2009, the Federal government repeatedly refused to alter the constitutional provisions that exclude FATA inhabitants from due judicial processes and the general constitutional entitlements and provisions provided all citizens of Pakistan. Rather, FATA remained the domain of the Political agent who rules through the Frontier Crimes Regulation which provided the political agent with unchecked executive authority. Despite the declaration by President Zardari of the introduction of political activities to FATA, this has yet to materialise.

The social dislocation across KP that has arisen from the series of counter-insurgency initiatives undertaken by the Pakistani military across FATA since 2008 has been immense. In the summer of 2008, an estimated 300,000 people were displaced from Bajaur agency as a result of military operations carried out by the Pakistani military in the agency.³² Many of these individuals descended upon Peshawar,³³ while a large number relocated across FATA, KP and Nangarhar province in Afghanistan.³⁴ This situation was further exacerbated by the displacement of an estimated 2,000,000 individuals as a result of further military operations in Swat, Malakand, Dir and various parts of FATA in 2009.³⁵

Social dislocation of this scale invariably leads to economic disruption, civil unrest, reciprocal violence and political instability. In the case of Pakistan, all of these have been manifest. Yet, this level of social dislocation, and the political and economic upheaval arising from it, present an opportunity for the state to establish its primacy in the borderland as the sole agent capable of meeting these large-scale and potentially destructive challenges.

6.4.1 Opportunities arising from the flood

In July 2010, KP saw unprecedented flooding which had extended to the rest of Pakistan by the end of July and through August. Nowshera and parts of Peshawar remained under three metres of water for nearly two weeks,³⁶ resulting in the widespread destruction of homes and businesses. There are no accurate statistics for the number of persons displaced by the floods in KP, but estimates place the number of displaced persons at 150,000 in the first few days of the flood.³⁷

The scale of destruction and the number of internally displaced people in KP as a result of the flooding, along with the large-scale displacement of civilians resulting from the military campaigns in Swat, Bajaur and Mohmand present an opportunity for the government of Pakistan to re-establish the primacy of the civil administration in KP. The scale of these

³² Saeed Shah 'Thousands stuck in camps of no return' ; 26th October, 2008; <http://www.guardian.co.uk/world/2008/oct/26/pakistan-afghanistan>. Accessed 23rd February, 2011.

³³ Observed in Peshawar, August 2008. The city experienced a population swell during the exodus.

³⁴ The exodus was widely covered on news headlines on Khyber TV, a Pashto language satellite Television station operating in KP, 13th -17th August, 2008.

³⁵ Joshua Partlow 'Swat refugees Begin to Head Home' *The Washington Post* July 14th 2009 ; <http://www.washingtonpost.com/wp-dyn/content/article/2009/07/13/AR2009071300150.html> (accessed 23rd February, 2011). The actual number cited varies from 1.4 million to over 2 million. NPR and the Washington Post state 2 million.

³⁶ Discussions with relief workers who were present in Nowshera in July, 2010 held 22nd August, 2010.

³⁷ Practically the entire population of Nowshera (Pop. 900,000 1998 census) was evacuated as were a number of surrounding areas, as well as areas surrounding Peshawar. The destruction and displacement caused in many areas of central and northern KP remains unrecorded, as most relief efforts remained concentrated in southern Punjab where the scale of destruction and displacement was greatest.

challenges can only be met effectively by the state. With the support of the international community, which has been forthcoming,³⁸ the Pakistani state is in a position to re-establish its primacy in the afflicted area through being the principal agent of relief and redevelopment. This opportunity was missed in 2005 following the particularly destructive earthquake that struck KP and Kashmir in October of that year.

Following the earthquake, the role of the state in rescue and relief work was minimal in the worst afflicted areas.³⁹ Convoys of aid were assembled by private citizens in Islamabad, Lahore and Peshawar.⁴⁰ However, these convoys wove along the Karakoram Highway in the vicinity of Balakot, which was totally destroyed, with little or no knowledge of the areas that were afflicted by the earthquake as the pattern of destruction was not uniform due to the varying and sometimes extreme topography of the area.⁴¹ The result was an unequal distribution of aid in the afflicted areas, with much of the aid never reaching the most severely affected communities.⁴² The earthquake created the opportunity for a number of militant groups,⁴³ which had manpower in the affected areas, to be able to reach survivors. These groups used the opportunity presented in the earthquake to raise their respective profiles among the population of KP while the state, in many communities, had no presence at all. Further, in the aftermath of the earthquake the state failed to present adequate reconstruction assistance to the worst hit communities leading to a situation where communities were living in tents and improvised dwellings almost three years after the earthquake.⁴⁴ Rather than recognise the opportunity arising from the earthquake for the state to emerge as the primary source of authority and legitimacy in the borderland through providing immediate and effective relief

³⁸ Although lower than in previous crises such as the earthquake of 2005, the rate of international assistance did result in over \$40 million in the first three weeks of the flooding. See: Simon Tisdal and Maseeh Rahman 'Pakistan flood toll rises but International aid fails to flow' *The Guardian* 10th August 2010 <http://www.guardian.co.uk/world/2010/aug/10/pakistan-flood-international-aid>. Accessed 10th February, 2011

³⁹ The author was the co-ordinator for a major relief project in the immediate aftermath of the earthquake. The following observations are from discussions with engineers, medical personnel, rescue personnel and pilots involved in the relief effort in the vicinity of Balakot, Mansehra, KP in October 2005.

⁴⁰ Interview with Engineer Muhammad Hanif Baksh and Omedh Khan, October 2005, vicinity of Balakot.

⁴¹ Interview with Engineer Muhammad Hanif Baksh and Omedh Khan, October 2005, vicinity of Balakot.

⁴² Muhammad Hanif Baksh, a civil engineer and Adil Khan, a mountain trek guide, reported that emergency medical supplies were carried by foot over mountain terrain, inaccessible by vehicles to a number of remote communities that were severely affected by the earthquake in the Upper Pakhli region around Balakot, October 2005.

⁴³ According to the Feinstein International Centre's report 'Perceptions of the Pakistan Earthquake Response', the groups most effective on the ground were *Hizbul Ansar*, *Jamat ud Dawa*, and *Lashkar-e-Tayyiba*. See: Wilder (2008:47).

⁴⁴ Observed by the author in upper Pakhli, August 2008.

and redevelopment assistance, the Pakistani state relinquished this role to competitors who were effective in deriving utility from the opportunity.

If the Pakistani state does not respond to the current relief challenges in the borderland effectively, its position in the borderland may reach an intractable level of inadequacy. The dominant aspect of the current approach of the state has been to maintain a heavy military footing aimed at demonstrating overwhelmingly superior force against militants, while employing relief assistance provided by the US military operating from the Pakistani army's Shinkiari operating base.⁴⁵ This assistance, while widely accepted by the afflicted communities, does little to enhance the role of the Pakistani state in the area and does nothing to establish the primacy of the Pakistani civil administration in the area.

In a secondary role, the government of Pakistan has initiated a civil programme of relief and limited developmental support but, as of February 2011, this initiative falls far short of the scale of effort required to effectively rehabilitate the role of the state in KP. The government has provided aid for internally displaced individuals in the form of camps which provide tents and basic foodstuffs,⁴⁶ supplanted by the efforts of NGOs which provide medical assistance, and additional food and shelter which is surprising to the majority of the displaced.⁴⁷ Further, the government has arranged monetary compensation in the form of electronic debit cards for those whose properties have been damaged in Pakistani military operations in Bajaur, Mohmand and surrounding areas.⁴⁸

6.4.2 Targeting political gains

The state is now trying to convert these initiatives into political support across the province. The current KP government is led by the ANP, a coalition partner in the PPP dominated federal government.⁴⁹ The success or failure of the government's rehabilitation of its role in KP and

⁴⁵ Observed by the author at the Shinkiari base in August 2008. US forces provide air-dropped relief to the surrounding areas as part of a joint Pakistani-US relief initiative.

⁴⁶ Comments by Prime minister Yusuf Raza Gilani, broadcast on Geo News, July 22nd 2010.

⁴⁷ Interviews in Peshawar during the crisis in August 2008 revealed that, following the poor governmental response to the earthquake of 2005, many were expected a similarly inadequate response to this crisis but were surprised at the tent encampments, food and assistance provided. Many speculated that this was a politically motivated response to counter the immense unpopularity of the Swat offensive.

⁴⁸ For details of the government's debit card assistance programme, see : 'Debit Cards Issued for IDPs' 16th January, 2010; http://www.nadra.gov.pk/index.php?option=com_content&view=article&id=164:-debit-cards-issued-for-idps&catid=10:news-a-updates&Itemid=20. Accessed 24th February, 2011.

⁴⁹ The NAP, predecessor to the ANP, was considered by the government of Zulfikar Bhutto to be a secessionist organisation with Soviet support, and drew vocal support from President Daoud in Afghanistan- an ardent supporter of KP secession. See declassified Intelligence Note RNAN-41, Bureau of Research and Intelligence, US Department of State, August 23, 1973. <http://www.icdc.com/~paulwolf/pakistan/arietti23aug1973.htm>. Accessed 16th March, 2011.

FATA largely depends upon the success or failure of the ANP in expanding its support beyond its historical base of support in Charsadda, Swabi and Mardan, across the province to include Peshawar, Kohat and Mansehra. If the ANP is able to generate widespread support across the province, participation in the conventional political process will be increased, legitimising the state and its civil administration in KP. Currently, the ANP enjoys more support than it has ever done previously, but it is still far from representing a majority of Pashtuns in KP.⁵⁰ The ANP's popularity at the 2008 elections arose from the perceived failure of the religiously founded MMA⁵¹ to achieve any of its electoral promises, including an edict for *sharia* to be applied across KP, and an end to drone strikes. This, along with the potential political impact of the ANP in Islamabad as a crucial coalition member in the PPP's government to be, was a driving factor behind the growth in the ANP's popularity in 2008. However, with the rising unpopularity of the Zardari government in 2011, and the continuation of drone strikes and the associated collateral damage, the prospects for greater success for the ANP are very limited.

Although the Pakistani state has embarked upon a political course that utilises its potential political strengths in KP, rehabilitating its political presence in the borderland is a challenge facing more significant obstacles than can be addressed through the deployment of the army and the electoral success of the ANP. Principal among these is the continued presence of foreign forces in Afghanistan, and the reciprocal and growing insurgency being waged there, particularly in the southern and eastern regions that are the Afghan borderland. Repudiating a foreign military force appeals to pan-tribal sensibilities and hence the insurgency continues to draw support across tribes and across the Durand Line.⁵² This significantly compounds the political challenge faced by Pakistan in seeking to strengthen conventional political institutions in the borderland. While the ANP's condemnation of the domestic terrorism perpetrated by Taliban-aligned militants in Pakistan may attract support from a significant portion of tribesmen, opposition to the anti-coalition insurgency in Afghanistan will not. Pakistan, as a coalition ally, must measure its stated opposition to the insurgency in Afghanistan when dealing with tribesmen of FATA. This has, in some circumstances, gained support from among

⁵⁰ In the 2008 National and Provincial elections, the ANP won a total of 13 out of a possible 340 seats in the National Assembly, and 48 out of a total of 124 seats in the then NWFP assembly. See: 'Election Commission of Pakistan- General Elections 2008' available at <http://www.ecp.gov.pk/GE2008.aspx>. Accessed 23rd February, 2011.

⁵¹ The MMA won a total of 14 seats in the Provincial assembly and 7 in the National Assembly. See: 'Election Commission of Pakistan- General Elections 2008' <http://www.ecp.gov.pk/GE2008.aspx>. Accessed 23rd February, 2011.

⁵² 'Pakistan's tribal areas and militants'; 22nd September, 2008; www.reuters.com/article/latestCrisis/idUSSP151256, and 'The Afghan-Pakistan Militant nexus' 1st December, 2009; http://news.bbc.co.uk/2/hi/south_asia/7601748.stm. Both accessed 23rd February, 2011.

the tribes that were opposed to the conduct of the Taliban and aligned movements in FATA, but at the same time were supportive of the insurgency in Afghanistan.⁵³ This seemingly duplicitous position has attracted strong criticism from Pakistan's international allies,⁵⁴ criticism that undermines the government's ability to effectively counter, diminish and eradicate support for the Taliban-aligned militancy across FATA through the employment of large-scale military force. This also compounds the challenge of achieving the political rehabilitation of the borderland.

Given the difficulty of this challenge, and the political context - both domestic and international - within which it is occurring, success in the initiative to rehabilitate the writ of the Pakistani state in KP and FATA is unlikely. Political institutions tend not to flourish in the midst of a low-intensity⁵⁵ insurgency with a very intense asymmetric component. The security situation, in turn, is highly unlikely to be resolved without significant progress in the rehabilitation of political institutions in KP and FATA. The process of political rehabilitation can only occur with the co-operation of the tribesmen, something likely only when the tribesmen see that their interests and autonomy would be further enhanced and protected through greater political assimilation into the political institutions of the Pakistani state.

6.5 The Possibility of Secession

The threat of the secession of either FATA, or FATA and much of KP, from Pakistan has been a clear and present threat to the Pakistani state since its founding. This threat has been historically exacerbated by policies adopted in Kabul vis-à-vis the Durand Line and that part of *Pakhtunkhwa* that lies in Pakistan.

⁵³ In the summer of 2007, the Pakistani government extended support to Mullah Nazir, a Waziri opponent of Baitullah Mehsud, committed to removing Uzbeks from South Waziristan. See: 'Pakistan's tribals- who is killing who?' 5th April, 2007; http://news.bbc.co.uk/2/hi/south_asia/6529147.stm. Accessed 24th February, 2011. The Pakistan military supported Qari Saifuddin Mehsud, a Mehsud opponent of Baitullah, who was assassinated in June 2009 in South Waziristan. The Pakistani military arranged security for his funeral. Both Qari and Nazir were supported by the Pakistani military despite both stating support for the insurgency in Afghanistan.

⁵⁴ This criticism constituted the opposition to the 'AfPak' strategy envisioning greater support for Pakistan between Jan-March 2009. See 'Situation along Pakistan-Afghanistan border demands a comprehensive plan'; 24th April, 2008; <http://www.nsnetwork.org/node/830>. Accessed 16th March 2011.

⁵⁵ The US Army Field Manual describes low-intensity conflict as '...a political-military confrontation between contending *states* or groups below *conventional war* and above the routine, peaceful competition among states. It frequently involves protracted struggles of competing principles and ideologies. Low-intensity conflict ranges from *subversion* to the use of the *armed forces*. It is waged by a combination of means, employing political, economic, informational, and military instruments. Low-intensity conflicts are often localized, generally in the *Third World*, but contain regional and global security implications.' See: 'Military operations in Low Intensity Conflicts' *United States Department of the Army Field Manual*, December 1990, p. 101.

Since Pakistan's emergence, Afghanistan has denied the legitimacy of the Durand Line and has publicly and repeatedly declared its claim to FATA and KP (Burke 1988: 68-90). Under the Presidency of Muhammad Daud Khan (1973-78) particularly, the Afghan position was to support movements within Pakistan that were calling for the secession of KP and FATA from Pakistan as the fulfillment of Pashtun territorial and political ambitions (Ali 1990: 331). During this period, the National Awami Party (NAP) in Pakistan was the major main stream political party that engaged in secessionist politics on the basis of the territorialisation of Pashtun nationalism (Rashiduzaman 1970: 396-401). The secession of East Pakistan in 1971 raised the spectre of the disintegration of West Pakistan into smaller states, reflecting the clear ethnic divisions within West Pakistan. The threat of further disintegration was most acute in Baluchistan where between 1973 and 1977 a large-scale Pakistani military deployment engaged in an intense counter-insurgency effort aimed at suppressing separatist militancy (Cohen 2004: 220). It was during this period, when the Pakistani state was fighting to hold the province of Baluchistan, that the threat from the secession of KP and FATA became most acute. It was also during this period that the rhetoric from Daud regime was at its peak (Marwat 1990: 13).

This situation changed fundamentally with the Soviet invasion of Afghanistan in 1979. The ensuing anti-Soviet insurgency, although instigated in the non-Pashtun communities of Kunar Province (Ahmar 2006: 6), was most effective in the Panjsher Valley and across the Pashtun belt where Kandahar remained under partial insurgent control throughout the campaign (Roy 1990: 191). After the Soviet withdrawal in 1989, borderland tribesmen once more became the modality through which Pakistan was able to extend its influence in Afghanistan. This was achieved in the form of firstly the *mujahideen*,⁵⁶ then the Hizb-e-Islami of Hekmatyaaar, and finally through the Taliban under Mullah Omar during whose tenure over 90% of Afghanistan's territory fell under the militia's control.⁵⁷ During this period, with the absence of an independent government in Kabul, the previously Kabul-backed call for secession ceased. Further, post-jihad dynamics functioned to effectively eliminate the Durand Line and integrated FATA, KP and Afghanistan to an unprecedented level. By the time the Taliban

⁵⁶ Pakistani assistance to Afghan tribes during the 1980's and 1990's is detailed in chapter 3, section 3.5. 'A Greater Game: The Afghan Borderland Through the Cold War'.

⁵⁷ Bruno, Greg and Kaplan, Eben 'The Taliban in Afghanistan' *Council on Foreign Relations* 3rd August, 2009; <http://www.cfr.org/afghanistan/taliban-afghanistan/p10551>. Accessed 17th March, 2011.

regime had taken Kabul, not only had the threat of secession dissipated, but the entire Afghan borderland was integrated intractably with Pakistan's FATA and KP.⁵⁸

In 2002, however, the Karzai administration emerged as a Tajik dominated government,⁵⁹ firmly committed to greater ties with India and to reversing the involvement of Pakistan in Afghanistan's internal affairs.⁶⁰ Pakistan's Afghan policy was now once again dominated by a threat perception centering on the possibility of Pashtun secessionist militancy possibly facilitated by Kabul.

It is within this context of Afghanistan demonstrating increasing security, defence and intelligence links with India,⁶¹ that Pakistan faces the challenge of insurgency across FATA and KP. The threat of secession has emerged from such groups as the TTP and TNSM,⁶² within a strategic setting in which Kabul has once again reiterated its belief that the Durand Line does not constitute a legitimate international boundary.⁶³

The fact that the current insurgency in FATA and parts of KP is an almost exclusively Pashtun phenomenon largely confined to areas where Pashtun tribal militancy is strongest, lends an ethnic dimension to what is essentially a tribal insurgency that is fuelled by resentment against the state, articulated in religious rhetoric. The overwhelmingly Punjabi dominated military's response to the insurgent's penetration of Swat in April 2009, has polarised the Pashtun-

⁵⁸ This was observed directly in November 1999 on travel through the Khyber Agency. Interviews with multiple subjects revealed daily cross-border travel for business and pleasure was a very common occurrence. The only impediment was concern over the length of beard maintained by some individuals. The Taliban at the time had become notorious for imprisoning individuals, with a beard not of adequate length, for a period of five days.

⁵⁹ 'Murdered Afghan minister buried' 7th July, 2002; http://news.bbc.co.uk/2/hi/south_asia/2109431.stm, and 'Transcript of Martha Kearney's item' 30th May, 2006; <http://news.bbc.co.uk/2/hi/programmes/newsnight/archive/2017195.stm>. Accessed 16th March, 2011.

⁶⁰ Hussain Haqqani 'Pakistan Replays the Great Game' *Far Eastern Economic Review*, October 2005; <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=17642>. Also, 'Kabul to boycott Pakistan meetings' 15th July, 2008; <http://english.aljazeera.net/news/asia/2008/07/20087158031534803.html>. Both accessed 16th March, 2011.

⁶¹ 'Karzai meets Manmohan Singh, offers condolences for Mumbai attacks' 12th January, 2009; <http://www.theindian.com/newsportal/india-news/karzai-meets-manmohan-singh-offers-condolences-for-mumbai-attacks-100141298.html>. Accessed 16th March, 2011. See also Vivek Raghuvanshi 'India, Afghanistan to discuss closer ties' *Defense News* 6th July, 2009; <http://www.defensenews.com/story.php?i=4173955>. Accessed 16th March, 2011.

⁶² Pronouncements from both groups vary over the wider objectives of the insurgency. However, from a Pakistani military perspective, both groups are treated as secessionist. Interview with Brigadier A, 28th July, 2008, Islamabad.

⁶³ 'Karzai terms the Durand Line as invalid'; 3rd June, 2006; <http://www.india-defence.com/reports/1443>. Accessed 6th February 2011.

Punjabi dynamic in borderland society further.⁶⁴ The intensification of Pashtun-Punjabi tensions has the potential to exacerbate the threat of the secession of KP and FATA from Pakistan.

However, despite the growing ethnic tensions between Punjabis and Pashtuns, the secession of the Afghan borderland from Pakistan appears highly unlikely in the next five years. The principal political factor in determining whether or not secession is likely to occur is the policy of the Afghan state towards the secession of FATA and KP from Pakistan. For secession to take place, the Afghan state would have to be committed to supporting that scenario as a policy imperative. This is very unlikely on two accounts. Firstly, such a policy is likely to negatively impact Afghanistan, itself at a critical developmental and political juncture. Relations with Pakistan would very likely take on a belligerent dimension and vital economic links would be ruptured. Instability would increase as Pakistan would seek to re-acquire its northwest province. Without the unwavering support of a superpower for such an Afghan policy, it is highly unlikely to be adopted by the Afghan state. Secondly, for such an initiative to succeed, the tribes of FATA would have to be in support of the Afghan state's initiative. Currently, the FATA tribes are largely in support of the insurgency against the Afghan government, an administration widely perceived by tribesmen in FATA as being an extension of US policy in Afghanistan. Hence, without the support of the Karlanri tribes, such a prospect as an Afghan backed secession of KP and/ or FATA from Pakistan is highly unlikely.

The possibility of the secession of the whole borderland from both Pakistan and Afghanistan in the next five years is remote. Such a secession would be dependent upon the existence of a coherent structure of leadership among the Pashtun tribes, which was able to extend its influence across FATA, KP, and southern Afghanistan. The historical and current nature of inter-tribal competition in the borderland suggests that a coherent position for all the tribes to agree on has yet to emerge on any single political reality, making the likelihood of the emergence of a single tribal authority across the borderland distinctly remote. Particular tribal rivalries that would likely undermine attempts at such secession are those between the Waziri and Mehsud in the Waziristans, that between the Turi and Bangash in Kurram agency, and the perennial competition between the Ghilzai and Durrani, a contest the Durrani has been able to dominate historically through alliance with the Uzbek, Tajik and Hazarajat communities in

⁶⁴ Discussions with Aadil Khan, formerly of Cadet College Kohat, who addressed the extent of revulsion amongst tribesmen in and around Kohat for the actions of the Pakistani military, perceived to be employed in a Punjabi driven policy, in destroying homes in Kohat and killing civilians in operations aimed at reversing gains by the TTP. 16th September 2009.

Afghanistan, an alliance without which the prospect for either the Ghilzai or Durrani dominating over the other is limited. This dependency on alliance integrates Tajik, Uzbek and Hazarajat national groupings into the politics of *Pakhtunkhwa*, further eroding the likelihood of the secession of *Pakhtunkhwa* from the rest of the Afghan state.

In the case of the Mehsud-Waziri rivalry, The Pakistani military has previously succeeded in maintaining shifting patterns of alliance, alternatively with various clans within each of the two tribes, in order to facilitate joint action against those clans sympathetic to ‘foreign fighters’ present in North and South Waziristan.⁶⁵ In the case of the rivalry between the Turi and Bangash, the predominantly Shia Turi have consistently sought government support and even protection from the rival Bangash, who have been in a state of conflict with the Turi since early 2007.⁶⁶

The secession of the borderland from Pakistan, Afghanistan or from both states is highly unlikely over a five year period. Secession will not be accepted by Pakistan, which risks fragmentation along ethnic lines, or by Afghanistan, and appears thus far not to be an acceptable option for the US. Further, inter-tribal dynamics among the Pashtun demonstrate that sustainable pan-Pashtun leadership is an elusive aspect of Pashtun tribal culture, in the absence of which the political leadership necessary for the success of a Pashtun secessionist movement is highly unlikely to emerge.

6.6 Pak-Af

Pak-Af is a reversal of the Whitehouse initiated neologism Af-Pak, an expression that emerged in 2008, implying the necessity of considering southern Afghanistan and northwest Pakistan as a single strategic and policy theatre. Whereas Af-Pak suggests that FATA functions as an extension of the dynamics that occur in southeast Afghanistan, the expression Pak-Af, initiated here, suggests that it is FATA that holds the balance in the reciprocal relationship between the tribes across the Durand Line.

The heart of the borderland is FATA, and the heart of FATA is the autonomy of its tribes, specifically the Wazir, Mehsud, Shinwari, Mohmand, Afridi and the Utmankhel, Mamund and

⁶⁵ The emergence of Mullah Nazir as a *lashkar* leader in 2006 was soon followed by his instructions to men not to engage with Pakistani forces. At the same time, Nazir initiated a campaign against suspected Uzbek militants affiliated with the IMU, whom the Pakistani military had targeted. Sources suggest this is evidence of a degree of co-operation between Nazir and the Pakistani military to counter the Mehsud-foreign fighter axis that was developing in northern South Waziristan in 2006-07.

⁶⁶ Observations made by Miriam Abou Zahab, a leading expert in sectarianism in the Afghan borderland, in comments made at the Jamestown Foundation, April 15, 2009.

Tarkalanri of Bajaur. That autonomy, in turn, is a product of the strategic geography and topography of the borderland, the psycho-social orientation of the tribes embodied in *pashtunwali*, and the consequent structure of politics and economic flows across the borderland. These factors reinforce the primacy of tribal autonomy over the state in the borderland, a primacy that has been resurgent following the state's attempt to impose its authority over the tribes through the deployment of the military in FATA in 2002. This resurgent autonomy has driven cross-border, inter-tribal interdependence. While encouraged by Pakistan during the anti-Soviet campaign and sustained through the Taliban regime, this inter-dependence has now emerged as a structure of cross-border alliances, population movements, economic flows, and cross-border militancy, none of which the Pakistani state has been effective in countering.

The lasting effects of Pakistan's past role in encouraging cross-border interdependence currently functions to enhance the profile of the Karlanri tribes vis-à-vis the Ghilzai and smaller tribes in southern Afghanistan. These effects include the fact that KP constitutes the infrastructure of southern Afghanistan, providing key medical, transport, educational and trade-related services. Pakistan has also provided communication infrastructure, food and developmental assistance and other vital services to southern Afghanistan, while hosting an unknown number of refugees during the Soviet-invasion and the following anti-Soviet campaign, generally placed at between three and five million.⁶⁷ Much of that refugee population is now integrated into the social and economic life of KP, beyond the effect of the powerful and enduring cross-border tribal and clan linkages. Much of the Afghan population in Pakistan now has Pakistani identification cards, KP and FATA domicile certificates and Pakistani passports.⁶⁸ Also, significant numbers of Pakistanis have taken Afghan passports, widely available in Peshawar. Some have then used these Afghan passports to seek political asylum in Europe and the US on the basis of escaping alleged persecution at the hands of the Taliban and various warlords in Afghanistan.⁶⁹

⁶⁷ According to the UNHCR, at the beginning of the 2002 Afghan refugee repatriation programme there were 3 million Afghan refugees living in camps in Pakistan. The number of Afghans integrated into KP and FATA society is unknown, but 5 million as a total number for Afghan refugees in Pakistan is a conservative estimate. See: 'UNHCR Pakistan: Solving the Afghan refugee problem' <http://un.org.pk/unhcr/about.htm>. Accessed 11th March, 2011.

⁶⁸ Observed in Peshawar and Islamabad, July 2008. Despite the computerisation of the identity card system in Pakistan since 2001 under NADRA, fraud and inconsistencies continue to mar the effectiveness of the national identity database.

⁶⁹ Observed by the author in London, March 1999 during Pashto-English translation for local authorities, and in March 2004.

The result of Pakistan having contributed extensively to the fostering of cross-border interdependence during the 1980s and 1990s is that the Karlanri are now the host tribes to Pashtun tribesmen from Afghanistan. The Karlanri dominate the territory in which migrant Afghans settle, they dominate the cross-borderland trade, they dominate the transportation networks, and they maintain organised and well armed *lashkars*. Vitaly, the Karlanri control the passes linking FATA with southern Afghanistan. Thus, although the Karlanri do not control the space in which the Ghilzai reside in southern Afghanistan, the Ghilzai are dependent upon co-operation with the Karlanri for a variety of vital services from transportation to the supply of arms. Also, the Karlanri are widely regarded among the Ghilzai as having provided manpower for the Taliban between 1993 and 2001. Although the strategic significance of Karlanri manpower to the Ghilzai had been reduced by 2001, largely on account of the growth of the Taliban in Afghanistan, the assistance of the Karlanri in the post-2001 insurgency in Afghanistan is significant for the Taliban. FATA provides strategic depth to the Taliban, it is a source of arms and finance, and since January 2011, the Karlanri have identified NATO supply lines through FATA and Baluchistan as strategically salient objectives.

This cross-border, inter-tribal interdependence has led some commentators to suggest that this unique arrangement should be formalised in the shape of a confederation between the two states, or a larger federation in which the two states are unified.⁷⁰ Proponents suggest that whether or not such an arrangement is effected politically, its core elements already exist on the ground. The practical absence of formal controls on population movement across the Durand Line, the lack of state control or effective regulation of cross-border trade, the unwillingness on the part of both the Pakistani and Afghan states to effectively alter this reality, all suggest that the two states have achieved a degree of unification that is intractable.

There is considerable speculation that former Afghan king Zahir Shah and Pakistan's Ayub Khan did agree on a plan of eventual confederation between the two countries, with Zahir Shah remaining the titular head of state.⁷¹ Further, observers have commented that Pakistan's

⁷⁰ 'Pakistan-Afghanistan confederation s inevitable'; 31st August, 2009; <http://thedawn.com.pk/2009/08/31/the-pakistan-afghanistan-union-the-confederation-is-inevitable/>. Accessed 4th April, 2010. Moin Ansari, Dr. Israr Ahmed (since deceased) and Abid Ullah Jan are the main proponents of this perspective in Pakistani literature. In addition, there is extensive treatment of this subject in defence blogs in Pakistan. This perspective tends to be supported by conservatives, and rejected by secular nationalists in Pakistan.

⁷¹ 'Pakistan-Afghanistan confederation s inevitable'; 31st August, 2009; <http://thedawn.com.pk/2009/08/31/the-pakistan-afghanistan-union-the-confederation-is-inevitable/>. Accessed 4th April, 2010.

Zia ul Haq also intended to create such a confederation.⁷² Although it is unclear to what extent the post-Soviet mujahideen government was committed to the proposition of confederation with Pakistan, the succeeding Taliban regime practically achieved this during its tenure.

The strategic arguments for such a confederation are widely circulated among Pakistan's strategic community. Military officials are quick to point out that Afghanistan will provide Pakistan with much needed strategic depth vis-à-vis India.⁷³ Various civilian analysts have pointed out that trade opportunities with the Central Asian republics would yield significant growth for the new confederation. Pakistan, according to proponents of this view, has the potential to provide Afghanistan with much needed agricultural produce, manufacturing and infrastructure elements, and can assist significantly with reconstruction after decades of war.⁷⁴

Opponents point out that Pakistan's own economic situation is tenuous and far too fragile to be able to carry the burden of rehabilitating Afghanistan. They observe that Pakistan's military is engaged in an enduring counter-insurgency operation that undermines the security and stability of the state, a phenomenon that would be compounded by an Afghanistan-Pakistan confederation. They observe that stability is tenuous in Pakistan's multi-ethnic, multi-provincial set up, a situation that would only be made immeasurably more complex through confederating with Afghanistan's multi-ethnic population. They also point out that Tajik, Uzbek and Hazara minorities, the main constituents of the former Northern Alliance, have been committed to ending Pakistan's involvement in Afghanistan. These communities are likely to see any attempt at confederation with Pakistan as a further attempt at Pakistani colonisation of Afghanistan.

The international community has committed over 40 billion dollars⁷⁵ and considerable human and other resources to preserve and rehabilitate the Afghan state. One of the principal effects of operation 'enduring freedom' has been to reverse Pakistan's influence over Afghanistan, reconstituting Afghanistan's indigenous political institutions so that the state may function as a stable and progressive democracy. The international coalition has focused upon FATA as the epicentre of instability in Afghanistan and has sought to diminish this instability through a

⁷² This is an observation made by a number of military officers who served with Zia during the 1980's. Some cite the development of this plan as a reason behind his assassination.

⁷³ Observed in discussions at the (ISSI), Islamabad in January 2000.

⁷⁴ 'Pakistan-Afghanistan confederation s inevitable' 31st August, 2008; <http://thedawn.com.pk/2009/08/31/the-pakistan-afghanistan-union-the-confederation-is-inevitable/>. Accessed 4th April, 2010.

⁷⁵ 'Donors pledge \$20bn in Afghan aid' 12th June, 2008; http://news.bbc.co.uk/2/hi/south_asia/7449281.stm. Accessed 16th March, 2011.

combination of coalition and Pakistani efforts.⁷⁶ The international community has issued no support for the proposition of confederation between Pakistan and Afghanistan, and indeed, based upon current policy trajectories, appears to be completely opposed to such a development. The international system is committed to, and comprised of, the territorialisation of sovereignty in each of its constituent members, among whom are both Pakistan and Afghanistan.

6.7 US Involvement in the Afghan Borderland

The US is a significant catalyst in the Afghan borderland and a principal determinant in shaping its future. US involvement in the borderland dates from the 1957 Eisenhower doctrine,⁷⁷ intensifying during the US-Soviet struggle for influence in Afghanistan during the 1960s (Dupree 1980: 512-15). Following the 1978 Saur revolution, US involvement grew further through financial, logistical and materiel support for insurgents against firstly the Taraki regime (1978-79), and then Soviet forces which entered Afghanistan on 24th December 1979.⁷⁸

After the 1992 collapse of the *mujahideen* government, the Ghilzai warlord Gulbudeen Hekmatyaaar continued to receive US support through Pakistan (Coll 2005: 165) until his *Hizb-i-Islami* was eclipsed by the emergence of the Ghilzai led and Durrani supported Taliban movement by 1995. The US remained engaged with the Taliban, both directly and through Pakistan, until after the fall of Kabul in 1996 and quite possibly into 1997.⁷⁹

6.7.1 US policy reversal and Tajik projection

However, by 2001 the US had committed itself to a policy of opposition to the Taliban; a policy that was borne out by the end of 2001 in a US alliance with the Northern Alliance- formerly

⁷⁶Malou Innocent 'A model for modern insurgency' *Armed Forces Journal* August 2008; www.cato.org/pubs/articles/malou_innocent_model_insurgency.pdf. Accessed 16th March, 2011. Stratfor, a private open-source intelligence organisation, suggests that the actual nerve center is just south of FATA in northern Baluchistan. See: 'Pakistan: Washington considers expanding drone strikes?' 18th March, 2009; http://www.stratfor.com/analysis/20090318_pakistan_washington_considers_expanding_drone_strikes. Accessed 6th April, 2010.

⁷⁷ Following his 'Special message to the Congress' in January 1957 in which the main facets of the Eisenhower Doctrine were declared, Eisenhower visited Afghanistan in December 1959, ushering a period of extensive US infrastructural support and assistance that lasted until the 1973 *coup d'etat* against Zahir Shah led by Muhammad Daoud Khan.

⁷⁸ 'The CIA's Intervention in Afghanistan' *Le Nouvel Observateur*, 15th January 1998; <http://www.globalresearch.ca/articles/BRZ110A.html>. Accessed 16th February, 2011. Here Brzezinski, former National Security Adviser to Carter, states how assistance to Afghan insurgents pre-dated the Soviet Invasion in 1979.

⁷⁹ US Department of State Cable, 'Dealing with the Taliban in Kabul', 28 September 1996, Confidential, pp.2-3, *Taliban File*, NSA. Cited in Hussein, Rizwan *Pakistan and the emergence of Islamic Militancy in Afghanistan*, Ashgate, Hampshire 2005, p. 231.

backed by both Russia and Iran against the then US supported Pashtun movements such as *Hizb-i-Islami* and the Taliban.⁸⁰ This policy change now committed the US to combating the same tribal structures it had previously sought to forge alliance with, while seeking alliance with the enemies of the US' former allies.

By assisting the Northern Alliance in filling the void left by the Taliban regime after its dissolution by the end of December 2001, the US sought to project the Tajik dominated post-Taliban government as the legitimate government of Afghanistan. References to the former Northern Alliance and the Tajik population were now made with the term 'Afghan' while the Taliban were referred to as 'Pashtun'.⁸¹ The former Northern Alliance militia was grafted into the Afghan National Army and the police force.⁸² In this way, the US sought to remake Afghanistan in, what was considered by US strategic planners, a strategically sustainable form.⁸³ These calculations were incorrect as the majority Pashtun population remained opposed to the domination of the Tajik minority both politically and in terms of security.⁸⁴ Despite this, the US continued to support the Afghan government which by 2004 had a Pashtun titular head in the form of Hamid Karzai.

The election of Karzai as President in the 2004⁸⁵ general election appeared to placate Pashtun opposition to the Northern Alliance backed government. Further, during this period, the international community pledged over \$40 billion to the reconstruction and development of Afghanistan in a series of international donor conferences held in the UK, Germany and Japan.⁸⁶ However, little of the pledged resources have been spent on reconstruction projects in Afghanistan.⁸⁷ In the tenth year of the US-led mission in Afghanistan, vital services do not

⁸⁰ Robert Nolan 'The Northern Alliance' 25th September, 2001; http://www.fpa.org/newsletter_info2583/newsletter_info_sub_list.htm?section=The%20Northern%20Alliance . Accessed 16th March, 2011.

⁸¹ This was observed during numerous televised war-time briefings with US force commanders during the 2001 conflict. Since then, the term 'Afghan' has remained in use to describe the Tajik dominated government and security services, as well as the Afghan National Army.

⁸² 'The brewing political power struggle in Kabul' 20th October, 2003; <http://www.kabul-reconstructions.net/index.php?id=192> . Accessed 16th March, 2011.

⁸³ Interview with Brigadier A, 28th July, 2008 Islamabad. Brigadier A was part of a Pakistani delegation which met with Director of National Intelligence (DNI) John Negroponte and Secretary of State Condoleezza Rice in May-July 2005.

⁸⁴ For a fuller treatment of Pashtun alienation under Tajik authority see; Afghanistan: The Problem of Pashtun Isolation *Asia Report No. 62*, International Crisis Group, Kabul/Brussels 2003.

⁸⁵ Hamid Karzai was appointed Chairman of the Transitional Council on 22nd December 2001, and appointed Interim President of Afghanistan on 13th June, 2002. He was sworn in as President of Afghanistan on 7th December, 2004.

⁸⁶ 'Donors pledge \$20bn in Afghan aid' 12th June, 2008; http://news.bbc.co.uk/2/hi/south_asia/7449281.stm. Accessed 16th March, 2011.

⁸⁷ Peter Bergen testified before the US Congress on 23rd April, 2007 that 86% of Afghan aid is 'phantom' aid that is diverted to US companies and executives. See: Peter Bergen 'Reuters Quotes

exist across much of the country. Clean drinking water is still a rarity,⁸⁸ electricity- where available – is intermittent,⁸⁹ and crime and violent opportunism are still widespread across the country.⁹⁰ These phenomena are cited by many who gravitate towards the insurgency as evidencing the international coalition's lack of concern with the reconstruction and development of Afghanistan.⁹¹

6.7.2 Af-Pak

Sensing the steady growth of the insurgency despite the growing employment of US personnel and matériel, the US announced a new strategy in March 2009 termed 'AfPak'.⁹² Early in the campaign, the US had stated that it was in Afghanistan to destroy Al-Qaeda and the Taliban, while facilitating the reconstruction of Afghanistan after nearly twenty-two years of war. With the proclamation of 'AfPak', the US declared a different approach. The 'AfPak' strategy calls for a multi-dimensional approach to the Afghan borderland. The main components of this strategy include; greater monetary assistance to the governments of Afghanistan and Pakistan, increased efforts at training Afghan National Army personnel and Pakistani paramilitary and military personnel in counter-insurgency tactics, greater intelligence sharing between the US, Afghanistan and Pakistan, and a continuation and expansion of targeted strikes against suspected militant leaders in FATA.⁹³ This is in addition to the presence of US and NATO troops across Afghanistan aimed at providing security for the Afghan population and also committed to the reduction and eventual eradication of opiate production, an initiative tempered by the economic fact that opiate production is the principal source of income for the overwhelming majority of Afghanistan's farmers.⁹⁴

Peter Bergen on Aid to Afghanistan' 23rd April, 2007; <http://www.newamerica.net/node/20469>. Accessed 16th March, 2011.

⁸⁸ For detailed situation reports on the developmental situation in Afghanistan see; www.cidi.org/situation-reports/reports/10. Accessed 5th February, 2011.

⁸⁹ 'Electricity Woes a Way of Life in Afghanistan' 13th June, 2009; www.npr.org/templates/story/story.php?storyId=105249682. Accessed 5th February, 2011.

⁹⁰ N.C. Aizenman 'Afghan Crime Wave Breeds Nostalgia for Taliban' 17th March, 2005; <http://www.washingtonpost.com/wp-dyn/articles/A45302-2005Mar17.html>. Accessed 5th February, 2011.

⁹¹ N.C. Aizenman 'Afghan Crime Wave Breeds Nostalgia for Taliban' 17th March, 2005; <http://www.washingtonpost.com/wp-dyn/articles/A45302-2005Mar17.html>. Accessed 5th February, 2011.

⁹² Remarks by President Obama on a Strategy for Afghanistan and Pakistan, made at the Whitehouse on March 27th 2009; http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-on-a-New-Strategy-for-Afghanistan-and-Pakistan/. Accessed 8th February, 2011.

⁹³ Remarks by President Obama on a Strategy for Afghanistan and Pakistan, made at the Whitehouse on March 27th 2009; http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-on-a-New-Strategy-for-Afghanistan-and-Pakistan/. Accessed 8th February, 2011.

⁹⁴ Prerna Mankand 'Why do Afghan Farmers Grow Poppies?' 2nd July, 2007; http://blog.foreignpolicy.com/posts/2007/07/02/why_do_afghan_farmers_grow_poppies. Accessed 8th February, 2011.

The multiple challenges faced by the US in Afghanistan, which it seeks to address through the 'AfPak' strategy, are compounded further by the political dimension of the international coalition. The members of the NATO-led coalition, which remains under the command of the US force commander in Afghanistan, have demonstrated varying resolve for the continuation of the mission in Afghanistan.⁹⁵ The continued absence of quantifiable success in the mission has already led to an erosion of support,⁹⁶ calling into question the validity of the US action by international norms and precedent in the event that the NATO mandate was unsustainable.

Further, opinion among US policy planners and strategists on how to conduct the 'AfPak' policy is not uniform. In widely publicised comments made at the Atlantic Council in November 2008, Gen. Mckiernan, then the joint commander of US and NATO forces in Afghanistan, revealed that the insurgency had taken on a tribal dimension which the US was not in a position to exploit.⁹⁷ Mckiernan was promptly succeeded by Gen. McChrystal who pledged to discover within 18 months whether or not the multi-dimensional strategy of 'AfPak' was working.⁹⁸

6.7.3 Impact of the Durand Line on US operations

The US strategy in Afghanistan faces a major strategic loophole exploited by militants, in the form of the Durand Line, which the US is finding extremely difficult to close down. Militants retreating from Afghanistan into FATA cannot be pursued effectively across the Durand Line by US and NATO forces as the line constitutes an international boundary, despite having all the characteristics of a non-border. Attempts by coalition forces to enter FATA in hot pursuit have

⁹⁵ Testimony of Philip H. Gordon, Senior Fellow for U.S. Foreign Policy at the Brookings Institution, to Senate Foreign Relations Committee on March 11th 2008;

http://www.brookings.edu/testimony/2008/0311_nato_gordon.aspx. See also Mathias Gebauer 'Does NATO want out of Afghanistan?' *Spiegel Online* 4th April, 2008;

<http://www.spiegel.de/international/world/0,1518,545348,00.html>. Both Accessed 9th February, 2011.

⁹⁶ An October 2010 survey conducted by CNN and ORC found 37% of Americans support the war in Afghanistan. See: 'What the numbers say about Afghanistan' 15th October, 2010;

<http://www.politicalticker.blogs.cnn.com/2010/10/15/what-the-numbers-say-about-progress-in-afghanistan/>. Accessed 9th March, 2011. An IFOP poll in France conducted in February 2011 showed 28% of the French public supported the war in Afghanistan. See: 'French and US Public Opinions and the Afghan Conflict' 23rd February, 2011;

http://www.ifop.com/?option=com_publication&type=poll%id=1412. Accessed 11th March, 2011. An Angus Reid/Vision Critical poll conducted in the UK in February 2011 showed 31% of respondents supported the war. See: 'Afghan war loses support in Canada, US' 3rd March,

http://www.upi.com/Top_News/World-News/2011/03/03/Afghan-war-loses-support-in-Canada-US/UPI-75061299193194/. Accessed 11th March, 2011.

⁹⁷ Comments by General David Mckiernan made at the Atlantic Council, 18th November, 2008;

http://www.acus.org/event_blog/general-david-d-mckiernan-speaks-councils-commanders-series. Accessed 28th February, 2011.

⁹⁸ Jim Garamone 'Next 18 months critical in Afghanistan, McChrystal says' 22nd June, 2009;

<http://www.army.mil/-news/2009/06/22/23142-next-18-months-critical-in-afghanistan-mcchrystal-says/>. Accessed 16th March, 2011.

been repulsed by the Pakistani military⁹⁹ which has deployed around 100,000 troops to the borderland, but has demonstrated limited effectiveness in countering cross-border insurgent movements. To overcome this challenge, the US has resorted to using unmanned aerial vehicles as a platform from which to launch missiles into compounds suspected of housing Taliban and Al-Qaeda principals. This tactic has resulted in limited operational success in terms of eliminating suspects,¹⁰⁰ and comes at a high collateral cost.¹⁰¹ The collateral cost has fuelled anti-US and coalition sentiment across FATA and much of KP, adding to the formidable challenges faced by the Pakistani state in KP and FATA.

The nature of the involvement of the US in the Afghan borderland is primarily military. In January 2011, the US had a contingent of over 110,000 troops in Afghanistan with the bulk concentrated in the Pashtun belt.¹⁰² Despite this level of commitment, and the associated fiscal costs, the US military presence is being increasingly countered by an insurgency that has spread well beyond its 2002 origins in the southwest of the country.¹⁰³ By remaining on a military course, it is unclear how the US will be able to quantify success in Afghanistan. Support for the insurgency is widespread across the Afghan borderland. Tribal *lashkars* are also committed to resisting the presence of the Pakistani military in FATA and much of KP on account of the Pakistani military having allied itself with the US led coalition.

Commentators have pointed out that the US experience in Afghanistan mirrors that of Soviet Union. While there are similarities between the two experiences and many more differences, the salient association between the two experiences is that 9 years into each, both were experiencing opposition and resistance across Afghanistan, supported by the FATA tribes. In the Soviet Union's experience, it was able to develop a political construct under which it withdrew its forces from Afghanistan during its ninth year of occupation. Gorbachev had

⁹⁹ 'Shots fired in US-Pakistan clash' 25th September, 2008;

<http://www.news.bbc.co.uk/1/hi/7636845.stm>. Accessed 28th February, 2011.

¹⁰⁰ There were 9 drone strikes in FATA from 2004-2007. There were 33 drone strikes in FATA in 2008. 2009 saw 53 drone strikes and 2010 saw 118. There has been no corresponding drop in the rate of attacks against Pakistani targets or US led NATO targets in Afghanistan since the expansion of drone strikes in 2008. See: 'The Year of the Drone' <http://counterterrorism.newamerica.net/drones>. Accessed 16th March, 2011.

¹⁰¹ According to Peter Bergen and Katherine Tiedemann, between 1200 and 1700 civilians have been killed in drone strikes. The US has claimed 66 'targets' killed. The ratio of civilians to 'targets' is between 16.7 to 1 and 25.8 to 1. See: Gareth Porter 'Report Shows Drones Strikes Based on Scant Evidence' 18th October, 2010; <http://ipsnews.net/news.asp?idnews=53194>. Accessed 16th March, 2011.

¹⁰² 'US to boost troops in Afghanistan'; available at <http://news.bbc.co.uk/2/hi/americas/7895951.stm#graph>. Accessed February 2011.

¹⁰³ 'Gen. Petraeus: Insurgency Growing in Afghanistan'; 18th February, 2009; www.npr.org/templates/story/story.php?storyId=102608517. Accessed 26th February, 2011.

realised the inevitability of such a conclusion by 1986 and had been working towards it since then.¹⁰⁴

The Obama administration has identified July 2011 as the commencement for a US withdrawal from Afghanistan,¹⁰⁵ although the rate of withdrawal and the final status of US military presence in Afghanistan has not yet been announced. The larger geo-strategic environment suggests that the US is highly likely to maintain a military presence in Afghanistan indefinitely. Central Asia, Pakistan and Iran are all crucial areas for US policy planners, and the utility of an operational capacity in Afghanistan is not understated. However, a wider political engagement with the tribal leaderships across *Pakhtunkhwa* still eludes the US. Although part of the problem is the relatively fluid and localised nature of tribal leadership among the Ghilzai specifically, by maintaining an almost exclusively military footing in Afghanistan the US is undermining any substantive capacity for non-military engagement with tribal leaderships.

6.8 Conclusion

In its competition with the underlying substructure of *Pakhtunkhwa*, the state continues to attempt to accommodate, assimilate or diminish the autonomy of the Afghan borderland. Previous chapters have identified political, economic and military initiatives sponsored by the state, formally and informally, as it tries to achieve a decisive and sustainable impact in the borderland. This chapter examines the possible permutations in the relationship between the state and the Afghan borderland over the coming five years.

The chapter finds that as the substructure of *Pakhtunkhwa* continues to underlie the resurgence of tribal autonomy, the Afghan borderland will continue to constitute a multi-dimensional challenge to Pakistan, Afghanistan, the US and the wider international community over the coming five years. The borderland, while remaining autonomous from Pakistan and Afghanistan, continues to impact the security, stability, and sustainability of both. The political symbiosis between Pakistan and Afghanistan, centered on the autonomous borderland, will continue as a major challenge to the multi-national effort to resuscitate the Afghan state and assist it in establishing its exclusive authority over the entirety of its territory.

¹⁰⁴ Interview with former Pakistani Ambassador to USSR, Tanvir Ahmed Khan, at the ISSI Islamabad, March 2000.

¹⁰⁵ 'US well-positioned to start Afghan withdrawal-Gates' 7th March, 2011; <http://www.bbc.co.uk/news/world-south-asia-12662121>. Accessed 7th March, 2011.

Between 2007 and 2009, discussion was raised within the strategic community in the US over the future shape of the Pakistani state.¹⁰⁶ Various maps detailing a reconfigured Pakistan were circulated in strategic journals.¹⁰⁷ Within this context, the question of Pashtunistan and the secession of KP and FATA reemerged. Opinion within Pakistan suggests that the possible dissolution of the Pakistani state is considered a likely scenario.¹⁰⁸

However, this study finds that the critical conditions for the secession of KP and FATA from Pakistan are lacking within the Afghan borderland. Principally, the Afghan state appears not to be committed to a policy of pursuing the reclamation of FATA and KP, or encouraging the emergence of an independent Pashtunistan. Without Afghan state support for secession, such a scenario would then require an unprecedented degree of unified action among the tribes of FATA that are themselves engaged in a near-continuous state of belligerence, as often directed internally as at external foes. In the absence of such co-ordination emerging, secession would then only transpire under a singular leadership across the entire Pashtun belt. Such a development has not been seen in the borderland yet. Hence it is the judgement of this study that the secession of KP and FATA from Pakistan is unlikely to transpire in the coming five years.

While this chapter finds that the secession of FATA and KP is an unlikely scenario, the study finds that there has been a great degree of integration between the populations on both sides of the Durand Line. There has also emerged a significant degree of economic interdependency between the borderland as a whole, and population and territories adjacent to it in both Afghanistan and Pakistan. The consequent cross-border assimilation has rendered the Durand Line an international non-border, and has resulted in a political symbiosis where neither the Pakistani nor Afghan state enjoys exclusive authority over the borderland, while both states are driven to greater economic and social integration by it. This economic and social interdependency between Afghanistan and Pakistan, driven by the greater cross-border assimilation, has led some commentators to suggest that the most stable political arrangement between the two countries would be a confederation or a larger federation, comprised of the two states.

¹⁰⁶George Perkovich and Selig Harrison 'Will Pakistan Break Up?' 10th June, 2009; <http://www.carnegieendowment.org/events/?fa=eventDetail&id=1358&prog=zgp&proj=znpp>. Accessed 16th March 2011.

¹⁰⁷ Ralph Peters 'Blood borders; How a better Middle East would look' *Armed Forces Journal* June 2009; www.armedforcesjournal.com/2006/06/1833899. Accessed 16th March, 2011.

¹⁰⁸ Opinion in Pakistan is expectedly divided on the likelihood of dissolution of the state in the medium term future. However, while discussions of the perennial threat of dissolution have been generally discounted over recent years, the threat perception amongst Pakistanis currently, over this particular issue, is heightened. General discussions in Islamabad and Peshawar, July-August 2008.

This chapter, however, finds that the developmental and security challenges facing both Afghanistan and Pakistan render such a proposition highly unlikely in the coming five years. The chapter finds that the Afghan borderland is unlikely to manifest any transformational change over this period. The current dynamics within it are neither unprecedented nor unanticipated by Pakistan, Afghanistan and the US. Rather, the borderland will continue to challenge the hold of Pakistan and Afghanistan over it, as a product of the competition between the substructure of *Pakhtunkhwa* and the postcolonial state.

7 The Findings: The Dynamics of Borderland Autonomy

7.1 Introduction

This study has examined the underlying structural causes of the resurgence of tribal autonomy in the Afghan borderland. It has examined how this resurgence is a manifestation of competition between the underlying, pre-state substructure of *Pakhtunkhwa*, and the post-colonial states of Pakistan and Afghanistan.

Pakistan and Afghanistan have been unable to effectively assimilate, accommodate or diminish tribal autonomy in the Afghan borderland. The Karlanri and Ghilzai tribes specifically, are demonstrating resurgence in autonomy, partially in response the militarisation of the borderland, but more significantly as the re-territorialisation of the pre-state and trans-border substructure of *Pakhtunkhwa*.

This chapter presents the conclusions of this study. Focusing on the Afghan borderland, the chapter presents findings relating to the resurgence of *Pakhtunkhwa* and the particular dynamics of expansion of the Afghan borderland. The chapter then addresses the limitations under which this study was conducted, before suggesting the potential applications of these findings. The chapter then addresses further areas for study.

7.2 The Findings

This study makes the following findings:

- 1) Tribal autonomy from the state is resurgent in the Afghan borderland since 2002. This resurgent autonomy has been triggered by the militarisation of FATA by the Pakistani military in 2002, and is driven by the re-territorialisation of the larger substructure of *Pakhtunkhwa*, underlying Afghanistan and Pakistan.
- 2) The territory under effective tribal control is expanding from its core in FATA, Kunar, Nangarhar, Paktiya, Paktika, Khost, southern Ghazni, southern Zabul, and southern Kandahar. The settled KP districts of Dera Ismail Khan, Tank, Bannu, Lakki Marwat and the Frontier Region of Kohat, Dir, and parts of Malakand had effectively acceded to tribal authority by August 2008, as had northwest Baluchistan. Upper Swat, Kohistan and northern Mansehra also manifest the primacy of tribal authority. The primacy of tribal

authority¹ across the provinces of Afghanistan and the latter three settled districts of KP particularly, physically removed from the border, evidence the observation that this tribal expansion is not limited to borderland dynamics, but is a product of the larger phenomenon of the re-territorialisation of the wider tribal *atrap* of *Pakhtunkhwa*.

- 3) The failure by Pakistan and Afghanistan to provide vital services, basic infrastructure, and effective civil administration in the borderland has contributed to the primacy of the tribe as a source of identity, security, and economic opportunity for the borderland population. The absence of effective state-backed political and judicial structures has encouraged the emergence of the *jirga* process as the principal medium of decision making on an inter-tribal and pan-tribal level, as well as the proliferation of *qazi* or *sharia* courts as the prime modality for adjudication.
- 4) Post-colonial states in Asia have varying experiences of competition with pre-state polities and identities. The militarisation of the Kurdish borderland by Turkey has been partially effective in diminishing the substructure of Kurdistan, although the Kurdish tribes retain the identity of that substructure. In contrast to the Kurdish and Pashtun substructure experiences, the states of Arabia are in competition with the political identity associated with the pre-colonial superstructure of a pan-Arab state, administered by the Ottomans in its last iteration.

In addition, the study makes a number of corollary findings in the areas of; militarisation, the borderland economy, the non-border that is the Durand Line, and the future of the borderland in the coming five years.

7.2.1 The growing autonomy of the Afghan borderland

Since 2002, the Afghan borderland manifests a growing degree of autonomy from the state, particularly on the Pakistani side of the Durand Line but also discernable on the Afghan side. This growing autonomy manifests in a number of phenomena. Prime amongst these is the

¹ As Thomas Ruttig points out, the bulk of the Taliban in the south of Afghanistan are organised tribally or on the basis of clan. Hence, the movement seeks to incorporate existing tribal and clan networks, often relying on existing *arbakai* within a *zai*. However, Ruttig suggests that tribalism overall has weakened in Afghanistan over the last thirty years, and that centralised Kandahari authority exists over the multitude of dispersed clans aligned with the Taliban across the south of Afghanistan. This study suggests that, on the contrary, tribal structures – historically fluid and pragmatic in the dynamics of leadership and organisation – are emboldened during the preceding decades and constitute the principal form of identity among Pashtuns in the borderland and contiguous regions. For Ruttig's analysis, which remains the prime example of tribalism and the Taliban in English, see: Thomas Ruttig 'How Tribal are the Taleban?' *Afghan Analysts Network* April 2010, available at: <http://aan-afghanistan.com/uploads/20100624TR-HowTribalAretheTaleban-FINAL.pdf>. Accessed 26^h June, 2011.

militant opposition to the presence of the Pakistani military in FATA which began immediately following the deployment of the military in 2002. Initially, opposition was not FATA-wide and had varying degrees of support as the Pakistani military sought to maintain a nominal presence in FATA in order to deflect international pressure then mounting on Pakistan for ostensibly doing very little to prevent wanted transnational jihadists from seeking refuge in and operating from FATA.² Also, in 2002 a common perception among tribesmen that the presence of the Pakistani army was intended to be long-term and of a scale that would challenge the autonomy of the various tribal *zai*, had not yet developed. As the scale of the army's employment in FATA increased, and the scope and frequency of military operations expanded, tribal opposition also expanded. By then end of 2003, tribally based militant opposition to the expansion of military operations demonstrated a notable growth to where, by 2007, it had reached all seven FATA agencies and all settled districts of KP adjacent to FATA.³

While a militant insurgency in itself is not synonymous with autonomy, attributes of the militancy in FATA reveal that it is a vehicle through which tribal autonomy from the state is being increased. The main observable characteristic in this regard is the current condition of the insurgency. The insurgency has expanded, initially from South Waziristan in 2003⁴ to all seven agencies and all settled districts of KP adjacent to FATA. This expansion indicates a degree of popularisation of the insurgency to where a significant number of clans across FATA have engaged in militant operations against the Pakistani military, albeit often on an opportune basis.⁵ The fact that the military has of yet been unable to curtail the geographic expansion of the insurgency reveals that the kinetic initiative is not with the counter

² Following the attacks of 11th September, 2001 Pakistan came under intense pressure, initially to support US actions and then to do more to counter the anti-coalition insurgency that had found support in FATA. See *Frontline* interview with Pakistan's ambassador to the UN, Munir Akram, 3rd October, 2006; <http://www.pbs.org/wgbh/pages/frontline/taliban/interviews/akram.html>. Accessed 14th November, 2010.

³ In December 2007, 40 militant groups pledged their support to Baitullah Mehsud and joined the Tehrik-e-Taliban Pakistan (TTP). See: Pakistan: Countering Militancy in FATA *Asia Report 178*, International Crisis Group, October 2009, p. 5.

⁴ After the 2001 US-led siege at Tora Bora, principal leaders of al-Qaeda are alleged to have entered South Waziristan. Since then, there has been US and Pakistani military pressure applied on South Waziristan. By 2003, tribal militants were engaging Pakistani troops in the agency. See: Imtiaz Ali 'Military Victory in South Waziristan or the beginnings of a Long War?' 15th December, 2009; [http://www.jamestown.org/programs/gta/single/?tx_ttnews\[tt_news\]=35832&tx_ttnews\[backPid\]=26&cHash=22a22efbd82](http://www.jamestown.org/programs/gta/single/?tx_ttnews[tt_news]=35832&tx_ttnews[backPid]=26&cHash=22a22efbd82). Accessed 16th March, 2011.

⁵ The dynamics of the insurgency reveal that most attacks on the military employ 'hit and run' guerrilla tactics, making it extremely difficult for the military to know exactly who the perpetrators of attacks are. This historically tested method enables tribal *lashkars* to engage in militancy against the military as is required by *pashtunwali* convention, while avoiding punitive actions from the military including the razing of residential compounds, arbitrary arrests, and targeted killings.

insurgency effort, but lies with the insurgents. In addition, the counter insurgency has been focused on territorial nodes within the agencies of northern South Waziristan, North Waziristan, Mohmand, Bajaur and upper Swat. In each area, homesteads of clans known to be supporting the insurgency have been either occupied or destroyed, an action aimed at forcing insurgent clans to capitulate.⁶ After operations in each node, the military has claimed that the respective areas have been cleared of militants.⁷ However, each is still considered a focus of militant organisation and support.⁸ This indicates that the insurgency, by virtue of its continuity and expanding scope, is unfolding in accordance with the objectives of the insurgents more so than in line with what the army is seeking to achieve in FATA and surrounding districts. Consequently, the comparative military success of the tribal militias in expanding the insurgency and enduring major operations launched by the Pakistani military, is a manifestation of, and contributant to, the increasing autonomy of the borderland from the state.

Beyond an expanding militarisation countering the presence of the Pakistani state in the borderland, the increasing autonomy of the borderland is manifest in the increasing authority of tribal structures of leadership and organisation as an effective alternative sub-state system of social, political and military organisation to that of the state. In the absence of effective state authority in the Afghan borderland, tribal *khans* and *maliks* have emerged as local centres of power, seriously challenged only by elements within the clans and tribes themselves, and beyond any serious challenge from the state. This was observed in the appointment of Hakimullah Mehsud as the *malik* of the Mehsud tribe in September 2009,⁹ following the death of Baitullah Mehsud in a suspected drone attack in South Waziristan. This is also evident from the series of targeted assassinations of tribal leaders across FATA since 2005. Since 2005, the intensity of inter-tribal competition has escalated, resulting in the

⁶ In operations in Swat and Bajaur, the military destroyed large numbers of homes. See 'Pakistan Swat Valley Operation Destroys Homes, Draws Local Ire' 28th May, 2009; http://www.huffingtonpost.com/2009/05/28/pakistan-swat-valley-operation_209917.html. Accessed 14th November 2010. Also see 'Panorama: Britain's Terror Heartland' 12th December, 2008; http://news.bbc.co.uk/panorama/hi/front_page/newsid_7780000/7780456.stm. Accessed 14th November, 2010.

⁷ 'Difficult task in former Pakistan Taliban bastion' 31st March, 2010; http://news.bbc.co.uk/1/hi/world/south_asia/8596226.stm. Accessed 14th March, 2011.

⁸ 'Taliban launch attacks along north Pakistan border' 24th December, 2010; <http://www.bbc.co.uk/news/world-south-asia-12072741>. Accessed 14th March, 2011.

⁹ The appointment of Hakimullah was challenged by a number of second tier Mehsud maliks including Qazi Hussein Ahmed Mehsud, Waliur Rehman Mehsud, and Mullah Noor Jamaal, before a tribal jirga decided on the appointment of Hakimullah as the leader of the Mehsud tribe in August 2009. Following reports of Hakimullah's death in January 2010, these personalities once again emerged as contenders for leadership. However, with the formal announcement by the TTP that Hakimullah Mehsud was still alive in May 2010, the leadership question appears to have been indefinitely postponed.

assassination of an undetermined number of *khans* and *maliks* across FATA, thought to number in the hundreds. It has been suggested that these killings are orchestrated either by the Taliban¹⁰ or Pakistan's intelligence agencies¹¹ in order to quash tribal and clan resurgence which threatens the localised objectives of both organisations. Whether or not this trend is the result of an initiative by the Taliban or Pakistani agencies, this study considers the targeted killing of tribal leaders as evidence of the rising salience of tribal leadership in FATA.

Growing tribal autonomy from the state has also resulted in an expansion of the institution of the *jirga* for the settlement of disputes and conflict resolution between clans.¹² The expansion of the scope of the *jirga* since 2003 has been a direct result of the diminishing presence of provincial and state administrations from FATA and KP during the same period. In KP, the federal and provincial judiciaries are considered by many borderlanders as being corrupt and heavily weighted in favour of landowners and plaintiffs associated with the administrations. Despite this perception, the state has sought to impose its judicial presence and *jirgaey* are currently being intellectually and politically challenged by the state as being regressive, oppressive, particularly demeaning to women and minorities, and often in violation of core principles of the state's constitution.¹³ Yet *jirgaey* continue to be convened in the absence of a viable judiciary across the borderland from either the Pakistani or Afghan states.

Distinct from *jirgaey* is the proliferation of *sharia* based courts, independent of the state's judiciary across the borderland. Where the *jirga* is employed principally as a modality of conflict resolution between clans and families, *sharia* courts are employed largely to hold to

¹⁰ 'Taliban Violence Creating Social Revolution Among Pashtuns' 25th July, 2010; <http://www.eurasianet.org/node/61600> . Accessed 15th November 2010.

¹¹ A number of sources suggest that the ISI has undertaken a campaign of assassinations of tribal leaders in order to reverse clan alignment with the Taliban. While this view remains unsubstantiated by academic enquiry, a number of informed sources suggest this may be the case. See 'Interpreting Tribal Leaders of FATA' 6th March, 2010; <http://criticalppp.com/archives/6779>. Accessed 16th November 2010.

¹² This trend has actually been encouraged by the provincial administration of Khost which has established mechanisms to encourage alternative means of conflict resolution in the face of limited governmental legitimacy, and keeping with the norms and practices of the local population. See 'Between the Jirga and the Judge: Alternative Dispute Resolution in Southeastern Afghanistan' TLO Program Brief/1 March, 2009; http://www.usip.org/files/file/jirga_judge.pdf . Accessed 16th November, 2010.

¹³ See 'Court Moved Against FCR' 12th February, 2010; <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/national/court-moved-against-FCR-220> . Accessed 15th November 2010. The FCR makes provision for *jirgas* to hold state-sanctioned authority in FATA. Numerous reports published by relief agencies, NGO's, and government sponsored initiatives point out that women are generally excluded from *jirgas* but are beholden to *jirga* decisions which can often involve the forced betrothal of women as a means of conflict resolution.

account criminality, oversee matters of divorce, inheritance and crimes of *tor* which are affronts to the sanctity of *nang* associated with women.

Jirgas employ a pragmatic code derived from *pashtunwali*, while *sharia* courts adjudicate in accordance with *sharia* edicts, albeit interpreted within a Pashtun cultural context.¹⁴ Whereas the proliferation of *jirgas* is a predictable development where the state is receding, and is a wholly indigenous social phenomenon, the proliferation of *sharia* courts is an indicator of the institutionalisation of autonomy of the borderland. The proliferation of *sharia* courts represents the growth of independent, local structures of adjudication that enjoy legitimacy amongst the population in clear contrast to the case of conventional civil courts. Prior to the observable phenomenon of increasing borderland autonomy since 2003, *sharia* courts were an alternative form of adjudication to the state judiciary, and were most common in northern KP in Dir, Swat, Mansehra and Kohistan.¹⁵ The *sharia* courts were largely viewed as a rival to the conventional judiciary which had come to be considered particularly corrupt and inconsonant with the cultural norms and edicts of *pashtunwali*. However, following 2003, *sharia* courts began to proliferate across northern KP, southern KP and much of FATA.¹⁶ Partly driven by the resurgence of radicalism that invariably correlates with increasing tribal militancy as part of the millennial phenomenon addressed earlier in this study, the drive for *sharia* courts is also motivated by the expedient nature of *sharia* court justice.¹⁷ *Sharia* courts have thus come to be seen as a relief from the conventional court system that has been largely characterised as corrupt, excessively bureaucratic, and expensive.

The most apparent aspect of the increasing autonomy of the borderland from the state has been the steady withdrawal of the state's administrative presence from the borderland since 2003.¹⁸ Consistent with trends observed in the retraction of the state-backed judiciary from

¹⁴ This includes referring to exclusively *Hanafi* jurisprudential opinions, including the doctrines of *istihsaan* and *masaale al mursala*, which are provisions for interpreting jurisprudential sources and precedents within the context of a particular culture and set of traditions.

¹⁵ *Sharia* courts were a central aspect of the campaign of the TNSM for the implementation of *Sharia* in districts of then NWFP (now KP) that are dominated by the Yusufzai, including Dir, Malakand and Swat. See 'Tehreek Nifaz-e-Shariat Muhammadi (TNSM) Movement for the Enforcement of Islamic Sharia'; <http://www.globalsecurity.org/military/world/para/tnsn.htm>. Accessed 24th November 2010.

¹⁶ This trend was enhanced by the groups such as Lashkar-e-Islami, TNSM, TTP and others which each established a system of *sharia* courts in their respective area of operation. The trend grew to where, by 2009, the provincial government of NWFP sought to establish the Nizam-e-Adl, an ordinance establishing state backed *sharia* courts across the province.

¹⁷ 'Swat Taleban find Sharia a challenge' 24th March, 2009; http://www.news.bbc.co.uk/1/hi/world/south_asia/7959100.stm. Accessed 14th March, 2011.

¹⁸ In 2003, observations made by the author revealed the civil administration was visible and functioning in both Peshawar and northern KP, although tribesmen were discussing *sharia* courts in *hujras*, and the MMA had just swept provincial elections, proposing a province-wide *sharia* bill. By 2008, the situation had changed greatly, with *sharia* courts having proliferated across the province.

significant parts of KP in which tribal authority is ascendant, other elements of the civil administration are also retracting. The state does maintain a functioning presence in the form of civil administration in the central KP districts of Peshawar, Mardan, Swabi, and Charsadda, and the eastern KP districts of Mansehra and Abbotabad. In these areas there is evidence of a limited healthcare infrastructure; some state provided education, although private schools and *madrassas* supplant the state sector; a limited but observable police presence, although it is frequently challenged; and limited procedures for excise and tax collection. Additionally, there is conventional political activity with the ANP and PPP carrying more support in these areas than any other conventional political party. Beyond these districts, in southern and northern KP, the civil administration of the state is virtually non-existent, and tribal authority is ascendant. In this scenario the state has employed the Pakistani army and the Frontier Corps widely across the region in order to counter the proliferation of tribal authority. The presence of the military is eroding the limited effectiveness of state institutions further, as a result of the domination of the military over civil institutions. The result is that attempts by the Pakistani state to assimilate the borderland with the state, dependent upon the effective functioning of civil institutions, are undermined by the militarisation of the borderland undertaken to counter the proliferation of tribal authority. The cumulative result is that tribal autonomy in the borderland is consolidated through tribesmen enduring the presence of the military while supporting the insurgency to undermine it, moving the tribes and the borderland further from the state.

7.2.2 Expansion of the Afghan borderland: southern KP

In addition to the increasing autonomy of the borderland, this study finds that the Afghan borderland is exhibiting territorial expansion. In 'southern KP', tribal authority has expanded into the provinces of Tank and Dera Ismail Khan (DI Khan) which are contiguous with South Waziristan, and the districts of Banu, Lakki Marwat and Kohat, which are contiguous with North Waziristan. The city of DI Khan, capital of the DI Khan district, remains under state control, although heavy fighting periodically erupts around the city as militants seek to take over the city from the state.¹⁹

Following the battle of Kalosha between tribal militants and the Pakistani army in South Waziristan in March 2004, the army was forced into a tactical retreat.²⁰ Over the next two

¹⁹ Since 2008, fighting in and around DI Khan has killed hundreds, often through bomb attacks. Press coverage only highlights attacks in which large numbers of casualties occur. The violence is attributed to militants seeking to disestablish the presence of the state from the city, which lies approximately 40 miles from South Waziristan.

²⁰ Observed with undisclosed location Brigadier A, 17th March, 2004.

years, the army entered into a series of peace accords with the Mehsud, during which period tribal *lashkars* began moving into and through Tank, Bannu and DI Khan districts.²¹ Since 2006, these districts have been dominated by tribal *lashkars*, predominantly from the Mehsud, but also from the rival Wazir.²² *Jirga* and *sharia* courts are the primary institutions across these districts, and tribal *lashkars* patrolling across the area are observable.²³ The city of DI Khan, however, continues to manifest a state presence. The ethnically mixed city has a functioning civil administration, a state-supported middle school, a number of small but functioning private institutions of further education, and a hospital. Vital utilities function and the police and paramilitary FC are observable in the city.²⁴

In each of the surrounding provinces, manifestations of the civil administration are very limited where present at all. Vital social and infrastructure services are not provided by the state, although the intermittent supply of electricity does reach Kohat and the cantonment towns at Tank and Bannu. Law enforcement agencies are nominally present in each of these areas and security forces traverse the main highways between military cantonments in armed convoys. *De facto* security is maintained by *lashkars* which patrol in off-road vehicles bearing heavy arms. There are school facilities and clinics at Bannu, Kohat, Karak and Lakki Marwat, but these are vastly inadequate both in number and quality. Many schools are being abandoned and clinics and medical dispensaries are understaffed. There are numerous destroyed buildings that were previously schools dotted around these areas.²⁵ Of these areas, the districts of Tank and Kohat can be considered fully subsumed by the borderland, while Bannu, Karak and Lakki Marwat are increasingly exhibiting the characteristics of the former two provinces. DI Khan district is rapidly being subsumed by the borderland although the city of DI Khan, Located on the border between Punjab and KP, does still manifest the presence of the civil administration. Other than in DI Khan, the Pakistani state is making no significant progress in holding or reclaiming authority in these districts.

7.2.3 Northern KP

In 'northern KP', tribal authority is expanding into Upper Dir, Lower Dir,²⁶ Malakand²⁷, upper Swat and Kohistan. These districts are physically distant from FATA, with only Lower Dir and

²¹ Observed by author, March-June, 2006.

²² Observed by author, March-June, 2006

²³ Observed by author, March-June, 2006

²⁴ Observed by author, March-June, 2006

²⁵ Observed by author, August 2008.

²⁶ Dir district was divided into the administrative divisions of Upper Dir and Lower Dir in 1996. However, the distinction between the two remains nominal, particularly as the Upper Dir remains

Malakand being contiguous with FATA, forming the northern and eastern boundaries of Bajaur agency respectively. However, northern KP does have Provincially Administered Tribal Areas (PATA) in each of the following districts: Upper Dir, Lower Dir, Malakand, Kohistan, Swat and Mansehra.²⁸ Northern KP has been the scene of popular movements against the presence of the state in these districts for some years, most affiliated with the TNSM originating in Malakand in the early 1990's, and expanding influence through Dir and Swat.

In October 2006, a missile strike destroyed a *madrassa* in Chenagai, Bajaur resulting in 80 fatalities.²⁹ Large-scale demonstrations followed, with tribesmen demanding *badal*. Within weeks, a series of attacks against the Pakistani military in northern KP had been undertaken,³⁰ opening a northern node in the FATA based militancy against the army. This militancy was shortly amalgamated with the existing campaign of the TNSM, and by 2008, tribal lashkars were moving unchallenged across northern KP. Sharia courts widely proliferated to where the state conceded recognition of their validity.³¹ At various points, lashkars cut off arterial roots such as the Karakoram Highway (KKH) to prevent the movement of Pakistani troops across northern KP.³² In the spring of 2009, the Pakistan army undertook a four-month long campaign to reverse the hold of tribal militants over Swat, resulting in the mass exodus of the civilian population between April-July 2009. As a result, civil administration is largely absent from upper Swat particularly, and has yet to be rehabilitated despite the conclusion of hostilities.

The physical distance of upper Swat and Kohistan from the Durand Line, enhanced by the extreme topography which makes movement around the region slow and hazardous, demonstrates that the ascendancy of tribal authority in northern KP and eastern KP transcends the dynamics of the borderland. Northern and eastern KP are not central to cross-

largely agrarian and sparsely populated. In this study, the term Dir refers to both Upper Dir and Lower Dir.

²⁷ Malakand here refers to the administrative district of that name in KP adjacent to the Bajaur tribal agency. The Malakand Division refers to a larger area including Chitral, Dir, Swat and the Malakand district. Malakand Division was abolished in 2000, but is still referred to in some literature and amongst some interviewees.

²⁸ The PATA status of Tor Ghar in northern Mansehra was annulled in February 2011. However, the decision is yet to be enacted, and the government faces strong opposition from the Hassanzai clan of Tor Ghar.

²⁹ 'Pakistan madrassas raid kills 80' 30th October, 2006; http://news.bbc.co.uk/1/hi/world/south_asia/6097636.stm. Accessed 14th March, 2011.

³⁰ 'Bomber Kills 42 Pakistani troops' 8th November, 2006; http://news.bbc.co.uk/1/hi/world/south_asia/6127262.stm. Accessed 14th March 2011.

³¹ 'Pakistan passes Swat Sharia deal' 13th April, 2009; http://news.bbc.co.uk/1/hi/world/south_asia/7996560.stm. Accessed 14th March, 2011.

³² Interview with Major A, involved in negotiating with militants who had captured a senior army officer and had blocked off the KKH. 29th July, 2008 at Rawalpindi.

border economic flows, and do not exhibit cross-border social interaction, cross-border tribal alliances, or cross-border militancy. Yet, these districts are exhibiting a similar ascendancy of tribal authority, despite the intensive response of the Pakistani military and the consequent destructive impact upon the population.

This study considers this phenomenon part of the millennial phenomenon of pan-Pashtun militancy which emerges as a collective-security response to a trans-tribal threat. Past iterations of this phenomenon have been assisted if not driven by the authority in Kabul, ostensibly as the Afghan state sought to reverse the presence of the British in Pashtun tribal territories (1897-99), and by the Pakistani state (1979-1989) in response to the Soviet invasion of Afghanistan.

The support of the tribal insurgency by a state in both cases directed the focus of the insurgency away from the supporting state, and towards the antagonist entity; the British in the 'Great Pathan Revolt' (1897-99), and the Soviet-backed Afghan forces and then Soviet forces in Afghanistan (1979-89). This resulted in a focus of the militancy away from territorialisation of tribal authority, and towards the defeat of a foreign entity in *Pakhtunkhwa*.

In the current scenario, the insurgency in FATA and KP does not enjoy a state benefactor. It is not targeted at the removal of a foreign occupation, although the rhetoric circulated among tribesmen does identify the Pakistani military as being in support of the US drone attacks against FATA. Rather, the insurgency is being waged in pursuit of the ascendancy of tribal authority in response to the state militarisation of tribal *zai*. Although essentially local in focus, the cumulative strategic impact of such trans-tribal insurgency is the re-territorialisation of the larger *atrap* of *Pakhtunkhwa*. The associative identity of *Pakhtunkhwa* endures as the larger context within which tribal identity emerges as a localised phenomenon. As Pashtun tribal identity is increasingly determined in terms of distance from the state and its associative identities, identifying with *Pakhtunkhwa* becomes an alternative, larger identity derived from the trans-tribal experience of collective security. This accounts for the proliferation of trans-tribal militancy across the physically and topographically disparate areas of Pashtun tribal presence in FATA, northern KP and southern KP.

7.2.4 Central KP

The study finds that in contrast with northern and southern parts of KP, the central districts of Peshawar, Nowshera, Mardan, and the eastern districts of Swabi, Abbotabad, southern Mansehra do not exhibit the characteristics associated re-ascendant tribal authority and

autonomy from the state. These districts manifest the continued administrative presence of the Pakistani state. Civil administration, although not uniformly prevalent across these districts, is evident to a functional degree in all of them. Law enforcement personnel are visible and, with the exception of Peshawar, the military is not widely visible in the towns and villages and along major roads on a daily basis. These districts are considered by this study to lie outside the borderland, beyond the territories into which the borderland is expanding, but not functionally separate from the re-emerging identity of *Pakhtunkhwa*. This is because Mardan and Swabi are historical centres of Pashtun culture, language and identity. The proximity to Punjab, the historical presence and activity of the NAP and subsequently ANP, and the strategic value of central KP to the Pakistani state historically, have all contributed to the close association of central KP with the state. Despite this, there is a clearly discernable affinity for *Pakhtunkhwa* as a larger form of identity among the population of Swabi and Mardan specifically, manifest in the historical position of the NAP towards the territorialisation of *Pakhtunkhwa* as a political formulation, and the insistence of the ANP on renaming NWFP as Khyber-Pakhtunkhwa. Despite this affinity for *Pakhtunkhwa*, tribal ascendancy in central KP is not evident as the Yusufzai clans in this area have largely acceded to the state, relinquishing local autonomy in exchange for the developmental and infrastructural benefits.

There is a variation in degree of state presence and authority across these districts. Peshawar, as the provincial capital, is the seat of the provincial government, provincial High Court, and regional military leadership. The presence of these institutions has brought about the securitisation of Peshawar and has established the city as a node of government influence at the edge of FATA, although with limited success. The environs of Peshawar have acceded to the resurgent borderland, while the administrative, judicial and legislative institutions in the centre of the city have not. Swabi, Mardan and Nowshera demonstrate a greater degree of uniformity in the presence of the authority of the state. These districts have been integrated into the conventional political medium of the province and the state to a greater degree than other districts in KP. These districts exhibit a greater rate of literacy than other districts and field more professionals in the state and provincial administration than other areas. They are characterised by relatively developed infrastructure, although the severe flooding of 2010 did destroy large parts of Nowshera and the surrounding areas, severely reducing infrastructure development.³³

³³ In July 2010, intense monsoon rain and a swelling of the Indus River resulted in vast flooding which first struck KP, and then the rest of the Indus Basin. The district of Nowshera was submerged. The withdrawal of flood waters revealed severe infrastructure damage, which the government of KP and

7.2.5 Afghanistan

The effective civil administration of the Afghan state is absent from Helmand, Kandahar, Ghor, Uruzgan, Zabul, Ghazni, Paktiya, Paktika, Khost, Nangarhar and Kunar. Following the fall of the Taliban regime, no supra-tribal structure has been able to assert its authority with any degree of effectiveness over southern Afghanistan. This has led to the consolidation of tribal authority within each respective *zai*. By October 2010, the Karzai government had recognised the centrality of incorporating *lashkar* representatives, affiliated with the Taliban, into a composite dialogue,³⁴ a position first iterated by Robert Gates in October 2008.³⁵

While there is a discernable borderland dynamic in the vicinity of the Durand Line in Afghanistan, the wider primacy of tribal authority is not a product of borderland dynamics, although cross-border tribal links and cross-border economic flows do impact the capacity of tribes across southern Afghanistan to retain their primacy vis-à-vis attempts by the Afghan civil administration to eclipse tribal authority.

This study considers that in southern Afghanistan, attempts at the imposition of state-based administrative authority over the primacy of the tribe or clan are facing resistance through the insurgency. The insurgency is at once widespread across the entire Pashtun belt, but at the same time localised in that the overwhelming majority of insurgent operations occur in the vicinity of the homes of insurgents.³⁶ While the former Taliban regime claims leadership over the entire insurgency, this study suggests that characterising the insurgency as being waged by remnants of the Taliban regime enables the US and NATO presence in Afghanistan to attribute a political and operational centre of gravity to an otherwise amorphous, widespread and enduring low intensity campaign. Attempts by the Karzai administration to undertake dialogue with the Taliban are predicated upon this understanding. Such a dialogue may confer legitimacy upon the representatives of the insurgency by the Afghan state and the international coalition, but will do little to erode the insurgency itself which is a primarily local phenomenon replicated across the entire tribal belt.

the Federal government have done little to repair, given the extent of the damage in other parts of KP and Pakistan generally.

³⁴ In October and November 2010, the Karzai administration offered safe passage to Kabul, protected by NATO personnel, to any Taliban commander who was willing to enter into talks. See 'Nato's safe passage for Taliban' 15th October, 2010; <http://www.bbc.co.uk/news/world-south-asia-11553388>. Accessed 14th March, 2011.

³⁵ Bruno, Greg 'A Tribal Strategy for Afghanistan' *Council on Foreign Relations* November 2008; <http://www.cfr.org/afghanistan/tribal-strategy-afghanistan/p17686>. Accessed 10th March, 2011.

³⁶ The BBC's Paul Wood spent a year embedded with anti-Taliban fighters in Afghanistan in 2009-10. He confirms that most insurgents are active within 2 KM of where they live, suggesting they are in fact fighting encroachment upon their *zai* and *khel and kor*. His comments were made on 15th November, 2010 on the BBC's News at Ten.

The Afghan experience of *Pakhtunkhwa* has historically been one in which tribal authority has functioned as absolute, and in which the state has been a remote entity, relevant only in its capacity to instigate tribal uprisings to counter tribal rivals to state sovereignty. This is the situation to which the tribal militias seek to return. In this capacity, the widespread yet localised insurgency against the state and its international partners represents the re-territorialisation of the pre-colonial substructure of *Pakhtunkhwa* underlying the Pakistani and Afghan states, a substructure which in the Afghan experience is a diffuse amalgamation of autonomous *zai* in which tribal authority is unchallenged by external, supra-tribal structures.

7.2.6 Substructures and superstructures

The study finds that primary substructures underlie other states in Asia. The territorial contours of Turkey, Iraq, Iran and Syria are imposed over territories historically populated by Kurds, who constitute a population of around twenty five million, exhibiting tribal characteristics. The instability in southeast Turkey, northern Iraq and eastern Syria since the late 1990s is a result of the competition between the primary substructure of Kurdistan, and the states of Turkey, Iraq and Syria. However, in the case of Turkey, large-scale militarisation of the Kurdish borderland has resulted in the diminishing of the Kurdish insurgency and a partial assimilation of the Kurds into Turkish society. This has also been facilitated by the establishment of large scale infrastructure projects such as the GAP.

Arabia, as the term is employed in this study, presents a different order of substructure. Where Kurdistan and *Pakhtunkhwa* represent the historical territorialisation of tribal polity, Arabia's political experience with the state, prior to the period of European colonialism, has been predominantly transnational over the last millennium. The Arabian state, in the form of the Caliphate, represented polity on a transnational level, although the *wilayah* represented a more localised sub-national form of political administration. The post-colonial period saw the emergence of states largely in conformity with the Sykes-Picot arrangement of 1916 that created states without a previous political identity. As a result, the Arab state has had to compete for legitimacy against notions of a pre-colonial pan-Arab political identity. Hence, in the case of Arabia, the Arab state competes with a trans-state *superstructure* upon which the post-colonial Arab state has been raised. This superstructure consists of the larger pan-Arab identity, catered to by the Arab state in its drive for legitimacy. The United Arab Republic (1958-61) and The Arab Federation of Iraq and Jordan (1958) were manifestations of the identification with this superstructure by Arab society. The revolutions in Tunisia, Egypt, and

the wider instability in Libya, Yemen, Jordan and Saudi Arabia in 2011 are also a manifestation of the limited legitimacy of the Arab state and an identification with a larger superstructure.³⁷

7.2.7 Militarisation of the borderland

The study finds that the impact of the large-scale employment of the Pakistani military in the city of Peshawar and its environs, as well as across the borderland, functions to further erode the already weak institutional presence of the Pakistani state in Peshawar and the across the borderland. The Pakistani state has employed around 100,000 military personnel across the borderland as a deterrent to tribal *lashkars*, and has executed three major offensives across the borderland between 2008 and 2010. This large-scale employment of troops has eroded the effectiveness of political institutions and processes as the army dominates the civilian administration, rendering its function largely irrelevant to the processes of authority, legitimacy and power in the borderland.

7.2.8 The non-border

This study confirms that the Durand Line separating Pakistan and Afghanistan is in fact a non-border and does not affect the separation of the populations on either side of it. Population movement across the Durand Line is largely unhindered and proceeds across the border, driven by tribal and wider economic factors. However, the border does function as a force delimiter, generally preventing the intrusion into FATA of US and NATO forces and limiting the movement of Pakistani regular forces into Afghanistan. Tribal militants exploit this feature of the Durand Line and continue to move across it in both directions. Attempts by the Pakistani military to enforce greater separation along the Durand Line in 2006 and 2007 were strongly opposed by tribesmen, by Afghan officials and by elements of the Pakistani government.³⁸ The Durand Line thus constitutes a unique boundary where the international community, ostensibly bound by international law and norms considers it an international border, while the reality on the ground demonstrates that only elements of the international presence in the borderland consider it such.

³⁷ Lamis Andoni describes these revolutions in terms of a renewed Arab nationalism based on a rejection of the previous politico-economic structure of the Arab state. See: Lamis Andoni 'The resurrection of pan-Arabism' 11th February, 2011; <http://english.aljazeera.net/indepth/opinion/2011/02/2011121115231647934.html>. Accessed 16th March, 2011.

³⁸ See 'Afghan 'border fence' clash' 19th April, 2007; http://news.bbc.co.uk/1/hi/world/south_asia/6572399.stm. Accessed 21st November, 2010. See also 'Pashtuns on both sides of Pak-Afghan border show opposition to fencing plan' 4th January, 2007: <http://www.e-ariana.com/ariana/eariana.nsf/allDocs/B909B9D998F79B0187257259007C256B?OpenDocument> . Accessed 21st November, 2010.

7.2.9 The borderland economy

The study finds that the economy of the borderland is vibrant and is primarily driven by the ATT. The informal economy is significantly larger than the formal economy across the borderland.³⁹ This economy largely derives from the existence of the border and the fact that many of the goods that enter into Afghanistan under ATT provisions are taxable on being re-exported back into Pakistan, creating the demand for discreet importing. The Bara markets are the site of the transfer of these goods back into Pakistan without the payment of taxes and duties. Pakistani authorities have adapted to the scale of the Bara trade by introducing informal methods of regulation, including what are widely considered corrupt practices, so as to be aware of the nature and scale of items being imported into Pakistan, ostensibly to control the flow of opiates and weapons. In this way, the borderland economy has led to the emergence of an economic symbiosis between Pakistan, Afghanistan and FATA. While this economic dynamic functions to enhance the autonomy of the borderland by providing sources of income for tribesmen that are not derived from the *nikkat* and *lungi* systems,⁴⁰ the same economic dynamic creates an interdependency between the Pakistani and Afghan states and the borderland. Each of these entities thus has an overriding interest in shielding the structure of cross-borderland economic flows from being impacted irreparably by fundamental changes in the wider structure of political interaction between them.

7.2.10 The future of the borderland

The study thus expects that over the next five years, from 2011 to 2016, the situation in the Afghan borderland will not demonstrate a fundamental change from the current situation. Attempts by the Pakistani government to rehabilitate political institutions in the borderland will meet with limited success in KP, but will not achieve any significant result in FATA which will continue to demonstrate its autonomy from the Pakistani state through a cyclic campaign of insurgency and conciliation. The economic flows between the borderland and the two

³⁹ The authority of statistics on the scale of the Afghan black market economy are difficult to verify, as indeed are the reliability of statistics regarding the official economy. Much of the growth demonstrated in aggregate statistics is a direct result of US and multilateral aid <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>. Accessed 8th March, 2011. The World Bank estimates that 33% of the Afghan economy is derived from the illegal narcotics trade. See:

<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/0,,contentMDK:21133060~pagePK:146736~piPK:146830~theSitePK:223547,00.html>. Accessed 14th March, 2011. The smuggling of gem stones, weapons and ATT goods accounts for almost 20%. These activities constitute more than half of the Afghan economy.

⁴⁰ The *nikkat* and *lungi* systems are a structure of payments made through the political agent to tribal and clan leaders within an agency from which the respective khans and maliks are expected to provide for the needs of their clans and tribes. It is detailed by Sher Muhammad Mohmand (2002: 119,221,315).

states will continue through the ATT provisions. As such, institutional and situational economic inertia will prevent a fundamental change in the structure of the borderland economy from occurring. The military engagement from the US and NATO in Afghanistan will continue, albeit reduced by the operating limitations that the US administration has placed on the employment of the US military in Afghanistan.⁴¹ The localised yet widespread struggle for tribal primacy over external authority will continue in southern Afghanistan. The Afghan state will remain weak, unable to assert its authority over autonomous tribal *zai*, and unable to find representative partners from across the Pashtun belt with whom to conclude a lasting settlement to the struggle for tribal primacy. Neither Pakistan, Afghanistan nor the international community will undertake any significant measure to recognise the destabilising impact of the competition between the enduring and indigenous substructure of *Pakhtunkhwa*, and the post-colonial states of Pakistan and Afghanistan.

These are the principal findings of this study. They provide an insight into the underlying structural causes of tribal ascendancy in *Pakhtunkhwa*, and explore the role of the state in response to the challenge of competition with a resurgent, pre-state substructure.

7.3 Limitations of the Study

Section 1.15 on page 55 (Chapter 1) identifies some of the principal limitations of the research methodology. In addition to these, the conduct of the study faced a number of limitations relating to the environment in KP, FATA and Afghanistan through the duration of this study, and primarily during the conduct of fieldwork in 2008. Hence, the authority of the findings of this study is limited by a number of factors identified in the following sub-sections.

7.3.1 Militarisation

The factor placing the greatest limitation upon the effectiveness of the above mentioned research modalities is the fact that the Afghan borderland is currently embroiled in a conflict to which a number of tribal *lashkars* are party, as is the Pakistani military and a number of Pakistani and foreign intelligence organisations.

At the time field work was conducted between July and September 2008, violence in the borderland centred around two nodes; one in North/South Waziristan and the second in

⁴¹ The US administration has publicly declared that it intends to initiate a withdrawal of US troops from Afghanistan by July 2011.

Bajaur agency, with lesser loci of violence in upper Swat, the Kurram agency and the Mohmand agency. A risk assessment for field work in FATA and KP was made in March 2008.⁴² At the time, violence was concentrated in the above mentioned nodes, and was characterised primarily by inter-tribal fighting between the Mehsud and the Waziri tribes. A series of cease-fire agreements had been concluded between the Pakistani military and tribal militants, and risks associated with terrorism, although elevated in comparison with many places in Asia, were not unusual for Pakistan and were certainly not prohibitive as far as the conduct of field work for this study was concerned.

In August 2008, during the conduct of field work, the Pakistani military undertook a major offensive in the Bajaur agency. The large-scale operation precipitated the mass exodus of around 300,000 individuals from the agency, many of whom descended upon Peshawar.⁴³ Reprisals undertaken by tribal militants in the form of terrorist attacks were carried out in and around Peshawar as well as other areas. These included the bombing of arterial roads and bridges, and attacks upon the infrastructure of the city of Peshawar, particularly electricity generation and distribution facilities.⁴⁴

In this climate, travel across Peshawar and into FATA became prohibitively dangerous. This situation also saw an increase in sporadic incidents of opportune violence and criminality in Peshawar, particularly in the west of the city, around the University of Peshawar, which lies in the immediate vicinity of the tribal areas. Although this situation did not impact the conduct of interviews on the University of Peshawar campus, it did limit access to tribesmen who have lived exclusively in the tribal areas. Hence, most of the interviews in this study were conducted with tribesmen who have had exposure to life outside the borderland, some of whom were able to converse in English and were able to discuss the situation in the borderland through the conventional analytical perspectives associated with developmental studies, history, sociology, and politics and international relations. Greater exposure to tribesmen with very limited or no experience outside the borderland would have provided a more detailed insight into the conceptual framework and conduct of individuals for whom the tribe and its affairs represent the entire scope of existence. Hence, the effectiveness of the field work in FATA and

⁴² The University of London requirements for authorising funded field work include the conducting of a risk assessment. This was undertaken in March 2008.

⁴³ Saeed Shah 'Thousands stuck in camps of no return' 26th October, 2008; <http://www.guardian.co.uk/world/2008/oct/26/pakistan-afghanistan>. Accessed 14th March, 2011.

⁴⁴ 'Taliban blow up Pakistan electricity station: officials' 19th March, 2009; <http://www.abs-cbnnews.com/world/03/19/09/taliban-blow-pakistan-electricity-station-officials> . Accessed 19th November, 2010. Attacks on the electricity grid continued through the spring and summer of 2008.

Peshawar was limited by the upsurge in violence which took place across FATA in the summer of 2008.

7.3.2 Access to South Waziristan

Another important limitation upon the study is the non-accessibility of South Waziristan. The study finds that South Waziristan functions as a principal node of tribal re-ascendancy. The tribes in South Waziristan are well organized, well armed, comparatively large, and have defined structures of leadership and succession. The direct influence of the Mehsud and Waziri tribes extends into North Waziristan as well as the districts of Kohat, Bannu, Tank and DI Khan which lie in KP, and into to Afghanistan's Ghazni, Paktiya and Zabul provinces. Although the areas of KP mentioned here were accessible, the agency of South Waziristan itself was not. Consequently, no fieldwork was conducted amongst Waziri and Mehsud tribesmen in their tribal *zai*. The insurgency in South Waziristan has extended to involve journalists and other non-combatants resulting in the deaths of a number of high profile reporters and other civilians outside of the tribal structures.⁴⁵ Hence, travel to South Waziristan, although possible under the assistance of a military escort, was deemed prohibitive due to the risks associated with such travel and also due to the likely limited results in terms of interviews and the sharing of information that could be achieved in such circumstances.

In order to minimise the impact of this limitation upon the overall study, interviews with individuals from South Waziristan and military personnel with extensive experience in the agency were conducted in Islamabad, Peshawar and Mansehra. These interviews provided a valuable insight into the agency and the tribal and military dynamics within it, as well as into the impact of South Waziristan upon the surrounding areas in KP and Afghanistan.

7.3.3 Intelligence agencies

Another significant limitation arose in conducting field work in an environment in which a number of competing intelligence agencies operate. The Inter-services Intelligence (ISI), the Intelligence Bureau (IB), and Military Intelligence (MI), are both very active in Peshawar and across the KP. Numerous principal personalities in KP society are functionaries of the

⁴⁵ 'Two journalists killed in Pakistan' 9th February, 2005; <http://pakistanpressclub.blogspot.com/2005/02/two-journalists-killed-in-pakistan.html>. Accessed 20th November, 2010. See also: 'Fears for BBC Pakistan Reporter' 30th November, 2006; http://news.bbc.co.uk/1/hi/world/south_asia/6165942.stm. Accessed 20th November, 2010. Also, interview with Abid Abbas, journalist with APP abducted by Taliban in September 2009, and released unharmed within days.

intelligence community, some declared and others not.⁴⁶ Field work was carried out in a manner, where possible, avoiding attention from intelligence personnel in consideration of the potentially considerable inconvenience that could arise from such attention. Nonetheless, at least three instances of interaction with intelligence personnel did occur during the course of the field work. These incidents resulted in a careful examination of interview questions by intelligence personnel, enquiry into movements and lodgings, and other aspects of field work. Due to this scenario, contact with tribesmen was, when known of by intelligence personnel, limited both in duration and content of discourse.

In order to mitigate the potentially significant limitations upon the study arising from the activities of intelligence personnel, a number of interviews were restructured into conversations in a social setting, usually based upon introductions made through acquaintances who were aware of the fact that field work was being conducted. In this manner, the amount of information gathered was larger than would have been possible through more structured interviews, but was of a nature often indirectly related to the specific information being sought. This made for challenging social settings in which conversations would, only through significant effort and social skill, be guided towards an objective arising directly from the field work.

As for individuals from within the academic and wider community in Peshawar who were associated with the intelligence agencies, interviews were limited in the some of the specific areas of inquiry. Information on tribes, tribal structures and personalities was relatively freely shared. However, viewpoints regarding the orientation of specific clans towards the Durand Line, the presence of the Pakistani military or the phenomenon of 'Talibanisation' were not shared. On specific occasions, discussions were halted abruptly. Interviews with individuals associated with intelligence agencies were thus limited in the amount of relevant information that was gained.

On visiting the Interior Ministry, interviews were conducted in the presence of an observer who had a discernable influence upon the interviewee which resulted in some questions being avoided by the interviewee, ultimately leading to a prompt conclusion of the interview.

Had the challenge presented by intelligence agencies not been as significant, interviews could have proceeded with a more direct and wholly relevant course of questioning. This is likely to

⁴⁶ Advice to this effect was rendered to the author by a number of sources in Peshawar, sometimes as a warning more so than advice. On at least one juncture in August 2010, the author was forced to leave Peshawar on notice of minutes.

have yielded information of greater value to the study in terms of depth and insight, and would have enabled the study to assert its findings with greater authority. The challenge presented by the intelligence agencies did, however, provide a valuable insight into the actuality of life in the borderland from the perspective of the state, and into the nature of the challenge it is facing in the borderland.

7.4 Potential Applications of the Findings

This study is an examination of resurgent tribal autonomy from the state as a manifestation of the pre-state substructure of *Pakhtunkhwa*, underlying Pakistan and Afghanistan. The study explores how the emergence of the post-colonial state in Asia has not extinguished identification with forms of polity that are no longer existent physically, but endure as psycho-social constructs that have the potential to impact the modern state and the international state system. Identification with enduring forms of pre-state polity is shown to constitute a significant challenge to the primacy, security and integrity of the modern state in Asia.

7.4.1 Coalition partners

Individuals associated with the US Department of State, the Joint Terrorism Analysis Centre (JTAC) in the UK, the Government of Afghanistan, and Pakistan Army and ISI have expressed an interest in the body of research undertaken in the preparation of this study. The study thus has relevance for institutions responsible for planning and executing state policy towards the borderland, and towards Pakistan and Afghanistan more generally. Such institutions have tended to limit analysis to operationally relevant and actionable judgements. However, the longevity of the insurgency in Afghanistan, the proliferation of insurgency in FATA and KP, the lack of progress in the reconstitution of the Afghan state's civil administration, and the inability of Pakistan to be more effective in countering cross-border militancy, have led to a series of strategy reviews in the US and the UK. This review process has incorporated wider analyses, including the impact of tribal dynamics and the structure of economic flows across the borderland, upon the wider security scenario. This study provides a valuable contribution to this process.

7.4.2 Aid organisations

In addition to policy and military planners, this study will hold value for individuals and organisations associated with the reconstruction and development of Afghanistan and northwest Pakistan, and for providers of vital services through charitable work across the borderland. The study illuminates the concept of tribal *zai* in the borderland, as the territorialisation of tribal authority within which a particular tribe or clan holds supreme

authority. Such tribal *zai* is often defended heavily against encroachment from other tribes or clans. Moving safely through this region requires an awareness of this reality, and familiarity with the norms of conduct within this martially complex context. Another example is in the norms of *pashtunwali*, and the shaping of individual and collective conduct through the psycho-social prism of *pashtunwali* to which tribesmen attribute their conduct and morality. An understanding of *pashtunwali* is indispensable for individuals and organisations seeking to undertake relief and developmental work in the borderland, particularly with regards to women and girls. The study provides a detailed insight into the genealogical phenomenon of the Pashtun tribal *shajara*. The *shajara* provides a detailed tribal ‘map’ through which all tribes are able to determine their link to every other tribe in the borderland and wider afield. A demonstration of familiarity with the tribal *shajara* invariably endears tribesmen towards outsiders, the motivations of whom tribesmen are notoriously sceptical about. A familiarity with the tribal *shajara* would enable those travelling through or working in the borderland to be able to understand which areas and which clans were likely to honour the guest of a related clan or tribe, and which were likely to view a traveller coming from the territories of a rival tribe with suspicion and contempt. The introductory chapters of this study thus provide an informative background with which an individual or group can understand how to conduct affairs in the tribal borderland. The study also provides an understanding of the reality of the borderland from the perspective of human development indices, a perspective valuable to practitioners of aid, development and reconstruction. The study outlines the nature of medical infrastructure and patterns of population movement that occur across the borderland, particularly across the Durand Line, to Peshawar in pursuit of medical attention. Such an understanding provides concerned organisations and individuals with a background upon which more effective decision can be made regarding where assistance is likely to be most effective when provided.

7.4.3 The Pakistani military establishment

The findings of this study will be of particular value to officials within the Pakistani state, both in the civil administration and the military. The findings of this study suggest that the re-emergence of the autonomy of the borderland is significantly contributed to by a breakdown in the effective functioning of the civil administration of the Pakistani state in the borderland, resulting in a general withdrawal of the state from the borderland, and a consequent proliferation of counter-state tribal authority. The study also suggests that attempts by the Pakistani state to rehabilitate its political presence in the borderland have thus far been ineffective, and are undermined by the simultaneous large-scale employment of the Pakistani

military across the borderland, widely perceived by tribesmen to be part of a strategic coherence with US and NATO military objectives in Afghanistan more generally, and the borderland specifically. The study identifies increasing securitisation as a major barrier to the rehabilitation of functioning political institutions in the borderland and adjoining areas.

7.4.4 Academic applications

The findings of this study are also valuable to academics concerned with a theoretical examination of permutations in the international system arising from competition between pre-state substructures and the post-colonial states constructed upon them. This study thus focuses attention within the area of International Relations upon sub-state and pre-state polities, and their impact upon the current international system.

The study also holds relevance for the sub-discipline of Borderland Studies. In introducing the phenomenon of pre-state substructures as primary forms of polity upon which the post-colonial state has been raised, and through demonstrating that it is the competition between these enduring substructures and the state that drives the dynamics in borderlands, this study expands the conventional approach of borderland studies beyond its limited analyses of state-borderland dynamics to analyses of primary phenomena that underlie both the state and the borderland.

The study thus demonstrates the overlap between enquiry in the fields of International Relations and Borderland Studies, while also incorporating elements of Anthropology in establishing the primary nature of pre-state substructures. In this, the study illustrates the theoretical reach provided by a cross-disciplinary approach to understanding a wide-ranging phenomenon with implications in multiple disciplines.

7.5 Areas for Future Study

This study constitutes the first dedicated study to the examination of the Afghan borderland within the area of Borderland Studies. The core assertion of this study is established and evidenced through primary and secondary sources compiled through fieldwork, and through a continual process of literature review and analysis. Resulting from this process, closely related areas now present themselves for further in-depth study and analysis. This study introduces a number of such areas which, if elaborated upon through further dedicated and in-depth studies, would constitute a valuable contribution to Borderland Studies, Pashtun Studies and International Relations more generally.

7.5.1 Millennial revivalism among tribal Pashtuns

An area for possible further study is the phenomenon of millennial revivalism amongst the Pashtun tribes. This study highlights how, currently, the tribes of the borderland are exhibiting a millennial phenomenon that is manifest in resurgent tribal autonomy and expanding tribal militancy focused on Pakistani state authority across the borderland, and in resistance to the reconstitution of the Afghan state. The study describes how this is an episodic phenomenon that tends to occur in circumstances of extenuating externally sourced threat across the tribal belt, forcing tribes to co-ordinate in their militancy. This study also observes that a similar situation emerged across the borderland in the 'Pathan Revolt' of 1898-9, and during the Soviet occupation of Afghanistan between 1979 and 1989.

A dedicated further study would examine the formative factors in pan-tribal militancy. It would examine the potential for the emergence of such militancy, and its dynamics once it emerged, in order to understand how it may transpire and eventually subside. Within such a study would be an examination of how external groups and movements have been able to enter into and survive within the tribal context. Such a focus would shed light on questions of whether or not the militancy currently being waged in the borderland is fuelled by external militant groups, or whether the groups are actually driven by tribal dynamics under the leadership of tribal *khans* or *maliks*.

7.5.2 The evolution of pashtunwali

This study addresses the phenomenon of *pashtunwali* as a determining psycho-social construct driving much of the interpersonal and inter-tribal interaction across the borderland. The study outlines the strategically and politically salient components of *pashtunwali*; *badal*, *nang*, *melmastiya*, *nanawatey*, and *Pashto*. The study addresses how these concepts form behavioural parameters for the overwhelming majority of Pashtuns and the clans and tribes that inhabit the borderland.

The Afghan borderland has been the scene of near continuous militancy for over three decades. It has been suggested that the sustained sense of siege that pervades much of the borderland, and the high rate of casualties amongst young Pashtun males, has led to erosion in the practice of *pashtunwali* and the degree to which it is adhered.⁴⁷ Further, it has been suggested that the last three decades have ushered in a period of unprecedented circulation of wealth and commodities amongst the clans in the borderland. Greater opportunities for

⁴⁷ This was suggested to the author by editors of the *Pakistan Security Research Unit Briefing Papers* at the University of Bradford, as a subject for a briefing in March 2008.

travel to the Middle East, the Far East and the West have resulted in the flow of remittances back to families in the borderland. This changing economic reality constitutes a socio-economic challenge to the nature of tribally based systems of social organisation. This challenge is furthered by the gradual growth of opportunities for literacy and education, largely on the physical periphery of the borderland, particularly amongst females.

The aggregate impact of these trends upon *pashtunwali* and the associated norms of tribal organisation and interaction constitute an area in which extensive further study can be undertaken. Such a study has the potential to record the fundamental changes in the nature of an indigenous tribally based society as it faces the multiple challenges of development, economic pluralism and wider opportunities for literacy.

7.5.3 The economy of the Afghan borderland

An additional area for further study is the functioning of the borderland economy. This study asserts, in chapters five and six, that the borderland economy is a principal driver of the current situation in the borderland and is among the main driving factors limiting the potential for any fundamental change in the situation of the borderland over the next five years. The borderland economy is an important aspect of tribal autonomy, and has led to the development of an economic symbiosis between the borderland and the Pakistani state.

A further study would examine the precise scale of the borderland economy as part of an analysis of whether or not borderland autonomy can be sustained through the borderland economy, particularly during circumstances of inter-tribal and tribe-state conflict. Such a study would provide an in-depth analysis of the structure of trade flows into the borderland through ATT provisions and more generally, as tribesmen organise global networks for sourcing goods and commodities, bringing them into Afghanistan which remains a tax and excise vacuum, before exporting principally to Pakistan, but also Iran and China.

A key aspect of an examination into the borderland economy is that of the narco-economy. Afghanistan produces the overwhelming majority of the world's opiates, and is the principal source of the heroin which reaches Europe and the United States. Opiate cultivation, processing and distribution remains the single largest source of economic activity in

Afghanistan, an industry that has grown on average more than 50% each year between 2002-2007.⁴⁸

Such a study would address the economic and social impact of the opiate industry upon Afghanistan, Pakistan and Iran, an impact that arises largely from the distribution networks that move refined opiate products through these countries en route to Europe and the US. The study would explore how, despite the presence of more than 100,000 US and NATO personnel in Afghanistan, opiate cultivation has been able to proliferate in areas under the domination of NATO and US forces as well as in areas under the domination of the Taliban and associated tribal militants.

An examination into the borderland economy, and its opiate-related aspect, would potentially also examine the structure of borderland autonomy, as economic interdependence between Pakistan, Afghanistan and the borderland functions to limit the degree of borderland autonomy which each state is willing to accept, and which the tribes of the borderland themselves are willing to pursue.

⁴⁸For a comprehensive discussion relating to the state of opiate cultivation in Afghanistan see: <http://www.parliament.uk/commons/lib/research/briefings/snias-05025.pdf>. Accessed 4th November, 2009.

Appendix I: Interviews

Following is a list of interviews conducted during field work for this study. The names of interviewees have been noted followed by a brief description of the details of interaction with each. Where names have been withheld, rank (where appropriate) and a letter of the alphabet have been used for identification. The list is divided into three parts. Part 1 lists civilian interviewees and is arranged alphabetically. Part 2 lists military respondents and proceeds by rank. Part 3 is comprised of additional notes and references.

Part I: Civilian Interviewees

Nawaaz Afridi – Tribesman from the Khyber Agency.

Nawaz Afridi is an Afridi tribesman hailing from the Khyber agency who travels frequently between Khyber and Peshawar. He was interviewed in Peshawar on 23rd August 2008. He responded to all questions on the questionnaire and elaborated extensively based upon his own experiences in the Khyber agency. Additionally, Afridi provided insight into the institution of *jirga* and also elaborated extensively on questions of identity as faced by tribesmen of FATA living on the Pakistan side of the Durand Line. Interview was conducted in English, which Nawaz Afridi had a moderate grasp of, and Pashto.

Jamil Ahmed -Former D.C. Kohat, Dera Ismail Khan, Fort Monroe and Asst. to Political Agent in Mohmand Agency.

Jamil Ahmed is a senior civil servant who has served in a number of capacities in the Pakistani administration in the Afghan borderland. He was interviewed in Islamabad in the Presidential Secretariat on 25th August 2008. The interview was conducted in his office, in the presence of an unnamed official. Jamil Ahmed responded to nearly all questions on the questionnaire, and elaborated extensively on the social life of Mohmand agency. He provided additional insight into the agricultural and economic reality of the agency, and of the perception of the Durand Line prevailing amongst Mohmand tribesmen. On questions relating to militancy and tribal *lashkars* he did not provide any response.

Muhammad Awan – Customs and Excise official, provincial government of KP.

Muhammad Awan is an official with the KP Department of Customs and Excise, based at Peshawar. He was interviewed in Peshawar on 13th August 2008. He did not submit answers to all questions on the questionnaire. Based upon his professional experience, more time and questions were dedicated to fiscal, regulatory, excise and taxation related issues. Muhammad

Awan provided extensive insight into the nature of economic flows across the borderland, detailing the constitutional tax exemptions provided by the Pakistani state to tribesmen of FATA. He also detailed flow of ATT goods, globally sourced flows eventually reaching the Bara markets, and the flow of capital generated therein back into Pakistan as investment in real estate and businesses.

Dr. Muhammad Baseer – Faculty at the Area Study Centre, University of Peshawar.

Dr. Muhammad Baseer was met at the Area Study Centre where he holds a faculty position. Unable to commit to a formal interview due to time constraints, he agreed to engage in a conversation following the line of enquiry of the questionnaire.

Abdullah Khan- Formerly Headmaster of a number of schools in tribal and settled areas of NWFP. One of the first individuals from a tribal background to achieve a secondary education in the late 1920's.

Abdullah Khan is an elder of the Yusufzai of southern Pakhli. Approaching 100 years of age, Abdullah Khan enjoys the distinction of being the first individual to receive a formal education from his clan and the region from which he hails. He was interviewed on 29th July 2008 at his home in Islamabad. Conducting a formal interview with him was challenging, and the interview was reformed into an extensive conversation with an informal structure. His personal experience across various regions of the borderland is vast and his knowledge of political and militant trends was extensive.

Dr. Azamt Hayat Khan- Vice Chancellor Peshawar University and director of the Area Study Centre for Central Asia and Afghanistan at the University of Peshawar.

Dr. Azmat Hayat Khan is the pre-eminent academic in Pakistan dealing with the area of FATA and Afghanistan. He agreed to being interviewed and offered a number of insights into research through telephone and e-mail, prior to the actual interview. The interview with Dr. Khan was conducted on 5th August, 2008 at the Vice Chancellor's office in the presence of additional staff. In addition to the questionnaire, Dr. Khan elaborated at length on a number of corollary issues related to identity, political and ideological orientation, cross-border economics and history. However, some questions were deemed inappropriate by him, particularly those related to the role of the state in influencing tribal patterns of alliance and opposition. In these instances, Dr. Khan abruptly became silent and remained so for a period.

Muhammad Naeem Khan- formerly Chief Engineer at the Oil & Gas Development Corporation (OGDC) Islamabad, Baluchistan.

Muhammad Naeem Khan is a highly educated and well travelled senior official of Pakistan's OGDC. He has worked at numerous locations across the borderland including remote parts of Baluchistan. Having spent years in Peshawar, he is particularly well placed to provide an insight into the political medium in NWFP and in Pakistan more generally. He was interviewed on July 29th 2008. In addition to responding to the standard questions, he was able to elaborate extensively on the psycho-social dispensation of tribesmen, illustrating his observations with numerous examples of personal involvement and direct observations.

Dr. Muhammad Nawaz Khan- Doctor and Assistant Professor at the Khyber Medical Teaching Hospital, Peshawar.

Dr. Nawaz is a senior doctor at the Khyber Medical Teaching Hospital in Peshawar where he practices medicine as a consultant and teaches. A formal interview was extremely difficult to conduct as Dr. Nawaz was considerably busy at the hospital which is where he consented to be visited. Despite his commitments, Dr. Nawaz was able to submit to a relatively structured conversation, albeit with interruptions, patterned along the lines of the questionnaire which was conducted on 8th August, 2008.

Dr. Nawaz contributed extensive insight into the nature of cross-border movements between NWFP, FATA and southern Afghanistan, generally and for medical purposes. He and provided detailed information into the role of Peshawar as the principal urban node in the Afghan borderland. Dr. Nawaz provided some insight into the presence of the state in the borderland, and particularly in his given field. Dr. Nawaz was also able to facilitate introductions with other potential interviewees.

Tanvir Ahmed Khan- Former Foreign Secretary and former Pakistani Ambassador to the USSR.

Ambassador Khan was Director-General of the Institute of Strategic Studies Islamabad from 1999-2001. Prior to that he served Pakistan's foreign secretary and as ambassador to the USSR. Although he was not interviewed formally as interaction with him preceded the commencement of actual fieldwork and the conduct of the survey for this study, he did provide valuable insight into the role of Pakistan and the Soviet Union during and after the Soviet invasion of Afghanistan.

Tariq Muhammad – Former regional manager for a marketing company covering southern Afghanistan and KP.

Tariq Muhammad resides in the city centre of Peshawar and as senior level management in a company active in Pakistan and Afghanistan, has extensive experience in the borderland. Tariq Muhammad was interviewed on 23rd August, 2008 in Peshawar, where he submitted to the questions in the questionnaire. He was able to elaborate extensively on the economic and social conditions in Bajaur and Mohmand agencies. He also provided deep insight into the Durand Line as it relates to the practical life of borderlanders, and its impact on borderland identity. Tariq Muhammad also assisted in facilitating further interviews.

Azizur Rahman – Khan Khel , Yusufzai elder at Village Tanda, KP.

Azizur Rahman is the senior Khan within the Khan Khel. He has extensive experience in tribal affairs, including jirga. Due to his advanced age and circumstances, he was unable to complete the questionnaire. Instead, questions along the theme of the questionnaire were put to him. He provided valuable insight into the emergence of the Taliban and the role of militant groups in fulfilling the void left by the absence of state aid in, for example, the aftermath of the earthquake. He was interviewed on 29th August, 2008. The interview was conducted in Pashto.

Dr. Babar Shah – Faculty at the University of Peshawar, Area Study Centre and formerly of the Institute of Strategic Studies Islamabad.

Dr. Babar Shah is a faculty member at Peshawar University. His doctoral dissertation relates to the Durand Line and Pakistan's Afghan policy, issues on which he is a resident expert at the Area Study Centre. Dr. Shah was formerly a research fellow at the Institute of Strategic Studies Islamabad. Dr. Shah agreed to a formal interview and a number of informal conversations. A formal interview was conducted on 4th August, 2008 at the Area Study Centre, Peshawar University. In addition to the questionnaire, Dr. Shah elaborated extensively on the economic and developmental situation in the Afghan borderland.

Subsequent to the formal interview, a number of consultations were made with Dr. Shah regarding a number of issues including possible interviewee's, the structure of militancy, profiles of tribal personalities, the role of the US in the Afghan borderland and possible applications of this study.

Muhammad Shakeel – Faculty at the Pakistan Studies Centre, University of Peshawar.

Muhammad Shakeel is a faculty member of the department of Pakistan Studies at Peshawar University. His role in the organisation and facilitation of field work is particularly notable. Muhammad Shakeel provided extensive library access and access to unpublished materials at the Department of Pakistan Studies. Muhammad Shakeel was interviewed formally on 6th August, 2008 and responded to questions based upon the questionnaire. Additionally, he was interviewed in a more unstructured sitting on 12th August, 2008 during which he provided extensive insight into tribal economics and the social organisation of the Afridi in Khyber. On 13th August, 2008 Muhammad Shakeel facilitated a trip through the tribal areas, including the Afridi areas of Darra Adam Khel. Muhammad Shakeel was also instrumental in arranging a number of interviews.

Rehmat Shah Swati- Political Agent, South Waziristan.

Rehmat Shah Swati is a pseudonym for a retired former political agent of South Waziristan, hailing from Tanda, northern Mansehra, KP. He is currently compiling a work detailing his experience as political agent, in which he seeks to identify cases of financial impropriety relating to the agency, and hence is not mentioned by name. He has maintained extensive records of his experience, which he invited the author to consult.

Dr. Shaista Wahab – Professor at the University of Nebraska, Omaha (UNO).

Dr. Shaista Wahab is a professor at UNO where she co-ordinates the Arthur Paul Afghanistan Collection at the Criss Library. The collection is the most substantial on Afghanistan outside the country, and is a central research node for Afghan studies in the United States. Dr. Wahab contributed extensive information, insight, analysis and assistance to this study. She was consulted between 11th and 14th December 2008 in Omaha, Nebraska. Dr. Wahab provided assistance in accessing written material, and contributed her own insight into Ghilzai tribal dynamics, particularly leading up to and during the Soviet invasion period.

Muhammad Hanif Baksh - Civil engineer.

Muhammad Hanif Baksh is a civil Engineer resident in London, UK. In October 2005, he was an emergency respondent following the Pakistan earthquake. After his return in November 2005, he gave a public seminar about his experience, which included accessing the most remote areas of the earthquake zone.

Omedh Khan – Manager, construction company.

Omedh Khan runs a London construction firm. Along with Muhammad Hanif Baksh, in October 2005 he was an emergency respondent following the Pakistan earthquake. After his return in November 2005, he was also participant in the public seminar about his experience in the earthquake zone.

Roshan Bibi

Roshan Bibi is a local female elder in the western area of Peshawar, on the edge of Afridi territory. She is a commentator on political and tribal affairs, and is well informed of the Afridi.

Abdel Aziz

Abdel Aziz is a resident of western Peshawar and oldest son of Roshan bibi. He was a guide on travel into Khyber agency and visits to the Bara/ Karkhano markets.

Part II: Military Respondents

General Mirza Aslam Beg.(ret.)

General Mirza Aslam was Chief of Army Staff, Pakistan Army, from August 1988 to August 1991. Since then, he has been active participant in discussion on defence and strategic affairs. He was met once in the conduct of this study, and engaged in a discussion over the nature of Pakistan's Afghan policy in light of the changes undertaken by the Musharraf regime. The dates and location of meeting with him have been withheld.

Lt. Gen. Hamid Gul (ret.)

Lt. Gen. Hamid Gul (ret.) is the former Director of inter-Services Intelligence (ISI). He has extensive experience in Afghanistan, FATA and KP. He was instrumental in the development of the anti-Soviet mujahideen front, in the *maktab al Khidmat* (office of services), and since then, in the development of Pakistan's pro-Taliban orientation between 1994 and 2001. He was interviewed on two occasions, although the time and place of the interviews have been withheld. He did not submit to the questionnaire. He did provide extensive insight into the tribal psyche and the role of the Pakistani state in militancy in the borderland.

Brigadier A –

During the conduct of fieldwork, Brigadier A was a senior officer with an unnamed arm of the Pakistani Military. He retired from active service at the completion of this study, and is legally required not to engage in public activity for two years. He has had extensive experience in the borderland, on both sides of the border and has extensive experience in Afghanistan. He has extensive experience of interaction with senior officials from the Bush Presidency 2004-2008. Brigadier A has provided invaluable insight into the dynamics of the borderland over a period of years beginning in 2000. Although he did not submit to the questionnaire, he did provide invaluable insights into the themes of the survey, as well as facilitating travel, interaction and safety in the borderland. He was met a number of times through the duration of this study. Interaction with him was conducted in English.

Colonel A-

Colonel A is an army aviator whose current employment details are withheld. He has extensive experience in KP and Gilgit-Baltistan. As a flyer, he has been intimately involved the efforts of the Pakistan military in the borderland. He has provided deep insight into the nature of confrontation between the tribal and trans-tribal militias and the Pakistani military. Colonel A did not submit to a formal interview with the questionnaire. However, over a number of years, he has provided information, analysis and judgements that have greatly enhanced the quality and information threshold of this study. Interaction with him was conducted in Pashto and English.

Colonel B-

Colonel B was a force commander (C.O.) in an unnamed tribal agency in FATA over dates that are withheld. The dates and places of interaction with him are withheld. He was met three times for consultation and discussion. He did not submit to the questionnaire. He did provide extensive insight into the operational reality of the army in FATA, including the scope of the operation and the likely result. Additionally, he provided insight into the failing of the state on the developmental front in FATA, explaining how and why developmental efforts by the state have thus far failed to result in sustained developmental progress.

Colonel 'Imam'

Colonel 'Imam' was deployed in Afghanistan for much of the 1980's through to 1995. He was Pakistan's principal facilitator amongst Afghan insurgents during the anti-Soviet insurgency.

Since then, he played a central role as an arbiter between tribal *lashkars* in FATA and Afghanistan. He was in Afghanistan during the rise of the Taliban. He was interviewed once. He did not submit to the questionnaire. The time and place of meeting with him have been withheld. Colonel Imam was reported killed in January 2011 in a tribal altercation.

NCO-A

NCO-A is a Non-Commissioned Officer of the Pakistan army. A member of the Khan Khel of the Yusufzai from northern Pakhli, he served for over twenty years in South Waziristan. His knowledge of the agency and people is extensive, as is his understanding of the operation of the political agent. Due to the circumstances of the interaction with him, involving a social setting and dinner, it was impractical to conduct the questionnaire. However, NCO-A provided extensive and deep insight into a number of areas relating to tribesmen, reality of the border in South Waziristan, and the experience of the army in South Waziristan. Discussions were conducted in Pashto on 3rd September, 2008.

Part III: Additional Notes and References

The conclusions of this study are significantly derived from field work across much of the Afghan borderland over a period of nine years. In addition to formal and informal interviews based on the main themes of the study, the insights and conclusions of this study are shaped by hundreds of interactions which revealed insights into borderland culture, society, politics and economics which enable this study to provide insight into areas beyond those illuminated by the formal interview process. Such interactions include the numerous anecdotes and observations arising in everyday interaction in the borderland in activities such as using public transportation, visiting bazaars, and social interaction including weddings, funerals and formal dinners.

Beyond the insights arising from participant observation in such circumstances, additional insight into the Afghan borderland, from the perspective of both the militants and the Pakistani military was provided by a number of key military figures and lashkar men who refused to be cited or referred to due to the current nature of their deployments or their commitments. These include senior military officers deployed in the Swat Valley, Sia Chin, Bajaur agency and South Waziristan and tribesmen from Orakzai agency, Mohmand agency and South Waziristan. It has been advised that referring to them would compromise their safety and security and the operational integrity of current responsibilities as well as the safe conduct of this study while in Pakistan.

Additionally, a number of incidents of interaction with police officers also provided a valuable contribution to fieldwork. Although no formal interviews were conducted, and no police officer submitted to research questions, conversational interaction was frequent, insightful and at times entertaining. Officers within Capital Territory Police (CTP) in Islamabad were particularly engaging. A police pursuit was witnessed as a participant observer when it became apparent that the police had no vehicle of their own with which to pursue a suspected criminal. Police in Peshawar were less engaging and evidently more concerned with their own security, particularly during the summer of 2008.

Appendix II: The Interview Questions

Following are the questions that were asked in interviews during fieldwork. The questions are divided into three areas. Part I establishes some facts about the respondent with a view to placing the respondent in as specific a context within the borderland dynamic as is possible. Part II explores the economic life of the borderland. Part III explores the nature of trans-borderland integration by focusing on the role of the Durand Line as an international border. Part IV addresses wider issues relating to identity, loyalty, views of Pakistan's role in the borderland thus far, views on militancy, and the future of the borderland.

Not all questions were asked of all interviewees. In a number of cases, respondents were reluctant to address issues. In other cases, the circumstances of the interaction did not enable the questionnaire to be used. However, in all cases, questions and discussions were oriented towards the subject areas addressed through the questions.

Part I: Identification and Placement in the Borderland Socio-political Matrix

Name, age and gender of interviewee.

Date, time, location and duration of interview.

Familial, clan, tribal background of interviewee.

Professional background, level of education of interviewee.

Additional observations on the above, including notes on circumstances of interview, conduct of interview, completion of survey questions, alternative/additional questions/discussions.

Part II: Economic Life of the Borderland

1) How significant a source of revenue generation for FATA, KP and southern Afghanistan is the ATT?

2) Does the degree of this significance vary between different localities and between different tribes across the borderland?

3) What ratio of this trade is between FATA and Afghanistan, and what ratio is between FATA and KP/Pakistan?

4) Aside from ATT generated revenue, what are the principal sources of income for the borderlanders?

5) How do these sources of income vary between tribes and between localities? Please elaborate.

6) To what extent does the Durand Line form an obstacle to economic activity in FATA?

- 7) How does this vary between tribes and localities?
- 8) How widely held are your observations?
- 9) How extensive is livestock rearing/agricultural farming amongst borderlanders? How significant is it as a source of revenue generation?
- 10) How closely is the economic life of the Ghilzai integrated with the economic life of the rest of the borderland?
- 11) What ratio of Afghanistan-FATA- KP trade flows through the main crossing routes of Torkham and Chaman in comparison to alternative routes?
- 12) How large is the volume in unregulated trade in comparison with regulated trade?
- 13) Is cross-border trade regulated at all at the officially manned border crossings?
- 14) Are the economic centres of the FATA tribes found in FATA, in KP or across the Durand Line?
- 15) Do tribesmen re-invest wealth in the borderland, or in Pakistan and or Afghanistan? Please elaborate.
- 16) How extensive is the trade in opiate derived products across the borderland?

Part III: Cross-border tribal dynamics in the Borderland

- 17) How extensive is regular non-refugee cross-border travel between FATA and Afghanistan?
- 18) How does this vary across the length of the Durand Line?
- 19) How extensive is refugee cross-border travel between FATA and Afghanistan?
- 20) How widely held are your observations on this issue?
- 21) How extensive is the practice of cross-border *jirgas*?
- 22) Are cross-border *jirgas* limited to Mohmand, Kurram, and South Waziristan where the border remains undefined in places, or is the practice common across the borderland?
- 23) How extensive is the practice of cross-border marriage?
- 24) To what extent does the border constitute a barrier to families who wish to conduct marriages across the border?
- 25) How extensive is travel across the border to seek medical care?
- 26) To what extent does the border constitute an obstacle to individuals seeking to cross the border for medical care?
- 27) What are the implications for the integration of the borderland arising from the flow of patients from Afghanistan to Peshawar for medical care?

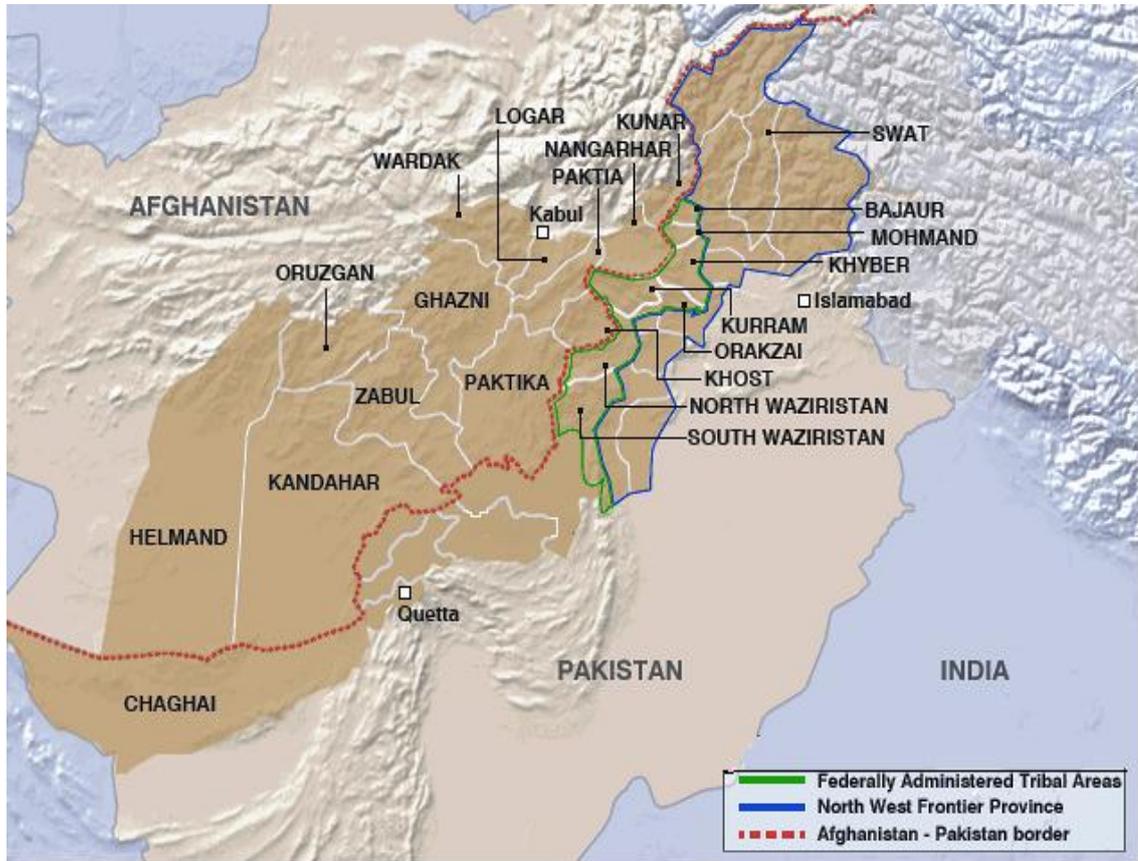
- 28) How extensive is cross border movement in the pursuit of education?
- 29) To what extent does the Durand Line constitute a barrier to cross-border movement in the pursuit of education?
- 30) How extensively established are transportation links across the border?
- 31) To what extent are cross-border transportation links an integrating factor across the borderland?
- 32) How would you characterise the influence of the Karlanri tribes of FATA over the tribes and clans in southern Afghanistan?
- 33) How would you characterise the influence of the Ghilzai tribes and clans over the Karlanri?
- 34) How effective is the Durand Line as an international border in separating the populations of southern Afghanistan and KP?
- 35) How effective is the Durand Line as an international border as a barrier to legal international trade?
- 36) How effective is the Durand Line as an international border as a barrier to legal international trade?

Part IV: Identity and the Borderland.

- 37) Do you consider yourself to be a Pakistani?
- 38) Do you consider yourself to have loyalty to your tribe? Your clan?
- 39) Do you believe that the border between Pakistan and Afghanistan *should* be there?
- 40) Is it acceptable to you that the Pakistani military should be present in your *zai*?
- 41) Do you support the establishment of *sharia* courts? Why? Are they more accessible than civil courts?
- 42) How effective is the police force in Peshawar? In KP?
- 43) Do you agree with the FCR in FATA?
- 44) Is the Pakistani state assisting the development of the borderland effectively?
- 45) Is the Pakistani state neglectful of the borderland?
- 46) Do you believe that law enforcement is effectively solving criminality in Peshawar? In KP?
- 47) Do the police control the streets of Peshawar, or is it tribesmen? What about Mardan, Kohat, Hangu, Bannu, Swabi?
- 48) Do you believe that the Pakistani state is in crisis in the borderland?

- 49) Do you believe that the current situation in the borderland will ameliorate? Will it stay as it is? Will it get worse?
- 50) Is the non-border leading to a greater integration of Pakistan and Afghanistan?
- 51) Does the state provide you with electricity?
- 52) Do your children go to a government school?
- 53) Do you have a Shanakhti (Identity) card ?
- 54) Are the police corrupt? Are they effective in deterring crime?
- 55) Have you had to pay a bribe to the Police?
- 56) Does the army control the government offices?
- 57) Can you get things done without having to contact an army person for *sifarish* (nepotistic assistance)?
- 58) Do you need to know someone from the army to protect you from the police?
- 59) Should the *lashkars* attack the army?
- 60) Should the army attack the tribes?
- 61) Should the army remain in FATA?
- 62) Are the army's actions in FATA good for the tribal areas?
- 63) Should Khyber-Pakhtunkhwa separate from Pakistan?
- 64) Should the historical *Pakhtunkhwa* emerge out of Pakistan and Afghanistan?

Appendix III: FATA, KP and Southern Afghanistan*



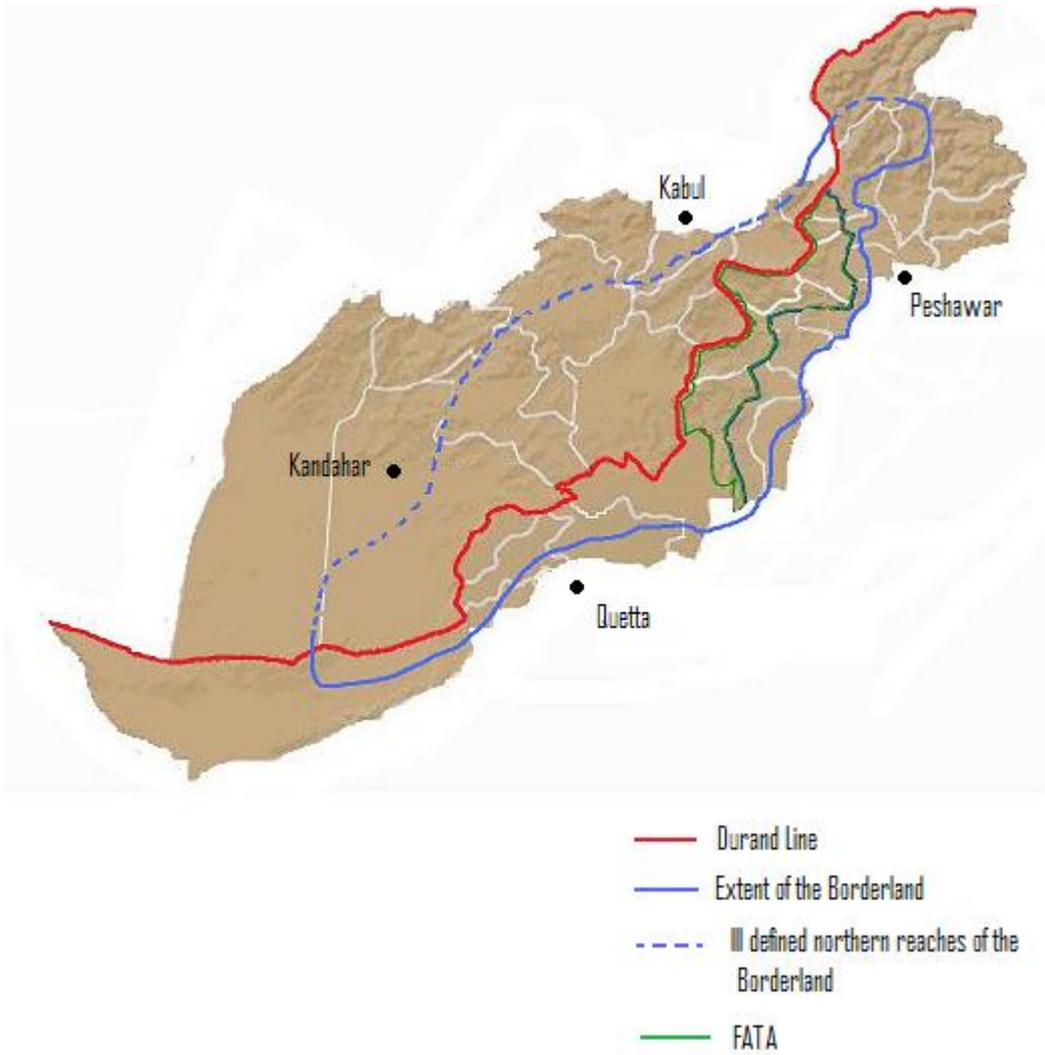
*This map is based upon a template published by the BBC at <http://news.bbc.co.uk> . The map has been altered from its original form.

Appendix IV: KP & FATA*

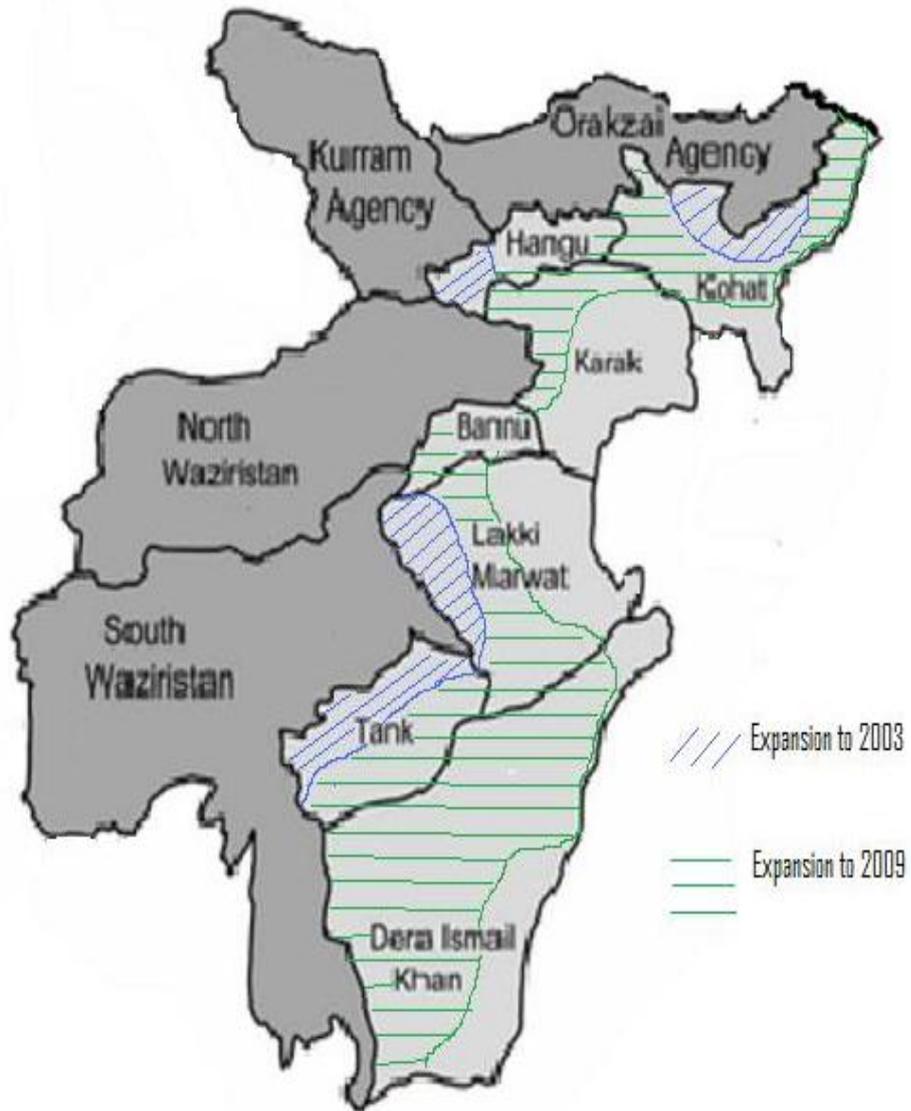


*The darkly shaded areas represent the seven tribal agencies of FATA. The lightly shaded areas represent KP. Sourced from <http://forum.pakistanidefence.com>

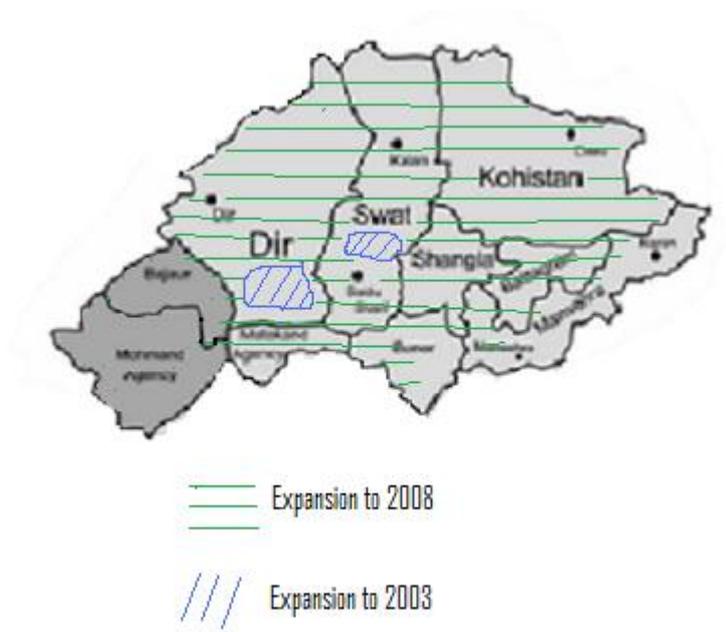
Appendix V: The Afghan Borderland



Appendix VI: Expansion of Tribal Authority in Southern KP & FATA



Appendix VII: Expansion of Tribal Authority in Northern KP & FATA



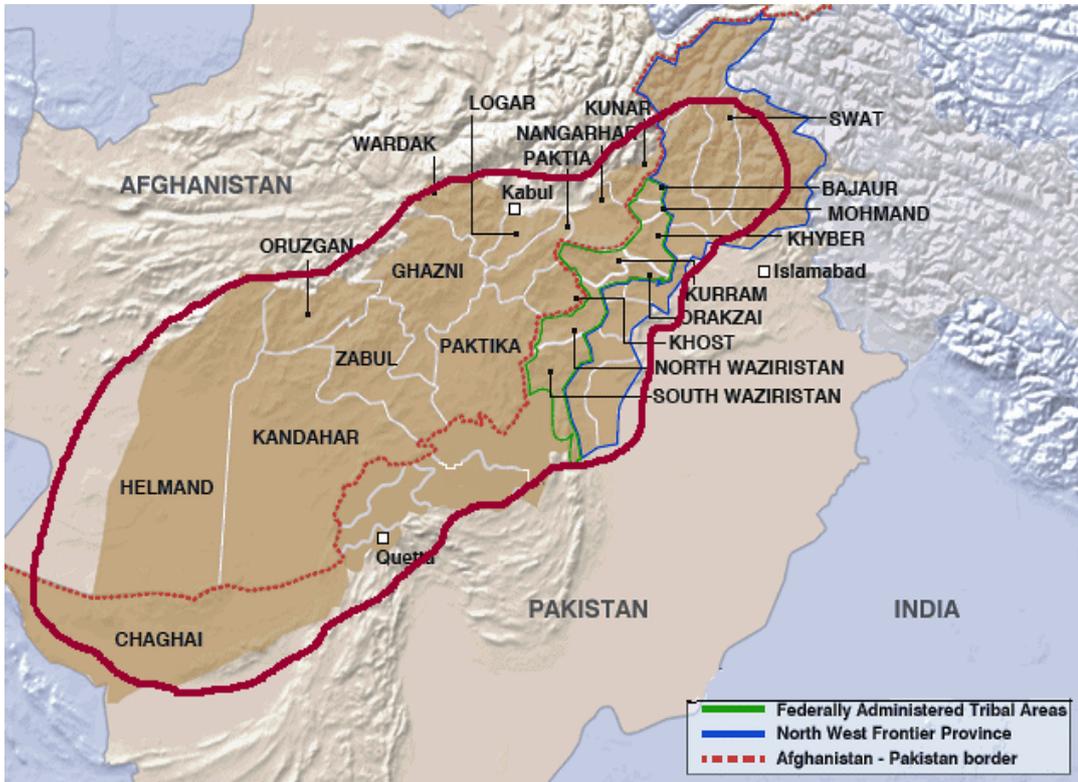
Appendix VIII: Expansion of Tribal Authority in Central KP & FATA



/// Expansion to 2003

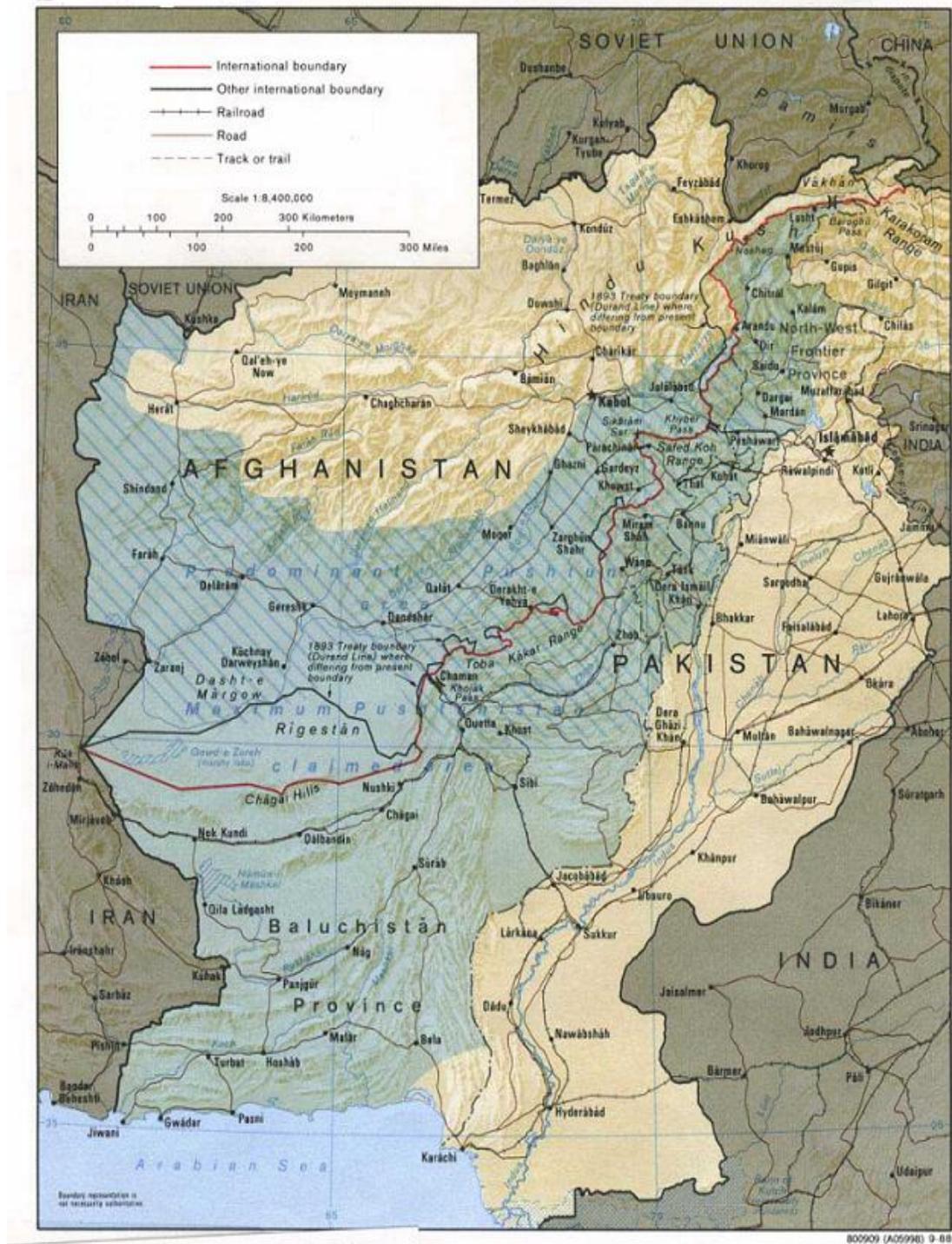
— Expansion to 2008

Appendix IX: Pakhtunkhwa*



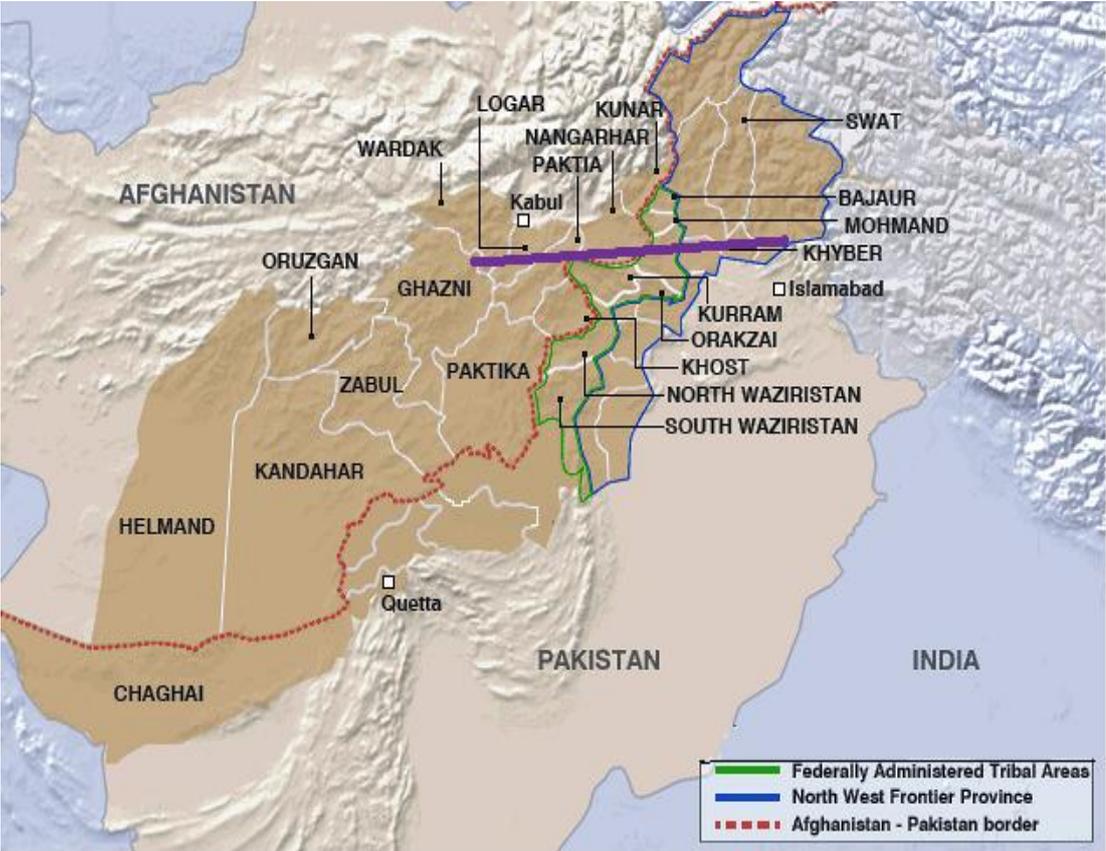
*This map is based upon a template published by the BBC at <http://news.bbc.co.uk> . The map has been altered from its original form.

Appendix X: Pashtunistan*



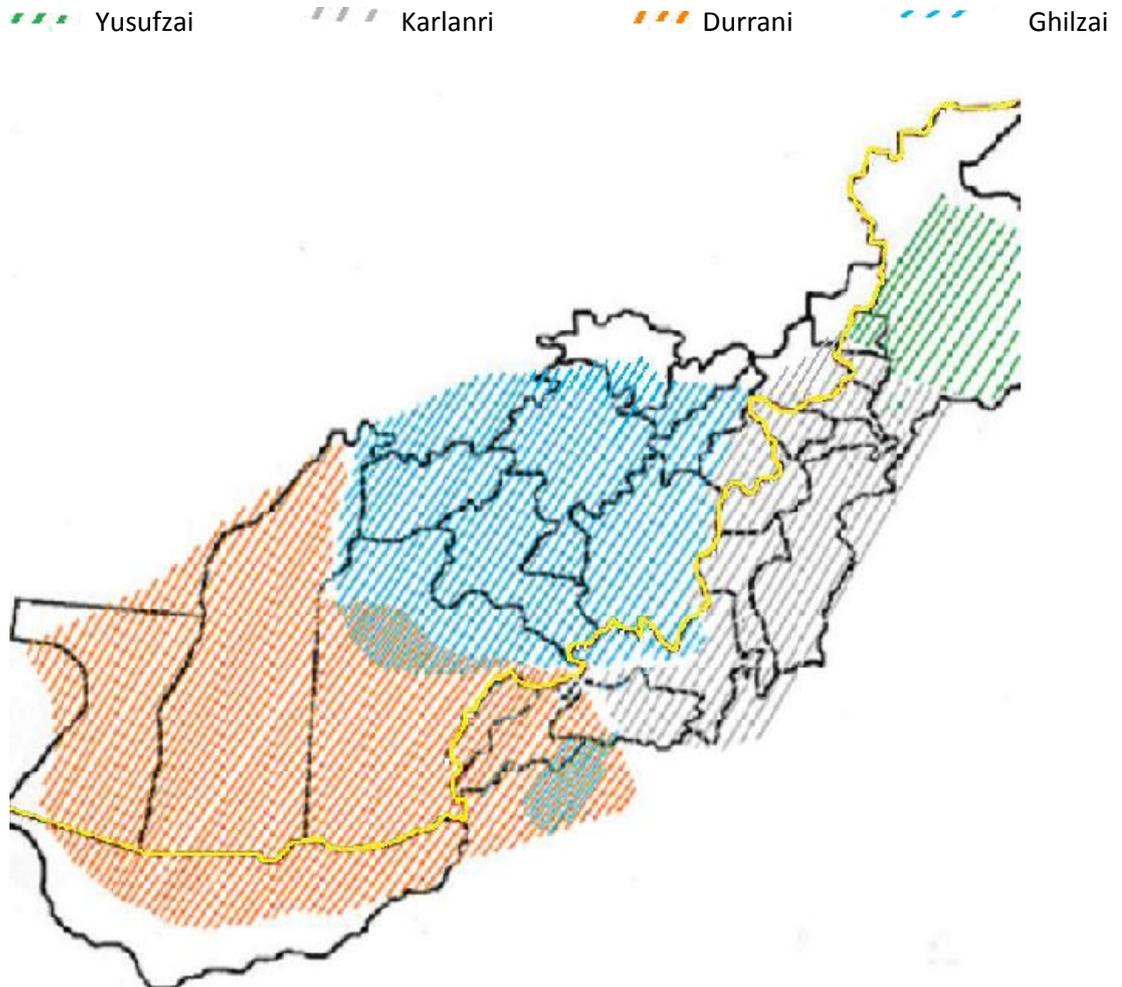
*This map represents a Soviet occupation era rendition of Pashtunistan. The depiction of Pashtunistan is larger than is generally considered by Pashtun nationalists subsequently. This was motivated by the political ambitions of the Soviet occupation era Afghan government in seeking to facilitate a secession of Baluchistan from Pakistan. The map is sourced from the Perry-Castaneda collection at the University of Texas.

Appendix XI: Hard Soft Pashto Variants



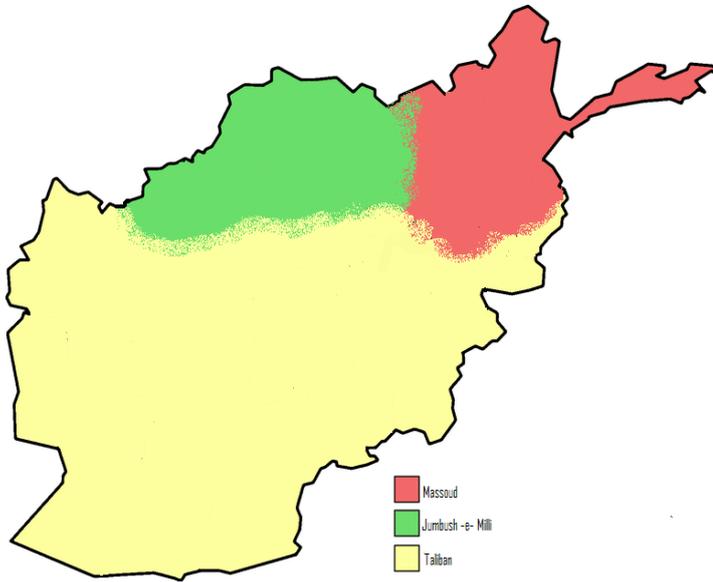
 Line approximating north-side divide between hard and soft variants of Pashto.

Appendix XII: Tribal Distribution across Borderland

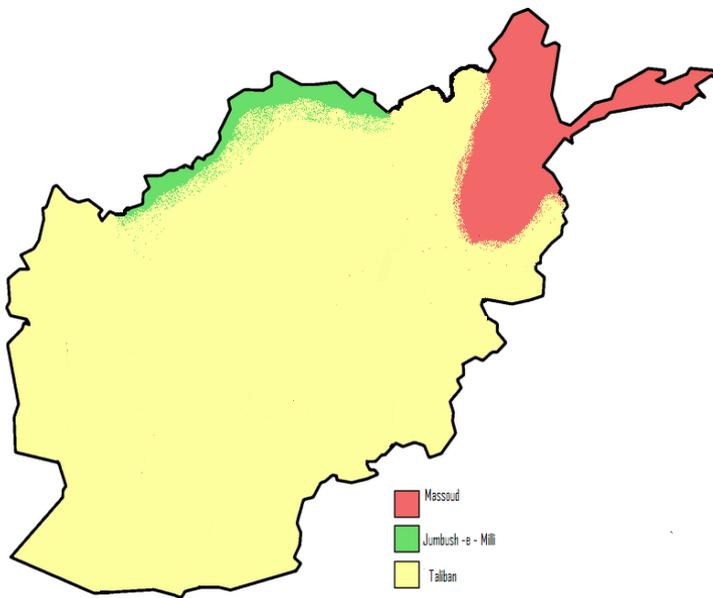


Appendix XIII: Extent of Taliban control 1996-1999

Taliban Control 1996.



Taliban Control 1999.



Appendix XIV: The Tribes and Clans of FATA

Bajaur Agency

Utman Khel

Shamozai

Asil

Mandal

Alizai

Matakai

Tarkani

Salarzai

Mamund

Charmang

Mohmand Agency

Mohmand

Tarakzai

Halimazai

Baizai

Khwaizai

Safi

Masawd

Gurbaz

Shinwari

Qandhari

Utman Khel

Lamar Utman
Khel

Ambar Utman
Khel

Orakzai Agency

Ismailzai

Rabia Khel

A' Khel

Isa Khel

Daulatzai

Tarakzai

Halimazai

Baizai

Khwaizai

Orakzai

Lashkarzai

Aburahim Khel

Mir Kalam Khel

Abu Khel

Sepoya

Muhammad Khel

Bar Muhammad
Khel

Abdul Aziz

Mam Khel

Sipha

Mishti Halimazai

Mamazai

Hassanzai

Darwi Khel

Haider Khel

Shaikhan

Bazid Khel

Umarzai

Samozai

Mulla Khel

Kutab Khel

Char Khel

Biland Khel

Piran

Palat

Adizai

Lodian

Masti Khel

Kurram Agency

Turi	Kharoti	Ghilzai	Parcham Kani
Sargalla	Kharoti	Ahmedzai	Buda Khel
Chardas	Maulana Kharoti	Tota Khel	KhaniKhel Khwajak Haji Khel

Gaudary	Wazir Alisiaani	Zazi	Bangash
Bilyamin	Gidar Khel	Ismaeelzai	Hasham Khel Hassanzai
Khoidad Khel	Sanni Khel	Alisiani	Ali Khel Yusuf Khel
Masood	Dretalli		Mat Khel Jalamzai
			Baian Khel Kharlachi
			Matkhan Khel Mandozai
			Afzal Khel Stor Kor
			Baqar Khel
Zardan	Mangal		Jankhan Khel Luqman Khel
Safar Khel	Miral Khel		Khan Khel
Motha	Khajuri		Hassan Khel Urmar
Darvi Khel	Zab		Multan Khel
Dari Khel	Marghai		Bar Qawmi
	Kamal Khel		Kamangar

South Waziristan

Dottani	Ghilzai	Wazir
		Ahmedzai
Labezai	Suleman Khel	Kalu Khel
Hassanzai	Sultan Khel	Spirkai
	Hassan Khan Khel	Nasridin
	Daro	

Mehsud

Ibrahim Khel	Shabi Khel	Shaman Khel	Bahlozai
Ibrahim Khel	Shabi Khel	Shaman Khel	Aimal Khel
Maikdinai	Astonai	Khalli Khel	Nano Khel
Palli Khel	Bromal	Char Khel	Shinqi
Giddi Khel	Sultanai	Gallishai	Mand Khel
	Patonai	Budinzai	
	Bibizai	Shahoor	

Khyber

Afridi

Kuki Khel	Aka Khel	Qambar Khel	Kamar Khel
Sikander Khel	Miri Khel	Sheikh Mal Khel	Pass Kamar Khel
Multan Khel	Sahib Jan	Wand Khel	Kuz Kamar Khel
Abdal Khel	Sher Gulla	Dreplari	

North Waziristan

Wazir Uthmanzai

Ibrahim Khel	Mohmit Khel	Wali Khel	Mallizad
Sargal	Bora Khel	Ah Kabul Khel	Ibrahim Khel
Madda Khel	Wuzi Khel	Jan Khel	Khadri
Manzar Khel		Baka Khel	Siman
Tori Khel la		Daur	Idak
Chardas		Tappizad	Mallakh
		Iddak Khel	Arghund
			Darpa Khel
			Masakhi
			So Khel
			Urmaz
			Hakim Khel
			Zerakai
			Mubarak Shahi

Zaka Khel	Kharoti	Sepah	Adam Khel
Nasrudin	Maulana	Landi Khel	Galai Khel
Budai	Kharoti	Urmuz Khel	Jawaki
Shanai		Babrki	Bazid Khel
			Hassan Khel
			Ashu Khel

Shinwari

Ali Sher Khel

Mullagori

Khoga Khel

Ahmed Khel

Sheikhmal
Khel

Ismail Khel

Mianj Chamki

Daulat Khel

Appendix XV: Text of the Durand Line Agreement *

Agreement between Amir Abdur Rahman Khan, G. C. S. I., and Sir Henry Mortimer Durand, K. C. I. E., C. S. I.

Whereas certain questions have arisen regarding the frontier of Afghanistan on the side of India, and whereas both His Highness the Amir and the Government of India are desirous of settling these questions by friendly understanding, and of fixing the limit of their respective spheres of influence, so that for the future there may be no difference of opinion on the subject between the allied Governments, it is hereby agreed as follows:

1. The eastern and southern frontier of his Highness's dominions, from Wakhan to the Persian border, shall follow the line shown in the map attached to this agreement.
2. The Government of India will at no time exercise interference in the territories lying beyond this line on the side of Afghanistan, and His Highness the Amir will at no time exercise interference in the territories lying beyond this line on the side of India.
3. The British Government thus agrees to His Highness the Amir retaining Asmar and the valley above it, as far as Chanak. His Highness agrees, on the other hand, that he will at no time exercise interference in Swat, Bajaur, or Chitral, including the Arnawai or Bashgal valley. The British Government also agrees to leave to His Highness the Birmal tract as shown in the detailed map already given to his Highness, who relinquishes his claim to the rest of the Waziri country and Dawar. His Highness also relinquishes his claim to Chageh.
4. The frontier line will hereafter be laid down in detail and demarcated, wherever this may be practicable and desirable, by joint British and Afghan commissioners, whose object will be to arrive by mutual understanding at a boundary which shall adhere with the greatest possible exactness to the line shown in the map attached to this agreement, having due regard to the existing local rights of villages adjoining the frontier.
5. With reference to the question of Chaman, the Amir withdraws his objection to the new British cantonment and concedes to the British Government the rights purchased by him in the Sirkai Tilerai water. At this part of the frontier the line will be drawn as follows:

From the crest of the Khwaja Amran range near the Psha Kotal, which remains in British territory, the line will run in such a direction as to leave Murgha Chaman and the Sharobo spring to Afghanistan, and to pass half-way between the New Chaman Fort and the Afghan outpost known locally as Lashkar Dand. The line will then pass half-way between the railway station and the hill known as the Mian Baldak, and, turning south-wards, will rejoin the Khwaja Amran range, leaving the Gwasha Post in British territory, and the road to Shorawak to the west and south of Gwasha in Afghanistan. The British Government will not exercise any interference within half a mile of the road.

6. The above articles of agreement are regarded by the Government of India and His Highness the Amir of Afghanistan as a full and satisfactory settlement of all the principal differences of opinion which have arisen between them in regard to the frontier; and both the Government of India and His Highness the Amir undertake that any differences of detail, such as those which will have to be considered hereafter by the officers appointed to demarcate the boundary line, shall be settled in a friendly spirit, so as to remove for the future as far as possible all causes of doubt and misunderstanding between the two Governments.

7. Being fully satisfied of His Highness's goodwill to the British Government, and wishing to see Afghanistan independent and strong, the Government of India will raise no objection to the purchase and import by His Highness of munitions of war, and they will themselves grant him some help in this respect. Further, in order to mark their sense of the friendly spirit in which His Highness the Amir has entered into these negotiations, the Government of India undertake to increase by the sum of six lakhs of rupees a year the subsidy of twelve lakhs now granted to His Highness.

H. M. Durand,
Amir Abdur Rahman Khan.

Kabul, November 12, 1893.

*Text of treaties is sourced from C.W. Aitchison's (1933) compilation of treaties relating the Frontier.

Appendix XVI: Agreement on Afghanistan's Northern Frontier

Agreement between Amir Abdur Rahman Khan, G. C. S. I., and Sir Henry Mortimer Durand, K. C. I. E., C. S. I., Establishing Afghanistan's Northern Frontier

Whereas the British Government has represented to His Highness the Amir that the Russian Government presses for the literal fulfilment of the Agreement of 1873 between Russia and England by which it was decided that the River Oxus should form the northern boundary of Afghanistan from Lake Victoria (Wood's Lake) or Sarikul on the east to the junction of the Kokcha with the Oxus, and whereas the British Government considers itself bound to abide by the terms of this Agreement, if the Russian Government equally abides by them, His Highness Amir Abdur Rahman Khan, G. C. S. I., Amir of Afghanistan and its dependencies, wishing to show his friendship to the British Government and his readiness to accept their advice in matters affecting his relations with Foreign Powers, hereby agrees that he will evacuate all the districts held by him to the north of this portion of the Oxus on the clear understanding that all the districts lying to the south of this portion of the Oxus, and not now in his possession, be handed over to him in exchange. And Sir Henry Mortimer Durand, K.C.I.E., C.S.I., Foreign Secretary to the Government of India, hereby declares on the part of the British Government that the transfer to His Highness the Amir of the said districts lying to the south of the Oxus is an essential part of this transaction, and undertakes that arrangements will be made with the Russian Government to carry out the transfer of the said lands to the north and south of the Oxus.

H. M. DURAND

AMIR ABDUR RAHMAN KHAN

Kabul, November 12, 1893

Appendix XVII: List of Governors of KP (Formerly NWFP)

Name of Governor	Entered Office	Left Office
Sir George Cunningham	15-Aug-47	09-Apr-48
Sir Ambrose Dundas	09-Apr-48	16-Jul-49
Sahibzada Mohammad Khurshid	16-Jul-49	14-Jan-50
Mohammad Ibrahim Khan Jhagra	14-Jan-50	21-Feb-50
Ismail Ibrahim Chundrigar	21-Feb-50	23-Nov-51
Khwaja Shahabuddin	24-Nov-51	17-Nov-54
Qurban Ali Shah	17-Nov-54	14-Oct-55
Lieutenant-General K.M. Azhar Khan	01-Jul-70	25-Dec-71
Hayat Sherpao	25-Dec-71	30-Apr-72
Arbab Sikandar Khan	30-Apr-72	15-Feb-73
Aslam Khattak	15-Feb-73	24-May-74
Major-General (retired) Syed Ghawas	24-May-74	01-Mar-76
Major-General (retired) Naseerullah Babar	01-Mar-76	06-Jul-77
Justice Abdul Hakeem Khan	06-Jul-77	17-Sep-78
Lieutenant-General Fazl-Haq, PA	11-Oct-78	12-Dec-85
Nawabzada Abdul Ghafoor Khan Hoti	30-Dec-85	13-Apr-86
Justice Syed Usman Ali Shah	13-Apr-86	27-Aug-86
Fida Mohammad Khan	27-Aug-86	16-Jun-88
Brigadier-General (retired) Amir Gulistan Janjua	16-Jun-88	19-Jul-93
Major-General (retired) Khurshid Ali Khan	19-Jul-93	05-Nov-96

Lieutenant-General (retired) Arif Bangash	11-Nov-96	17-Aug-99
Miangul Aurangzeb	17-Aug-99	21-Oct-99
Lieutenant-General (retired) Mohammad Shafiq	21-Oct-99	14-Aug-00
Lieutenant-General (retired) Iftikhar Hussain Shah	14-Aug-00	15-Mar-05
Commander (retired) Khalilur Rehman	15-Mar-05	23-May-06
Lieutenant-General (retired) Ali Jan Orakzai	23-May-06	07-Jan-08
Owais Ahmed Ghani	07-Jan-08	09-Feb-11
Syed Masood Kausar	10-Feb-11	<i>Incumbent</i>

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