



# MISGOVERNANCE-RADICALIZATION NEXUS IN PAKISTAN

## FINAL RESEARCH REPORT



**GOVERNANCE INSTITUTES NETWORK INTERNATIONAL**  
**ISLAMABAD**  
**September, 2015**

## ABOUT THE TEAM

### **Mr. Daniyal Aziz**

Advisor, Governance Institutes Network International (GINI) is the Former Federal Minister, Chairman, National Reconstruction Bureau (NRB) and Chairman of the Forum of Ministers of Social Development in Asia. He is currently member of the National Assembly of Pakistan representing NA 116 (Narowal II). Mr. Aziz is the Chairman of the Board of Directors of the Devolution Trust for Community Empowerment (DTCE) a nonprofit NGO that specializes in local empowerment. He is also the Advisor the Governance Institutes Network international (GINI) a think tank that specializes in governance research and public policy formulation. He has also been the first civil society member of the Senate of the National Defense University of Pakistan continuing for six years. He holds an MA in Development Economics (USA) and has been awarded Tamgha-e-Imtiaz (Civil) by Government of Pakistan for his services in designing and implementing the political and financial systems of Pakistan's new local governance framework.

### **Mr. Usama Bakhtiar Ahmad**

Chief Executive Officer, GINI. He holds over 9 years of experience conducting policy research, analysis, advocacy and evaluation for programs funded by UNDP, USIP, IDRC, UNOPS, USAID, DFID, SDC, and the Norwegian Embassy. He has worked for governance reforms at the international level throughout the Asia Pacific, and within Pakistan in support of devolution and development. His academic qualifications include a Master's degree in Public Policy and Management from Carnegie Mellon University, USA

### **Mr. Bilal Hassan Khan**

Statistical Expert, GINI.

### **Mr. Sabieh Haider**

Manager Research, Governance Institutes Network International ([sabiehbukhari@gmail.com](mailto:sabiehbukhari@gmail.com)). He has over 6 years of experience, supporting and conducting policy research and analysis in areas such as fiscal policy, education, healthcare, governance, democracy and decentralization. He holds a post graduate degree in Government and Public Policy.

### **Mr. Ikramullah**

Statistical Analyst, GINI. Mr. Ikramullah is a PhD research fellow at Pakistan Institute of Development Economics (PIDE), Pakistan. Prior to his PhD, Mr. Ikramullah served as Lecturer at various parts of KP, especially FR Bannu and Malakand, and has a vast experience of the local community. Moreover, he also has a number of research papers in internationally reputed journals, most of which sought to shed light on various consequences of militancy in KP.

### **Mr. Akbar Jan**

Statistical Analyst, GINI. Mr. Akbar Jan has done his M.Phil in Econometrics from Pakistan Institute of Development Economics and is currently teaching at various institutes in Rawalpindi/Islamabad, Pakistan.

### **Mr. Danyal Kamal**

Research Associate, GINI. He has over 3 years of experience conducting social, political, health and social media research. He has worked for the Institute for Public Policy and Survey Research and the College of Communication at Michigan State University.

### **Mr. Cyrus Kaikobad**

Research Associate, GINI.

### **Mr. Imran Asif**

Data Administrator, GINI

## ACKNOWLEDGMENTS

This study has been at the same time a great learning opportunity, an immense challenge and a memorable experience for the Research Team. We believe that it would not have been possible to complete this research with any degree of success, without the consistent support of a number of individuals and organizations.

We, the Research Team, would like to take this opportunity to first express our deepest gratitude to Dr. Barmak Pazhwak and Mr. Jeremy Moore for their patience, guidance and for continuing to believe in the Study throughout its duration. Our gratitude also goes, Mr. Rahimullah Yusuf Zai, Mr. Khalid Aziz there are not enough words to describe the impact you have made on this research with your wonderful ideas and inputs on radicalization and mis governance.

We are also grateful to the GINI team. This Study placed burdens on their time and energies which was additional to their mainstream responsibilities. We would like to especially thank Nasim Khan Raja, Sajjad ul Hassan, Akram Tabassam and others, for their moral, technical, and administrative support.

We are also indebted to Police, Judiciary, Revenue, Health, Education, WAPDA and Civil Works officials in FATA, KP and Malakand esp. Mr. Habibullah Khan (Additional Chief Secretary, FATA Secretariat), Mr. Daud Afridi (Project Director, FATA), for their cooperation and support extended to the research team during field visits and focus group discussion. We are also thankful to dissemination seminars.

Finally, very special thanks to our families for their unending patience and understanding during this time intensive engagement.

## **EXECUTIVE SUMMARY**

Pakistan is in the grip of a terrorist insurgency. Terrorist attacks are believed to originate from the Federally Administered Tribal Areas (FATA), Khyber Pakhtunkhwa (KP) province and the former Malakand Division (MD). It is widely theorized that mis-governance may create an enabling environment for radicalization and the growth of extremist behavior. However, empirical research on the link between misgovernance and radicalization is sparse, ambiguous, and methodologically unsound or focused on academic rather than policy considerations. The research project titled: ‘Misgovernance-Radicalization Nexus in Pakistan’ sought to explore the strength, nature and direction of any causal relationship between misgovernance and radicalization in FATA, Malakand Division and settled districts of KP, and to develop relevant policy recommendations.

For this purpose the Governance Institutes Network International (GINI) undertook a desk-study of relevant literature on the factors that cause or worsen radicalization at the international and national levels, as well as the historical evolution of the governance policies and institutions in place within the target areas since the pre-Independence era. GINI ascertained that existing research had posited multiple factors as possible explanatory factors for extremist behavior but consensus was not developed and results remained ambiguous. These factors included religiosity, political freedoms and democracy, role of a radicalizing individual/institution, misgovernance, income, land rights and ownership. GINI also found that the British governance policies in the target areas were predicated on geostrategic, national security, and economic concerns of the Empire. They included the drawing of arbitrary intra-national and international boundaries (between British India and Afghanistan) and using military force alternated with economic incentives to enforce these boundaries among native tribes. These priorities and their subordinate policies were inherited by the Pakistan government which remained fundamentally unchanged till the present time. Extremism is partially a negative reaction to these policies which define the system of governance in place in target areas.

GINI next carried out a multistage probability survey of FATA, KP and the Malakand Division. The sample size was 800 within KP, chosen through probability proportionate to the size, another 600 in Malakand division and approximately 600 in FATA. Within these regions, villages (in rural areas) and circle numbers (in urban areas) formed primary sampling units stratified by administrative units such as Districts, Tehsils and Urban/Rural locations. The data analysis is based on descriptive as well as inferential statistics. This study employed bivariate and multivariate regression analysis to explore the linkages among support for militancy and various independent variables identified in the Literature Review. Survey results were then presented to local service providers in the 3 regions through Focus Group Discussions with the police, prosecution, judiciary, land revenue administration, health, education, WAPDA and Civil Works officials at the district, deputy district and executive district levels. The FGDs allows GINI to identify the supply-side problems that weigh down service delivery performance, and evolve policy solutions to address them.

The Study recommends following area specific responsive policies which can constrict the growth of radicalization:

***Recommendations for FATA***

1. Structural amendments in the FCR 1901

The following must be prioritized:

- a. Regulating jirgas in protected and non-protected areas for greater enforcement of human rights safeguards, as well as support for poor and powerless elements to be able to invoke jirga without bearing the traditional ‘hospitality’ expenses.
  - b. Separation of judicial and executive authority. This would necessitate the establishment of independent courts along the lines of the mainstream judicial system prevailing across the country. It would similarly necessitate the extension of jurisdiction of superior courts to FATA.
  - c. Collective responsibility and punishment to be abolished outright.
2. Special constitutional status of FATA to be abolished. The FCR provides a skeletal legal cover for administrative machinery, with minimal substantive and procedure for justice provision. It cannot substitute for the Constitution, or the entire universe of substantive and procedural law, passed by federal and provincial governments, (not to mention case law) that ensure (at least in legal terms) the protection of life, property, dignity; freedom of expression, free and fair electoral process i.e. all the rights against which deprivation has been empirically linked to radicalization in this report.
3. The Action in Aid of Civil Power Regulation of 2011 should be repealed, for two reasons. First, it threatens fundamental rights thereby fueling support for militancy. Second, it rolls back the FCR reforms of 2011 which disappoints expectations and creates resentment.
4. Local bodies’ elections should be held in FATA.

***Recommendations for Malakand:***

1. Extend the Khyber-Pakhtunkhwa Local Government Act 2013 to PATAs and repeal the Nizam-e-Adl Regulation 2009.
2. Revise the special constitutional status of the PATAs. The Study recommends the legal and constitutional mainstreaming of the PATAs, as proposed for the FATAs, but for different reasons. This would provide the space required for political stakeholders to make laws and ensure their implementation, responsibilities against which they are perceived to be failing.

3. To improve the quality of education service delivery, the Study recommends:
  - a. Institutionalized pre-service and in-service teacher training programs with graduation from these programs linked to career advancement.
  - b. Improved performance-management mechanisms with financial (and other) rewards provided in exchange for objectively assessed target achievement.
  - c. Decentralization of personnel management authority from administrative tiers at the executive district, district, and deputy district levels to institutional levels i.e. head teachers and principals with direct supervisory roles over teaching staff.
4. While the foreign policy implications of ‘Anti-Westernism’ and responsive diplomatic actions by the federal government lie outside the purview of this report, the Study has focused on the most locally visible and tangible aspect of Western policies in Malakand i.e. international aid. Aid effectiveness needs to be enhanced and aid needs to be directed to those areas where governance failure is most likely causing radicalization i.e. justice sector.

***Recommendations for KP:***

1. Improved performance of anticorruption bodies. Rather than adding to the elaborate network of laws and institutions intended to detect, deter and penalize public sector corruption, the Study recommends improved performance of existing anticorruption institutions and better enforcement of relevant laws, including:
  - a. Legislative oversight bodies such as the Public Accounts Committees,
  - b. Executive oversight mechanisms such as the Chief Minister’s Inspection Team,
  - c. Independent bodies such as the newly legislated Accountability Commission in KP,
  - d. Audit bodies such as the KP Auditor General,
  - e. Internal regulatory mechanisms such as the Establishment and Administration Department (formerly S&GAD), among others.
  - f. Recently passed legislation including the Right to Information Act 2013 should also be prioritized powers for implementation and enforcement.
2. Revamping incentive structures across all departments. A structural measure for curbing corruption and improving performance, validated by local government officials in FGDs, was revisiting incentive structures within civil service systems to assess the reward and penalty mechanisms (including advancement, basic pay, allowances, increments, appointments, postings, transfers) and linking them to objectively measured performance across the different hierarchies and inter-departmental linkages.

3. Given the obvious politico-religious sensitivities surrounding the issue of Imams, no structural reforms can be feasibly proposed in the current implementation environment. However, the government may consider extending the duration and scope of measures that are routinely put in place to control hate-crime and protect inter-faith harmony by local district governments.
4. The following measures can be taken to reduce the transaction costs associated with land acquisition and enhance property rights:
  - a. Computerization of land records is already ongoing in KP. It must be ensured that input data is accurate and developed databases are freely accessible to ensure transparency, otherwise the information asymmetry that establishes the monopoly of the revenue officials would prevail
  - b. Cadastral surveys need to be undertaken to update land records in many areas.
  - c. Improve legal literacy regarding property rights, especially inheritance rights for women
5. To improve police performance and integrity, the Study proposes the following measures:
  - a. Strengthen the Criminal Justice Coordination Committee to plug coordination gaps in the criminal justice value chain i.e. police, prosecution, judiciary, prisons, and probation and parole authorities.
  - b. Activate and strengthen the Citizen Police Liaison Committees and the District Police Safety and Police Complaints Commissions, as contemplated in the Police Order 2002/04 which facilitate citizen oversight of police function, allow citizen participation in public safety roles, and provide alternative grievance redress against violation of rights, for instance the non-registration and non-investigation of crimes
  - c. Infrastructure refurbishment for upgrading facilities such as transport, weapons, forensic laboratories, police stations and outposts, etc. to improve both ‘watch-and-ward’ as well as investigation capacity.
  - d. E-governance reforms to reduce the discretion of the police station staff i.e. the SHO and *Muharrar* in FIR registration through automated entry of complainants who then must be served before they leave the station.
  - e. Improvement in police compensation levels, especially at the lower ranks
  - f. Increase in sanctioned strength, particularly for Investigating Officers
  - g. Rationalization of duty hours with regular holidays.

## Table of Contents

<b>MISGOVERNANCE-RADICALIZATION NEXUS IN PAKISTAN</b> .....	1
ABOUT THE TEAM.....	2
ACKNOWLEDGMENTS .....	3
EXECUTIVE SUMMARY .....	4
<b>CHAPTER – I</b> .....	10
INTRODUCTION .....	10
1.1 Background: .....	10
1.2 Goals and Objectives.....	12
1.3 Research Hypothesis and Questions: .....	12
1.4 Analytical Framework and Significance of the Study .....	13
<b>CHAPTER – II</b> .....	14
LITERATURE REVIEW .....	14
2.1 Radicalization.....	14
2.2 Religiosity .....	15
2.3 Political Freedom and Democracy .....	17
2.4 Insurgency and Counterinsurgency.....	18
2.5 Education and Social Demographics.....	19
2.6 Role of the Radicalizer.....	19
2.7 Misgovernance .....	20
2.8 Income.....	21
2.9 FATAs and PATAs: Historical Evolution of Governance Policies and Institutions.....	23
2.10 Origins of Militancy in the Malakand Division .....	37
2.11 Land Rights and Conflict: The Case of Swat.....	40
METHODOLOGY .....	44
3.1 Survey Research:.....	44
3.2 Arriving at the Best Model.....	45
<b>CHAPTER – IV</b> .....	47
KEY RESULTS AND FINDINGS OF INFERENTIAL STATISTICS .....	47
4. Introduction to the Model .....	47
4.1 List of Variables Under Consideration.....	47
4.2 Regression Diagnostics .....	55
4.3 Model(s) Specification .....	55



4.4	Key Results and Discussion .....	59
4.4.1	Role of the Radicalizer .....	62
4.4.2	Basic Human Rights .....	63
4.4.3	System of Governance .....	64
4.4.4	Education and Literacy .....	64
4.4.5	Service Delivery .....	65
4.4.6	Income .....	67
4.4.7	Traditions .....	68
<b>CHAPTER – V .....</b>		<b>69</b>
<b>KEY RESULTS AND FINDINGS OF FGDs .....</b>		<b>69</b>
5.1	FGD Narrative – Peshawar .....	69
5.2	FGD Narrative – Malakand .....	74
5.3	FGD Narrative – Federally Administered Tribal Areas .....	82
<b>CHAPTER – VI .....</b>		<b>91</b>
<b>CONCLUSIONS .....</b>		<b>91</b>
Introduction .....		91
6.1	FATA Conclusions .....	<b>Error! Bookmark not defined.</b>
6.2	Malakand Division Conclusions .....	98
6.3	Khyber Pakhtunkhwa Settled Districts Conclusions .....	113
<b>CHAPTER – VII .....</b>		<b>122</b>
<b>RECOMMENDATIONS .....</b>		<b>122</b>
7.1	FATA Recommendations .....	122
7.2	Malakand Recommendations .....	131
7.3	KP Settled Districts Recommendations .....	138
<b>REFERENCES .....</b>		<b>144</b>

### INTRODUCTION

#### 1.1 Background:

Pakistan is facing an unprecedented level of terrorist violence. In 2008, a total of 2,148 terrorist, insurgent and sectarian attacks were reported across Pakistan, killing 2,267 people and injuring 4,558. The highest number were reported from NWFP (1,009), followed by Baluchistan (682) and the Tribal Areas (385).<sup>1</sup> Terrorist violence claimed 10,123 lives last year with 23,608 dying over the past 6 years, 7,325 of them civilians. The annual fatalities have been rising exponentially, from 189 in 2003.<sup>2</sup> The armed offensive by the military in South Waziristan hopes to dismantle the stronghold of the Tehrik-e-Taliban Pakistan (TTP), an umbrella group representing various tribal loyalties throughout the Federally Administered Tribal Areas (FATA) along the Afghan border, with ties to foreign groups. Conflict in this region has already cost over \$2 billion and displaced nearly 1/3<sup>rd</sup> of FATA's 3.5 million strong population.<sup>3</sup> The backlash to this operation culminated in an attack on Army headquarters in Rawalpindi, and numerous suicide attacks on civilian targets, most recently a massive blast in Peshawar which claimed over a hundred lives.<sup>4</sup> Experts believe at least some of these attacks may originate from KP (Khyber-Pakhtunkhwa), FATA, and the former Malakand Division which serves as centers of support for terrorist elements.

It is widely theorized that misgovernance creates an enabling environment for radicalization and the growth of extremist behavior. Governance assistance has been prioritized in the US led Global War on Terror, for which Pakistan serves as a front-line ally. President George Bush blamed poverty, lack of education, hopelessness and failed governments for creating conditions that could be exploited by terrorists.<sup>5</sup> Similarly, then-UK Prime Minister Blair argued that “poverty and instability leads to weak states, which can become havens for terrorists”.<sup>6</sup> President Obama's top counter-terrorism advisor John Brennan called attention to the “broader political, economic, and social conditions in which extremists thrive” to address “upstream factors that fuel extremism”, including basic needs and legitimate grievances of ordinary people for prosperity, education, dignity and worth, and

---

#### Notes

<sup>1</sup> Pakistan Security Report, 2008, Pak Institute for Peace Studies

<sup>2</sup> South Asia Terrorism Portal.

<sup>3</sup> “Cost of Conflict in FATA”, Planning and Development Department, FATA Secretariat, Government of Pakistan, April 2009

<sup>4</sup> Pakistan's Government, Not Military, Must Fight Taliban, Shuja Nawaz, 20<sup>th</sup> October, 2009

<sup>5</sup> Remarks at the U.N. Financing for Development Conference in Monterey, Mexico, 22 March 2002.

<sup>6</sup> Quoted on the Millennium Project Website.

security.<sup>7</sup> This argumentation is mirrored in policy discourse in Pakistan. At a recent seminar on terrorism, Pakistani politicians, religious leaders, and senior military and intelligence officials agreed that poverty, illiteracy, social and economic injustices were the root causes of terrorism.<sup>8</sup> Pakistan's Foreign Minister remarked at the recent Conference on Interaction and Confidence Building Measures in Asia, that economic deprivation, political injustice, and denial of fundamental rights created conditions that were exploited by terrorists to radicalize youth.<sup>9</sup> Analysts have blamed the inadequate government response to natural disasters, including the October 5<sup>th</sup> earthquake as well as the ongoing nationwide floods, for allowing extremist organizations to step into the vacuum and enhance support and goodwill among local populations.<sup>10</sup> Think-tanks have urged the government of Pakistan to launch governance interventions for socio-economic development, cultural development, education reform, legal and judicial reform, and political integration to counter terrorism.<sup>11</sup> The Shaheed Bhutto foundation, an independent think-tank, conducted consultative workshops attended by hundreds of FATA representatives as part of their 'Mainstreaming FATA' project. Participants included tribal leaders, parliamentarians, lawyers, academics, youth, journalists, intellectuals, political party leaders, and current and former military and civil officials. They cited various aspects of misgovernance as driving conflict and unrest in the region. These included poor service delivery (particularly health and education), lack of investment in infrastructure and industry, corruption, lack of democratic representation, unresponsive judicial system, and poor law and order situation.<sup>12</sup>

However, these policy assumptions appear divorced from empirical research at the international and national levels. At the international level, empirical support for links between misgovernance and radicalization is ambiguous. On the one hand studies find that terrorist activity is increased by economic underdevelopment, economic under-performance, political repression, weak governmental capacity, regime instability, and inadequate social welfare policies. On the other hand, researchers find that such factors of misgovernance are not significant determinants of terrorism and radicalization. At the national level, academic research is mostly limited to newspaper articles and opinion pieces. Academic research that does exist tends to lack methodological rigor and/or policy relevance.

The misgovernance-radicalization nexus in Pakistan remains largely unexplored. This is despite the growing recognition among analysts and practitioners that the connection between misgovernance and radicalization exists and is detrimental to the objectives of both governance and counter-terrorism efforts. This is also despite the fact that both misgovernance and radicalization have assumed crisis proportions in Pakistan, representing

---

<sup>7</sup> The Washington Independent, 8/6/09

<sup>8</sup> The Nation, 25<sup>th</sup> September, 2010

<sup>9</sup> Daily Times, 9<sup>th</sup> June, 2010

<sup>10</sup> Huma Yusuf, Dawn, 1<sup>st</sup> August, 2010

<sup>11</sup> International Crisis Group, Pak Institute for Peace Studies, Center for Strategic and International Studies, Center for Research and Security Studies, etc.

<sup>12</sup> Summary Report, Mainstreaming FATA, Shaheed Bhutto Foundation, 2009

grave threats to the security, stability, and development of the country. A review of existing literature reveals key knowledge gaps that must be filled to inform policy discourse and improve knowledge among policymakers for resolving conflict, building peace, and promoting post-conflict stability and development.

## 1.2 Goals and Objectives

Explore the relationship between misgovernance and radicalization to identify factors that cause, or create an enabling environment for, the growth of radicalization and extremist behavior in FATA, Khyber-Pakhtunkhwa and the Malakand Division
Clearly articulate and share citizen grievances with local service providers, to identify supply-side failures that cause misgovernance, and evolve specific policy recommendations
Empirically test hypotheses received from international research or public discourse on the relationship between misgovernance and radicalization in Pakistan
Share research findings with the target audience including the government, international donors, civil society, academia, and media.

## 1.3 Research Hypothesis and Questions:

**Research Hypothesis:** Factors of misgovernance either cause or create an enabling environment for radicalization and the growth of extremist behavior. These factors involve the inadequate delivery of public goods and services to local citizens, in areas of public safety and law enforcement, dispensation of justice, land management, revenue administration, and social services such as health and education, among others. Targeted policy interventions can successfully address these misgovernance factors, thereby constricting the growth of radicalization and extremist behavior.

### **Research Questions:**

1. Is there a relationship between misgovernance and radicalization? If so, what is the direction, strength, and linearity of causality?
2. Which misgovernance factors are most significant for pushing citizens toward radicalization and further into extremist behavior?
3. What are the mediating or intervening variables that condition the inclination or support for terrorism, for instance, tribal/family affiliations? What are the individual and composite effects of these variables in creating an enabling environment for radicalization and extremism? What are the reasons for differences (if any) in results for different regions or respondent profiles?

4. What are the policy interventions necessary to address these misgovernance factors, through improvements in the financial, administrative and performance management aspects of local governance, so that the growth of radicalization can be stemmed or reversed?

## **1.4 Analytical Framework and Significance of the Study**

The purpose is to determine as accurately as possible, whether exposure to state or institutional failure (possibly manifesting as corruption) leads to militancy or support for militancy, and to what extent. We explore the impact of poor service delivery (citizens' perceptions of police, judiciary, land administration, education department, revenue, and other state institutions) governance mismanagement and inefficiency on inclination or support for terrorism. The above hypotheses are refined and various indicators developed to construct support for the terrorism and militancy dimension. Once data has been captured and processed, it was analyzed using support for the militancy dimension (created through various indicators loaded together through factor analysis) as the dependent variable and various other variables like indicators of corruption, service delivery, socio-political efficacy etc. as independent variables and control variables using multiple regression as an analytical tool. The results were then shared with local service providers to gain insights into the supply-side dynamics of misgovernance, evolve policy recommendations and identify areas for further research.

As borne out by the literature review, this framework differs from previous research in focus and methodology. While previous research has focused on the link between socio-economic anomalies (such as poverty and unemployment) and terrorism, this project focuses on essentially a sub-set of state-citizen relations, by exploring the relationship between inadequate service delivery and the inclination or support for militancy. Also, the research is solution-oriented, probing the causal factors behind misgovernance in its supply-side dynamics. This means that research carries far greater policy relevance by framing analysis in the policy and institutional context with clearly defined policy dimensions. Methodologically, this research project is far more sophisticated as it covers a much larger sample size, a randomized sample design, and inferential statistics for analysis (rather than simple descriptive statistics) to establish causal relationships. Also, Focus Group Discussions with local service providers allow findings to be triangulated, the conclusions thus drawn to be far more robust, and the recommendations to be more grounded, specific, and actionable.

# LITERATURE REVIEW

## 2.1 Radicalization

Radicalization is a phenomenon that has been subject to an increasing number of scientific studies. Current research has not agreed upon a universal definition of radicalization as different models and concepts continue to be theorized and explored. However, there is general consensus that radicalization affects the fringe elements and statistical outliers of a particular population and can manifest itself in both violent and non-violent forms. The trend toward radicalization has been explained in terms of increasing extremity of beliefs, feelings, and behaviors. *“Of all those who take the first radical action—joining an illegal rally or march or sit-in—most are likely to respond to repression by giving up action. They see the costs as too high to continue. Others will not be deterred and will increase their commitment and escalate their action against the state... the result of the interaction between state and non-state group is often a mutual escalation of violence between a group and police, with further peeling off of individuals whose radicalization is not sufficient to face increasing state pressure. The conclusion of this cycle of escalation and self-selection is likely to be that a tiny fraction of the original protest group has condensed into a highly radicalized group that goes underground as a terrorist cell.”*<sup>13</sup> For the purposes of this research, our study focuses on the dimension of radicalization which culminates with violent extremist ideology, intentions and possible support for such acts.

Research studies over the past decade have attempted to define the phases in the process of radicalization. Various models were established<sup>14</sup>, of which the Danish Security and Intelligence Services<sup>15</sup> and the NYPD Phase model<sup>16</sup> are the most widely used. *“The PET phase model distinguishes different degrees or stages of the radicalization process, where the person becomes more and more radicalized the more phases he or she goes through. The process starts by being ‘susceptible’ to radical ideas and meeting a ‘radicalizer’, and advances on to new religious practices and changed behavior. Subsequently, the process involves a narrowing of the person’s circle of friends and family and results in the so-called ‘hardening phase’, which includes ‘reviewing of an interest in very violent videos’ displaying terrorists in battle and the killing of hostages.”*<sup>17</sup>

The four stages of the NYPD model are defined as Pre-Radicalization, Self-Identification, Indoctrination, and Jihadization. Based on their analysis of existing models and case studies

---

<sup>13</sup>McCauley & Moskalenko 2008

<sup>14</sup>Borum 2004, Inaba 2004, Sageman 2004, Taarnby 2005

<sup>15</sup>PET 2009

<sup>16</sup>Silber & Bhatt 2007

<sup>17</sup>Veldhuis & Staun 2009

of “home grown” terrorists they concluded that the pre-radicalization phase consisted of individuals who seemed to lead “unremarkable” lives, i.e., having regular jobs, “ordinary lives” and no criminal history. The self-identification phase occurs where individuals are influenced by internal and external factors such as losing a job, perceived or real discrimination, or personal dilemmas, and begin to explore Salafi Islam. This sometimes leads to indoctrination, where an individual fully accepts the Salafi ideology, and typically has the support of a “spiritual sanctioner”, eventually leading to the final operational phase, Jihadization. It was hypothesized by Silber and Bhatt of the New York Police Department that “Group think” is one of the most powerful driving forces towards committing a terrorist act. “It acts as a force-multiplier for radical thought while creating a competitive environment amongst the group members for being the most radical.”<sup>18</sup>

Given the fact that there is limited scientific knowledge about the causes of Radicalization, these models cannot be regarded as flawless. However, they do provide key insights into the process of radicalization. One important criticism of the phase models<sup>19</sup> is that the research selected observations of successful radicalization and reasoned backwards. This methodological error, “selection on the dependent variable”, “leads the researcher to select cases with a particular value on the dependent variable to find patterns that result in the same outcome.”<sup>20</sup>

## 2.2 Religiosity

It is an enduring assertion that religiosity is directly linked to increased radicalization and support for terrorism. In the dataset on terrorism available from the Memorial Institute for the Prevention of Terrorism (MIPT), of the 68 terrorist organizations that killed more than 10 people from 1995-2005, 34 organizations espouse elements of Islamic ideology. Out of the 28 organizations who killed more than 100 people during the same period, 18 follow ideologies based in Islam. There is therefore, a prima facie case for linking religion to the lethality of terrorist organizations.<sup>21</sup> Hoffman, 2006 explains this added intensity of violence motivated by religion in the “radically different value systems, mechanisms of legitimation and justification, concepts of morality, and worldviews, embraced by the religious terrorist and his secular counterpart.” Scott Attran<sup>22</sup> argues that terrorists are both morally and religiously driven.

In the case of Islamic militancy, recent studies into the matter have established no correlation between religiosity and radicalization. In one of the few studies of its kind, using a nationally representative sample of 6000 Pakistanis in 2010, it was found that “intensity of Dars (Quranic recitations) attendance as a measure of religious intensity does not appear to

---

<sup>18</sup> Silber & Bhatt 2007

<sup>19</sup>Noted by Veldhuis & Staun 2009

<sup>20</sup> Veldhuis & Staun 2009

<sup>21</sup> Aneela Salman, 2010

<sup>22</sup> Attran 2003, Attran 2010

explain sectarian bigotry nor does the self-identification as ‘Ahl-e-Sunnat’ versus more sectarian religious identities.”<sup>23</sup> The study also explored the Pakistani understanding of the term “Jihad”, which is often used in international media to describe acts of violence committed by Islamic militants. The 2010 study by Fair, Malhotra and Shapiro also found that the “plurality” (44.6 percent) indicated that they believed that “Jihad is both a personal struggle for righteousness and protecting the Muslim Ummah through war.” Nearly equal numbers of respondents (one in four) indicated that “Jihad is solely a personal struggle for righteousness” or that “Jihad is solely protecting the Muslim Ummah through war”. Based on this evidence the authors conclude that “a large majority of Pakistanis embrace militant dimensions of jihad in principle.”<sup>24</sup> The indicator of religious intensity, Dars-e-Quran, predicted no variation in support of militarized Jihad. Furthermore, in the sample of respondents who had a militant notion of Jihad “The plurality (43 percent) believed that this is a prerogative of the state. The next largest group (35 percent) thought that both government and non-government actors can do so. Seven percent believed that only non-state actors could do so. This suggests that 42 percent believe that non-state actors can legitimately invoke jihad to protect Muslims”<sup>25</sup>.

However, Jihad is used as a blanket term encompassing true Islamic ideals as well as deviant acts of terror and violence. Singh<sup>26</sup> makes a clear distinction between Jihad as understood in the religious context of piety, struggle and protecting the Muslim Ummah, and “Jihadism”, “a disruptive system framed in a particular religious context. It represents an alternate model of society which is supported by a large constituency of those who cannot hope nor desire to make any headway in the established, westernized model of society.”<sup>27</sup> He concludes that the distinction between “Jihadism” and the Muslim ideal of Jihad is critical in understanding the militant mindset.

Juergensmeyer<sup>28</sup> studied the “culture of violence” supported by religious doctrine, particularly focusing on the theological justifications for violence among movements motivated by Islam, Christianity, Judaism, Buddhism, and Sikhism. He finds that symbolism and ritual are prioritized over strategic considerations when deciding on targets and dates for violent acts. These acts are subsumed in a context of “cosmic” conflict with absolutist “us versus them” underpinnings. He notes that: “[Religious violence] has much to do with the nature of the religious imagination, which has always had the propensity to absolutize and to project images of cosmic war. It also has much to do with the social tensions of this moment of history that cry out for absolute solutions, and the sense of personal humiliation experienced by men who long to restore an integrity that they perceive as lost in the wake of virtually global social and political shifts.”

---

<sup>23</sup>Fair, Malhotra & Shapiro 2010

<sup>24</sup>Ibid

<sup>25</sup>Ibid

<sup>26</sup>Singh 2010

<sup>27</sup>Ibid

<sup>28</sup>Juergensmeyer 2000



Research on the psychology of individual religious “*fundamentalists*” was mainly focused on Protestant Christian fundamentalists in the US in the late 1990s<sup>29</sup> exploring variables such as lower levels of moral reasoning, greater punitiveness, prejudice, authoritarianism, dogmatism, even mental health. However, when later research controlled for extraneous factors such as social class, these correlations fell apart.<sup>30</sup> Critics also pointed out the importance of distinguishing intrinsic from the extrinsic dimension of religiosity. The former is an end in itself, helping an individual give meaning to his/her life. The latter is driven by social acceptance, prestige and worldly benefit that religion can provide.<sup>31</sup>

More recently, the individualist approach was applied to the development of terrorist profiles post-9/11. However, the key common finding amongst these studies is that a traditional religious background does not predict extremist behavior among individuals. In fact, the converse holds true in most cases.<sup>32</sup> This finding is echoed by a recent empirical study on the impact of Hajj (pilgrimage) which finds that: “*Hajj increases observance of orthodox Islamic practices, it also increases the desire for peace and tolerance towards others, both Muslims and non-Muslims*”. More specifically, while pilgrims are more likely to pray regularly at mosques and observe non-obligatory fasting, they are also more likely to support inter-faith equality and harmony, girl’s education and women employment. They are also more likely to condemn Osama Bin Laden, “*honor*” violence, dispensation of justice by religious leaders, and the enforcement of religious injunctions by the state.<sup>33</sup>

The role of religion in driving radicalization culminating in terrorist violence is ambiguous, complex, and as yet poorly understood. However, arguments positing religion as the sole or central cause of radicalization find no support in sound empirical evidence.

## 2.3 Political Freedom and Democracy

Regarding the establishment of democracy recent research has found that support of democratic values of freedom, human rights and liberty corresponds to an increase in support for militancy. This means that people who support democratic ideology are more likely to support Islamic militancy provided they believe that Muslims are being denied their rights. These conclusions were reached by means of a national survey comprising 6000 respondents from the four provinces of Pakistan, sampling both rural and urban respondents. “*This finding contradicts the conventional wisdom which underlies recent U.S. policy approaches to Pakistan and the Muslim World. We measure support for democratic values using an index that aggregates support for six key values: property rights, free speech, independent courts, being ruled by elected representatives, civilian control of the military, and freedom of assembly. Moving from the lowest value on this index to the top is associated*

---

<sup>29</sup>Wulff 1997

<sup>30</sup>Savage 2011

<sup>31</sup>Allport & Ross 1989

<sup>32</sup>Horgan 2007

<sup>33</sup>Clingingsmith, Khwaja, & Kremer 2008

with a 4-5 percentage point increase in support for militant groups.”<sup>34</sup> However, most studies suggest a strong negative or positive interrelationship between democracy and terrorism (depending on how recently the transition was made)<sup>35</sup>. A study by Drakos and Gofas<sup>36</sup> found no significant link between the two. Higher degrees of political freedom and protection of civil liberties are found to dampen terrorist activity, while state repression is found to encourage terrorism and radicalization.<sup>37</sup> In contrast, a few studies find only weak associations between political freedoms and radicalization<sup>38</sup>, while others characterize this relationship as non-linear.<sup>39</sup>

## 2.4 Insurgency and Counterinsurgency

Various militant groups exist in Pakistan such as Al-Qaida, the Pakistani Taliban, the Kashmiri group, the Afghan Taliban and other sectarian groups. Militant groups are varied in their origins, intent, mode of operation and so forth. *“The goals of the militants grouped by Pakistanis as the ‘Pakistan Taliban’ are focused on undermining the Pakistani state in select areas and establishing their own parallel governance structures organized around commanders’ particular understanding of shari’a.”*<sup>40</sup> Case studies of individual organizations, such as the Tehrik Taliban Swat, have found that originally socio-political aims give way to economic interests that guide organizational structure and the regulation of violence under a thin legitimizing veneer of Jihadist ideology. Geopolitics and wealth accumulation *“were and are the principal motivations behind the façade of ‘jihad’ by TTS”*.<sup>41</sup>

In his book, *Counterinsurgency Theory and Practice*, David Galula outlines the laws, principles and strategies involved with counterinsurgency warfare. Galula suggests eight tactical steps to rebuild a political machine from the population upwards. *“First, maneuver enough armed forces to destroy or expel the main body of armed insurgents. Second, mass static units where the population lives, to ensure local security. Third, establish contact with the people and control their movement to isolate them from the guerrillas. Fourth, destroy the local insurgent political organizations. Fifth, hold elections and establish provisional local authorities. Sixth, test these new authorities and organize self-defense units. Seventh, group and educate the leaders in a national political party. And finally, win over or suppress the last insurgent remnants.”*<sup>42</sup> It is important to note Galula’s recognition of politics and

---

<sup>34</sup> Fair, Malhotra & Shapiro 2011

<sup>35</sup> Li 2005, Burgoon 2006, and Krueger & Laitin 2007, suggest that transitions to democratic regimes increase terrorist activity while Eyerman 1998 and Weinberg & Eubank 1998 confirm that stable democracies are less prone to terrorist violence.

<sup>36</sup> Drakos & Gofas 2006

<sup>37</sup> Basuchoudhary & Shughart 2007, Krueger & Maleckova 2003, Krueger & Laitin 2007, Piazza 2006

<sup>38</sup> Tavares, 2004; Bravo & Dias, 2006; Wade & Reiter, 2007

<sup>39</sup> For instance Testas (2004) studies Muslim countries to conclude that repression initially reduces political violence, but high levels of repression attract violent behavior.

<sup>40</sup> Blair, Fair, Malhotra, Shapiro 2011

<sup>41</sup> Feyyaz 2011

<sup>42</sup> Galula 1964

people in the counter insurgency war. It is a political war waged in an unconventional way, where getting support of the population is vital to success in order to drive away militancy and seamlessly reintegrate the rift in society which it causes.<sup>43</sup>

*“Historical evidence suggests that the ability of insurgents to gain sanctuary in neighboring states and secure assistance from state and non-state actors significantly increases their success.”*<sup>44</sup> Research by the RAND Corporation, which examined 91 insurgencies since 1945, suggests that insurgencies that have gained and maintained state support have won more than half the time. Those with support from non-state actors and Diaspora groups (but not state support) won a third of the time, and those with no external support at all won only 17% of the time<sup>45</sup>

## 2.5 Education and Social Demographics

The link between education and terrorism is weak and ambiguous. While certain studies have uncovered at best a weak link<sup>46</sup>, others have linked higher illiteracy among males to higher terrorist incidence.<sup>47</sup> *“With almost two-thirds of the population (68.4 per cent) below the age of 30, Pakistan is going to experience a youth bulge in coming years, which is likely to change the age structure of labor force over the next couple of decades... More than one-third of youth live in urban areas and their share is expected to reach 50 per cent by 2030.”*<sup>48</sup> In a nation plagued with economic disparity, where religiously lead Madrassas fill in the gaps for a subpar public education system, the youth are left vulnerable to the vast terrorist infrastructure that exists here. *“Overwhelming majorities of radicalized youth are found to have a strong sense of being discriminated against and are alienated from the larger society. This in turn is believed to be a function of socio-economic deprivation. Poor education standards, lack of economic opportunities, and unequal access to avenues for social and economic mobilization are usually present in countries that undergo radicalization among the young. The problem is often accentuated in societies which exhibit cultural polarization.”*<sup>49</sup>

## 2.6 Role of the Radicalizer

Pakistani Madrassas have often been criticized for their role in the radicalization process. Some Madrassas have been alleged to have links to Al-Qaida, while some writers go as far as saying that Madrassas are entirely unconcerned with religious education and teach only violence.<sup>50</sup> But the role of the Madrassas as promoting radicalization maybe highly

---

<sup>43</sup> Vrooman 2005

<sup>44</sup> Jones 2007

<sup>45</sup> Jones 2007, Gordon 2006

<sup>46</sup> Krueger & Maleckova 2003, Drakos & Gofas, 2006, Kurrild-Klitgaard et al. 2006, Krueger & Laitin 2007

<sup>47</sup> Tavares 2004, Azam & Thelen 2008

<sup>48</sup> Pakistan: Framework for Economic growth 2011

<sup>49</sup> Yusuf 2008

<sup>50</sup> Armanios 2003

exaggerated, even though there is agreement that Madrassas do produce individuals that are more agreeable with the concept of Jihadism, as compared to their Urdu medium or private school peers. In a report on Madrassas and Militancy in Pakistan, Winthrop and Graff<sup>51</sup> notes, “... a recent study of militants involved in the Kashmir dispute suggests that few are recruited in Madrassa. Other Pakistan experts confirm this, suggesting, for instance, that Lashkare-e-Tayaba draws its recruits not from Madrassa but from universities, colleges and among unemployed youths. This finding is consistent with studies of terrorist recruits in other parts of the world, which, though suffering from methodological flaws, suggest that recruits are not generally less well educated or poorer than the average citizens in their country of origin. Research ... also shows that the recruits involved in five of the largest international terrorist attacks had no connections to Madrassa.”

Furthermore, in a list of Pakistan’s most wanted terrorists released by Dataflow Research Department<sup>52</sup>, it was found that “only 10% of the terrorists had some form of preliminary education from a Madrassa, none of them had attended tertiary level education in a Madrassa, the remaining 90% were graduates of secular education system of the country, or their qualification are not known but their pictures in the report hints toward their nonreligious background.”<sup>53</sup>

## 2.7 Misgovernance

It is widely theorized that misgovernance creates an enabling environment for radicalization and the growth of extremist behavior. However, these policy assumptions appear divorced from empirical research at the international and national levels where research on the link between misgovernance and radicalization yields ambiguous findings. While some researchers find that governmental capacity and strength, (operationalized through proxies such as military manpower and government size) correlates negatively with terrorist activity<sup>54</sup>, other studies contradict these findings.<sup>55</sup> Researchers who control for regime stability find that more stable regimes tend to experience less terrorist violence<sup>56</sup>, but not in the case of suicide terrorism.<sup>57</sup> Adequate social welfare policies are found to reduce both the generation and risk of exposure to terrorist attacks.<sup>58</sup> Sound performance against indicators of governance, especially “rule of law”, “bureaucratic quality” and “government corruption” are found to reduce ethnic tensions and discourage radicalization and extremism by reinforcing market principles, contract rights, and economic opportunity.<sup>59</sup> A review of existing literature has revealed an absence of research studies examining the link between government service delivery and radicalization. This important knowledge gap warrants

---

<sup>51</sup>Winthrop & Graff 2010

<sup>52</sup>Dataflow 2009

<sup>53</sup>Javaid 2012

<sup>54</sup>Eyerman 1998

<sup>55</sup>Kurrid-Klitgaard et al. 2006

<sup>56</sup>Li 2005

<sup>57</sup>Wade & Reiter 2007

<sup>58</sup>Burgoon 2006

<sup>59</sup>Mousseau, M., & Mousseau, D. 2005

further investigation for its potential to deepen our understanding of the various dimensions of the radicalization process.

## 2.8 Income

A common belief holds that terrorism is rooted in economic grievances<sup>60</sup>. In 2002, President Bush explained at a U.N. development conference, “*We fight poverty because hope is an answer to terror*”. President Obama stated that, “*Extremely poor societies [...] provide optimal breeding grounds for disease, terrorism and conflict.*”<sup>61</sup> In response to the suicide attack on Moscow airport on January 24, 2011, President Medvedev argued, “*We must do everything possible to influence [...] the socioeconomic roots of terrorism: poverty, unemployment, illiteracy, and orphan hood, and to ensure that global development becomes stable, secure and fair.*”<sup>62</sup>

While some studies reveal a terrorism-enhancing effect of economic underdevelopment<sup>63</sup>, others find that development and poverty do not constitute strong determinants of terrorism<sup>64</sup>. Some studies find income inequality to be significantly linked to terrorism<sup>65</sup>, others allude that inequality is may not be a factor<sup>66</sup>. Existing literature reveals many variations on the theme. Some studies suggest economic grievances due to changes in economic activity (GDP growth, contraction periods), unemployment rates or inflation may be important for terrorism,<sup>67</sup> while others have found no significant relationship between terrorism and economic performance in terms of growth, inflation or unemployment rates.<sup>68</sup> A study conducted at Pennsylvania State University suggests that although countries experiencing minority discrimination both social and economic are significantly more likely to experience terrorist attacks, the overall economic status has a far smaller effect on terrorism.<sup>69</sup>

Robert Kemp<sup>70</sup> attributes the rise of radicalism in Pakistan to the disintegration of state structures, which creates a vacuum filled by the growing influence of religious orthodoxy, compounded by poverty, unemployment and other factors. He does not, however, reveal the extent to which these factors enhanced the influence of orthodox “*foreign elements*”. Sohail

---

<sup>60</sup>Krueger & Maleckova 2003

<sup>61</sup>The Economist 2010

<sup>62</sup>Gassebner and Luechinger, 2011

<sup>63</sup>Blomberg and Hess 2005, Li and Schaub 2004

<sup>64</sup>Krueger & Maleckova 2003, Abadie 2004, Kurrild-Klitgaard et al. 2006, Piazza 2006, and Dreher & Gassebner 2008

<sup>65</sup>Enders and Hoover 2012, Li and Schaub 2004

<sup>66</sup>Abadie 2006, Piazza 2006

<sup>67</sup>Blomberg et al. 2004, Li 2005, Tavares 2004, Krueger and Laitin 2008, Feldman and Perälä 2004; Goldstein 2005

<sup>68</sup>Piazza 2006, Testas 2004, Drakos & Gofas 2006, Kurrild-Klitgaard et al. 2006, and Krueger & Laitin 2008

<sup>69</sup>Piazza 2011

<sup>70</sup>Kemp 2008

Abbas<sup>71</sup> surveyed prisoners held in Khyber Pakhtunkhwa who returned to Pakistan in 2001, having fought against US forces until the fall of the Taliban regime. The respondents were mostly employed, literate, and educated in public schools rather than madrassas. However, the small sample size (517 men), and the lack of evidence linking these men to terrorist acts in Afghanistan or Pakistan, undermines the validity and reliability of these findings. A sociological study by Shinwari<sup>72</sup> posits poverty and lack of opportunity as drivers of growing militancy in FATA. In a 2009 report published by the International Crisis Group, it was mentioned that “*The Taliban rank and file reportedly receive a monthly salary of rupees (Rs.) 15,000 (almost \$190), much more than many other occupations – including the tribal levies who earn a monthly salary of Rs. 3,500 (roughly \$43).*” However, as Safiya Aftab (2008) finds in her analysis of spatial distribution of poverty incidence across Pakistan, poverty levels are not nationally exceptional in FATA or Khyber-Pakhtunkhwa which are hotbeds of militant activity.

Enders and Hoover<sup>73</sup> suggests that the relationship between terrorism and poverty is nonlinear. Literature on the economics of crime strongly supports the notion that an individual’s economic circumstances have a nonlinear (or ambiguous) effect on participation in crime. Block and Heineke<sup>74</sup> show that an increase legal income will generally decrease an individual’s crime related activities, however, if the increase applies to all agents, the expected return to participation in crime increases so that income and criminal activities can move in the same direction. Undoubtedly, a number of terrorist groups in Pakistan have been known to finance some of their activities by robbery and/or by kidnapping high-income individuals. Muroi and Baumann<sup>75</sup> find that wealth has a positive effect on crime in low income countries but a negative effect on crime in wealthier counties. With respect to violence, the literature demonstrates that levels of political violence are found to increase following negative economic growth shocks<sup>76</sup>; dashed expectations for material gain<sup>77</sup>; and income inequality<sup>78</sup>.

There is a dearth of literature examining the situation in Pakistan. A recent study by Christine Fair, Blair, Malothra and Shapiro<sup>79</sup> found that “*the urban poor harbor much more negative views of militant groups than do the rural poor and the urban middle class. Taken together, these findings reflect the possibility that dislike of militant groups is driven largely by the extent to which individuals suffer the negative externalities, economic and otherwise, of militant attacks*”.<sup>80</sup> Another pioneering study by Fair, Malhotra and Shapiro<sup>81</sup> states that

---

<sup>71</sup>Abbas 2007

<sup>72</sup>Shinwari 2008

<sup>73</sup>Enders & Hoover 2012

<sup>74</sup>Block & Heineke 1975

<sup>75</sup>Muroi & Baumann 2009

<sup>76</sup>Miguel, Satyanth, & Serengeti 2004

<sup>77</sup>Gurr 1970

<sup>78</sup> Sigelman and Simpson 1977; Muller 1985

<sup>79</sup> Christine Fair, Blair, Malothra & Shapiro 2011

<sup>80</sup>Blair, Fair, Malhotra & Shapiro 2011

<sup>81</sup> Fair, Malhotra & Shapiro(2009)

the effect of income in Pakistan is highly contextual. The authors suggest that militant groups have been viewed by Pakistani political elites as useful tools for statecraft, stating that *‘Pakistan’s security elites and media have upheld the importance of the Taliban as a “stabilizing force” in Afghanistan who fought back the ruthless and corrupt warlords that ravaged the country in the wake of the Soviet withdrawal [...] As income correlates strongly with political status in Pakistan one might naturally expect those with higher incomes to view militant groups in a more positive light.’* Empirical data from this study demonstrated that low income respondents are no more supportive of any militant group than are middle income individuals; however, high income respondents are substantially more supportive of all militant groups (except for the agenda<sup>82</sup> of the sectarian tanzeem). These findings are consistent with the theory that Pakistani elites have viewed militant organizations as valuable tools for state policy.<sup>83</sup>

## 2.9 FATAs and PATAs: Historical Evolution of Governance Policies and Institutions

The Federally Administered Tribal Areas (FATAs) are located in northwestern Pakistan abutting the border with Afghanistan to the West and Khyber Pakhtunkhwa province to the East. Within this province, an area composed of seven districts is known as the Provincially Administered Tribal Areas (PATAs). The systems governing the enactment, enforcement and adjudication of laws within these Tribal Areas are nationally and globally unique today. This is all the more anomalous, given that together they account for over 7% of Pakistan’s area (roughly the size of West Virginia) and over 16% of its population (larger than Texas). Carving out such vast swathes of land and peoples for isolation from the governance mainstream is logically insupportable, even if the exact nature of governance distinctions between the two, is momentarily set aside. Therefore, before exploring ‘how’ these islands are governed differently from Pakistan, we must first understand the ‘why’. The answer lies in the historical evolution of governance policies and institutions, particularly during the British era. In the middle of the nineteenth century, the British faced multiple policy dilemmas in the Indian colony.

British expansion west and north of the Indus brought them as far north as Peshawar. They retained the border administered by the Sikhs who they had defeated in 1849. This extended as far as the foothills in Peshawar, Bannu and Derajat. Within this border the British created the ‘settled’ districts of Peshawar, Kohat, Bannu, Dera Ismail Khan and Dera Ghazi Khan, while beyond it lay “*ghairilaqa*” (non-administered territory). It should be noted here that ‘settled’ meant only that formal tax revenue surveys and land settlements had been completed by the British— it did not connote a difference in the degree or nature of civilization between the two regions.<sup>84</sup> This boundary was purely administrative though and

---

<sup>82</sup>Nasr 2000; Zaman 1988

<sup>83</sup>Jamal 2009; Swami 2008; Coll 2004

<sup>84</sup>

was never accepted (or understood) by the indigenous tribes who were bound by ethnic, lingual, social and economic ties on either side.

The cis-frontier region was a part of British Indian Punjab which was a non-regulation province. This meant that ordinary laws prevailing in Regulation Provinces (i.e. regulations and rules passed by the Company's Presidency Governments upto 1833 and subsequent legislation passed by the Government of India) had no jurisdiction in non-regulation provinces unless specifically extended by the Governor-General. Two divisions in Peshawar and Dejarat with 5 districts under them were governed under a Commissioner, and Deputy Commissioners, respectively. These offices carried all revenue, executive and judicial authority. This *Pax Britannica* also conferred the railway, telegraph and post offices on the new districts, along with the rest of Punjab. A Public Work Department was introduced in 1954 to build road networks and communication infrastructure. A system of canal and irrigation works was set up, and elementary and higher education institutes were erected. The trans-frontier region or *ghairilaqa* (as it was then termed), was not fortunate enough to share in this colonial development windfall.

This benevolence notwithstanding, British attempts to enforce the border between 'settled' districts and *ghairilaqa*, through its civil administration (Commissioners in Peshawar and Derajat and Deputy Commissioners at the district level) failed – as did the military option of the Border Police, later termed the Frontier Constabulary. Collective punishment for offending tribes included military action and economic penalties: *bandish* (barred entry from land or markets), *baramta* (seizure of persons and/or property). From 1857 to 1877, 11 military expeditions were launched by the British to punish border infractions. At the same time, numerous agreements signed with the tribes for various responsibilities (curbing cross-border raids, securing communications and patrolling borders) in exchange for allowances (*muwajib*) also failed. The problem evolved from one of national security to a law and order challenge. Fugitives fleeing capture and prosecution in British India sought refuge in *ghairilaqa*.<sup>85</sup>

Having exhausted both the conventional 'sticks' and 'carrots', the British turned to innovations in colonization being perfected by Robert G. Sandeman in Baluchistan, which he successfully piloted as Deputy Commissioner of Dera Ghazi Khan. The Sandeman system, as described by him, was predicated on a paradigm shift to "*deal with the hearts and minds of the people*" from the previous preoccupation with "*their fears*".<sup>86</sup> The system was based on four key tenets<sup>87</sup>:

1. Rule through local leaders – Co-opting natural leaders in each tribe by gaining their trust, and cementing their fealty with political and economic patronage, also known as the *Maliki* system.

---

<sup>85</sup>Olaf Caroe, Pathans,

<sup>86</sup> Sandeman's letter of 19 April 1891 in Thornton, Colonel Sir Robert Sandeman

<sup>87</sup>Tripodi, Edge of Empire, Chapter 2, 107.



2. Police through local forces – Cohorts of tribal levies<sup>88</sup> were raised from tribal recruits paid by the British to guard trade routes, protect mail deliveries, and escort British official tours. Various militia groups were raised, nineteen of which remain under the command of the Pakistan Frontier Corps today, headquartered in Peshawar's Bala Hissar fortress.<sup>89</sup>
3. Provide justice through traditional institutions – *Jirgas* or councils of tribal elders were handpicked by the British to hold tribal courts and governing assemblies at the local levels.

However, the success of the system lay in a third critical principle: “*Remain accessible to local populations*”. The demands placed on the British bureaucracy by the Sandeman system pulled the imperial state out of its fortifications and trappings of officialdom to the tribal doorstep. For instance, identifying tribal leaders required intelligence gathering and building confidence required increased contact with the indigenous tribes. As explained by one of Sandeman's contemporaries, he made himself: “*accessible to the tribesmen, going to their villages...and listening patiently to everything that they had to say on both sides and threshing the disputes out and then trying to settle with them...To be ‘accessible means a great deal.*” This was a complete reversal of erstwhile British policy where the ‘stick’ was deaf to local grievances. For instance, while frontier raiding was the most frequently punished offence, the British remained blind to the fact that it was the hill tribes’ reaction to being barred from agricultural lands in settled areas, by the arbitrary border.<sup>90</sup>

However, this innovation was about more than frontier governance. The British had masterminded a coup in Afghanistan, designed to place a friendly Shah Shujah on the throne in Kabul, backed by Sikh forces in an alliance brokered by the Company. This policy backfired when the British and Shah Shujah were expelled from Afghanistan in 1841, and the returning King Dost Muhammad did not look kindly on this conspiracy against him. An anti-British Afghanistan made the geopolitical threat of an expanding Russia far more serious. Sandeman's system centralized the importance of alliances with local leadership because of the: “*costly stakes we put upon them in the great game for empire we are now playing with Russia*”, as Lord Lytton, the Viceroy, explained in a letter to Sandeman.

The Sandeman experiment formed the kernel for the legislative reforms of 1872 when the British introduced the Frontier Crimes Regulation. It institutionalized the *Jirga* composed of appointees of the magistrate who would also refer cases to this body, which would be adjudicated sans procedural or substantive law prevailing in mainstream British India, “*in accordance with Pathan custom*”. But this machinery would activate only where disputes

---

<sup>88</sup> Fragments of the Afghan Frontier, Hopkins and Marsden, 2011

<sup>89</sup> The Savage Border, Jules Stewart, 2007

<sup>90</sup> While use of levies along the Frontier was not unprecedented, it became far more systematic and politically targeted under Sandeman's system. Ibid.

concerned the ‘settled’ side of the border. This instrument essentially allowed the British to abdicate all judicial responsibility in *ghairilaqa*, where justice was wholly privatized.<sup>91</sup>

This again did not solve the problem of rising crime on the Frontier. The annual murder rate increased from 27 in 1863 to 73 in 1884. In the decade of 1875-1884 there were 676 murders, 440 of which went unpunished by the state. The enactment of the Indian Penal Code and Code of Criminal Procedure in 1861 had failed to address the situation, as noted by WM Young, Secretary of Punjab to the Peshawar Commissioner. His solution contained in this same letter lays the foundation of the first amendment of the FCR in 1887<sup>92</sup>. Administrators were vested with a host of additional powers<sup>93</sup>:

1. The Deputy Commissioner could take cognizance of cases based on police reports or other information and forward them for decisions to the Council of Elders and even there he would have final say, which would carry the same legal weight as the sentence of a regular court;
2. The Deputy Commissioner could also decide whether to try a case in regular court or in a *jirga*;
3. Most importantly, the right to appeal these decisions was removed.

The FCR would apply to Peshawar, Kohat, and Hazara with local authorities empowered to decide on its implementation wholly or partially in other districts. In November, a Gazette Notification also clarified the ‘classes’ subject to the FCR, which included “*All Pathans, Baluchi’s and other persons not being European subjects*” in the settled districts or “*in foreign territory*” to the west, or in any part of Afghanistan or Baluchistan.<sup>94</sup>

Collective punishment had long been a favorite in the British Frontier governance tool-kit. Its scope was enlarged in the 1887 amendment to include blockades of tribes, debarment from entry into settled districts, detention of all tribe members, and fines applicable to entire villages. These punishments remained under the authority of the Deputy Commissioner. Basic freedoms were similarly curtailed – no new buildings would be erected without the Commissioner’s permission. Border villages could be removed, persons could be exiled from British territory, and persons could be arrested without a warrant and taken into police custody without the Magistrate’s orders.

Meanwhile, the Afghan war debacle of 1841 (dubbed Auckland’s folly)<sup>95</sup> had increased rather than dampened British paranoia regarding the Russian threat peaking with the Second Afghan War launched in 1878. By 1880, the dust settled on an alliance between the British and the new Emir in Afghanistan. Capitalizing on this alliance the British chalked out an agreement for an international boundary named after the Indian Foreign Secretary Sir

---

<sup>91</sup> Frontier of Faith: Islam, in the Indo-Afghan Borderland, Sana Haroon, 2007

<sup>92</sup> Official Letter Dated Lahore 15th February 1886

<sup>93</sup> Frontier Crimes Regulation 1887.

<sup>94</sup> The Frontier Crimes Regulation: A History in Documents, Edited by Robert Nichols, 2013

<sup>95</sup> After the Indian-Governor General who had given into anti-Russian hysteria to begin the First Anglo-Afghan War in 1839, which ended in British defeat and the death of over 17,000 British soldiers and camp followers.

Mortimer Durand. The British retained Dir, Swat, Peshawar and Chitral, while the Afghans secured Asman providing access to Nuristan and other eastern Afghanistan regions. At Durand's suggestion the Birmal tract of Waziristan was ceded to Afghanistan, even though it would mean the division of Waziristan and its native tribes. This Durand line ran through terrain formidable for an invader and brought mountain passes under British control.<sup>96</sup> The fact that it divided the native Pashtun tribes of the mountains into two countries was left by the wayside.

This lays bare the policy calculus of the Raj at the time:

1. Military interests of British India trumped the governance interests of the British North-West Frontier i.e. the decisive paradigm was the "*view from Delhi – and not from Peshawar or Rawalpindi*"<sup>97</sup>. In modern terms, national security as defined by the Center, was more important than peace and order in the periphery.
2. The cartographic project necessitated by national security was more important than the socioeconomic reality on the ground i.e. creative map making could (even should) divide a socially and economically indistinguishable people into two distinct nations where it made India secure. It was done twice, and both times it was the security of British India as a whole that tipped the scales.
3. Frontier governance was not only subservient to national security, but derived from it. 'Managing hearts and minds' was about minimizing fallout, controlling damage, and containing blowback.

Unsurprisingly, this calculus was not acceptable to natives of the Frontier. It appears that there was more to managing hearts and minds than co-opting leadership, creating administrative fiefdoms and drawing boundaries. In 1893 trouble erupted in Waziristan and Durand line survey parties faced resistance by local tribesmen. Attempts to replicate the Sandeman system among the Mehsuds in the area backfired. Despite an extensive military campaign the tribe could not be coerced into a conciliatory agreement. In 1895 fighting broke out in Chitral and following their victory the British created an Agency of Chitral, Dir and Malakand. In mid-1897 British positions in Chakdara and Malakand were attacked by 5000-8000 fighters. This was followed by offensives in Peshawar and Kohat by the Mohmands and Afridis. All British posts in the Khyber Pass were captured by the Afridis. Overall, from 1897-98 the British deployed 59,000 troops against 200,000 Pashtun militants. While post-hoc analyses produced an array of causes for this Pashtun revolt, historical scholarship has developed some degree of consensus around the view that it was a reaction to the Durand line, agreed only 4 years ago. This was seen as an encroachment on tribal land and a threat to the tribal way of life, making the recalcitrant Pashtuns honor-bound to rise up against it.<sup>98</sup>

---

<sup>96</sup>Bijan Omrani, "Durand Line," 185

<sup>97</sup> An Historical Analysis of the 'Incessant Disputes in the Tribal Areas' (of the North-West Frontier) against the British (and the British Indian Army) from 1893 to 1939, Colonel Graeme Sligo, Australian Army, October 2012

<sup>98</sup> Johnson, "The 1897 Revolt and Tirah Valley Operations from the Pashtun Perspective", (page displaying footnotes 12-15).

The human and financial cost of the victory against these Pashtuns was to precipitate yet another revisit of the British Frontier policy. This was championed by Viceroy Curzon who took office in January 1899, with Russian expansionism foremost in his mind, given his experience as a Conservative minister in the India Office and Foreign Office, of the British Parliament. The policy calculus now expanded to accommodate a quintessentially colonial concern i.e. money. Enforcing the intra-national and international borders between settled districts and *ghairilaka* and between *ghairilaka* and Afghanistan (respectively) had cost the British 4.5 million pounds in military expenditure from 1894-98. Also, garrisoned fortifications forward of the intra-national border strained the new alliance with the Emir in Afghanistan, which threatened the hard-fought precarious balance in Great Game dynamics.<sup>99</sup>

Following a year of research and consultations, Curzon enacted seminal reforms in the British Frontier policy. *First*, a new province, the North-West Frontier was carved out of Punjab in 1901, and placed under a Chief Commissioner who would report directly to the Foreign and Political Department, headed by the Viceroy himself. This province included settled districts of Peshawar, Kohat, Bannu, Dera Ismail Khan and Hazara, the princely states of Dir, Swat and Chitral, and 4 tribal agencies of Khyber, Khurram, North Waziristan and South Waziristan. This area covered modern-day KP, FATA and PATA. However, only 13000 miles<sup>2</sup> lying within the intra-national border, while the rest (almost 66%) belonged to *ghairilaka*.<sup>100</sup> Curzon's grand vision of a "*three-fold frontier*" that insulated British India from the Russian threat was complete: the 'settled districts' were the first buffer, the tribal belt to the west was the second, and a string of friendly states (including Afghanistan beyond the Durand-line) was the third.<sup>101</sup>

*Second*, he created an "*elite of political officers*" available to the Chief Commissioner to serve on the Frontier as Political Agents. The officers were drawn from universities, the Army and the civil services to "*train up a school of officers worthy of the most critical but splendid duty that is imposed upon any of the officers of the Queen's Government in India.*"<sup>102</sup> Their parent department was the Foreign and Political Department. These Agents administered reward and punishment mechanisms for tribes, enforced the security of both borders, and relayed relevant information to their superiors. Their job was essentially to: "*know everybody and everything, to be aware which way the cat was going to jump, before it left the ground, and to keep it from jumping on forbidden soil.*"<sup>103</sup> To perform this splendid duty they led a staff of junior political officers and an Armed Civil Force (militia). They

<sup>99</sup> An Historical Analysis of the 'Incessant Disputes in the Tribal Areas' (of the North-West Frontier) against the British (and the British Indian Army) from 1893 to 1939, Colonel Graeme Sligo, Australian Army, October 2012

<sup>100</sup> Ibid

<sup>101</sup> Tayyab "Colonial Cartography," 27

<sup>102</sup> Lord Curzon, circa January 1901, quoted in H. Cardwell Lipsett, Lord Curzon in India: 1898-1903 (London: R.A. Everett & Co., 1903), 51, [DigitalCommons@University of Nebraska – Lincoln] [digitalcommons.unl.edu/afghanenglish/260](http://digitalcommons.unl.edu/afghanenglish/260)

<sup>103</sup> Caroe, *The Pathans*, 470

could also impose martial law, handing over authority to the British Indian Army and becoming political advisers to see the conflict through. Entry requirements included exceptional language skills, as well as a host of capacities which would be described today as ‘soft skills’: leadership, diplomacy, objectivity and neutrality, as well as a “*deep interest in the people and tribes of their Agency*”.<sup>104</sup>

In effect, the Raj was looking for linguists and anthropologists who were excellent communicators with the force of personality to command respect, even awe among the tribesmen. In addition, these men must be willing to devote entire lifetimes to the Raj’s frontier project. Following induction, these officers underwent a 3-year probationary period for on-the-job training in NWFP. They were subsequently tested in written examinations for knowledge of history, foreign policy, geography, and law (especially land law and the FCR) as they applied to the Frontier.<sup>105</sup> The fact that the British were able to find, train and retain men able and willing to match these requirements is a feat in human resource management, if not a labor market miracle. However, men such as Harold Deane (1854-1908), George Roos-Keppel (1866-1921), Olaf Caroe (1892 - 1981) and George Cunningham (1888 -1963) were found to execute Curzon’s vision in the Frontier.

*Third*, Political Agents in *ghairilaga* and deputy commissioners in ‘settled districts’ were empowered with the broadest powers ever vested in a British colonial administration, under the FCR 1901. Since its amendment in 1887, the FCR had gained in popularity among local administrators, who were busy advocating an even stronger executive for tranquility on the Frontier. This is despite the fact that the record maintained by the British administrators themselves, shows no improved performance in law and order as indicated by crime incidence, or conviction rates following the Amendment in 1887 in the settled districts where the law was applicable.<sup>106</sup> Despite this, the Frontier Crimes Regulation Committee issued a report in 1899 which concurred with this erroneous assessment<sup>107</sup>, and rendered key changes to the law:

1. The Local Government would now hold the power to decide where the law would, whole or in part, be applied.
2. The Deputy Commissioner could delegate his powers down to the Additional District Magistrate level
3. The Deputy Commissioner could now discharge a person convicted by the Council of Elders, withdraw the referral of a case to the Council
4. While only British subjects were prohibited from interaction with blockaded tribes, this was now extended to all “*Asiatic aliens*”
5. Collective punishment was substantially redefined i.e. whereas entire tribes had to be implicated in border marauding, or other crimes for punishments to be applicable under

---

<sup>104</sup> An Historical Analysis of the ‘Incessant Disputes in the Tribal Areas’ (of the North-West Frontier) against the British (and the British Indian Army) from 1893 to 1939, Colonel Graeme Sligo, Australian Army, October 2012

<sup>105</sup> Tripodi, *Edge of Empire*,

<sup>106</sup> Foreign (Frontier) Department, July 1900, NOs. 195-246. Nichols, 2013.

<sup>107</sup> The Frontier Crimes Regulation: A History in Documents, Edited by Robert Nichols, 2013

the 1887 FCR, now if “*any section or members of any tribe*” or “*inhabitants of any village, or part of a village, or any of them*” committed or abetted a crime, helped offenders escape, or suppressed evidence, then the entire tribe and/or village would be punished.

6. *Hujras* or “*club-houses for young men of the village*” could only be built with the permission of the Deputy Commissioner
7. *Naubati Chaukidars* or watch-and-ward by designated watchmen was made mandatory, and villages were fined if the service was not provided

This law would apply to Peshawar, Kohat, and Hazara, as well as (unlike the 1887 Regulation) Bannu, Dera Ismail Khan and Dera Ghazi Khan while the local government could bring adjoining tracts or areas under its purview. Residents of the ghairilaqa would be subject to the FCR as they interacted with the authorities of the settled districts and political agents stationed forward of the administrative border.<sup>108</sup>

Most importantly, these powers were granted in addition to and without any limitation of the powers already amassed by the Deputy Commissioners office under the 1887 Regulation. There is also evidence to suggest that the Report was motivated to some extent by the religious fervor demonstrated by Muslim subjects and the threat it posed to the Raj. This was most visibly symbolized by the Hindustani Fanatics led by Sayyid Ahmed of Rai Bareilly in a holy war against the Sikhs in the 1820s. Special provisions for their banishment by the Deputy Commissioner were included in Section 35 of the 1901 Regulation, calling them: “*dangerous fanatic or dangerous alien*” with no other description to specify the object of this 80-year-old paranoia. These fanatics themselves were a red herring, as explained later.

Despite these fundamental shifts in policy, tranquility on the Frontier remained elusive. Waziristan reacted almost immediately. In 1901, the Border Police was massacred by the Mehsuds. A year-long economic blockade resulted in famine, but the Mehsuds refused to submit. It took military force that burned villages, destroyed food reserves and livestock for the Mehsuds to pay their fines, following the deaths of 130 tribesmen. Another military campaign against the Mehsuds followed in 1904, and uprisings had to be put down in 1915 and 1917.<sup>109</sup> The British launched similar punitive campaigns in response to militant violence by the Mohmands in 1908, 1915, and 1916-17, and by the Afridis in 1908. While Caroe describes the period from 1901-14 as peaceful and a vindication of the Curzon policy, at least 427 casualties were registered in the campaigns described above, which mobilized upwards of 20,000 British fighters.<sup>110</sup> The onset of World War I in 1914 only intensified these pressures and by 1919, the British Empire was in a state of military overextension. Large garrisons had to be stationed in Germany and the Middle East, an Irish insurgency required attention, Bolsheviks needed to be subdued in North Russia while the self-rule

---

<sup>108</sup> The Frontier Crimes Regulation: A History in Documents, Edited by Robert Nichols, 2013

<sup>109</sup> Nigel Collett, *The Butcher of Amritsar: General Reginald Dyer* (London: Hambledon Continuum, 2006)

<sup>110</sup> From the Black Mountain to Waziristan, Colonel H.C. Wylly, 1912

movement was gaining momentum in India. The Afghan invasion in May 1919 which kicked off the third Anglo-Afghan War was seriously ill-timed for the Empire and the Raj.

The newly crowned Emir took the throne following the assassination of his father, and soon thereafter gave in to the warmongering of his generals. The Amritsar massacre (in which ironically very few Muslims died) became the rallying cry for Jihad against the British and the Afghan Army attacked Bagh in the Khyber Pass. However, by the end of May, RAF bombardment of Kabul had dampened the Emir's military ambitions who sued for peace.<sup>111</sup>

This victory on the international front spelled multiple headaches for domestic security. First, a cornerstone of the Sandeman system – tribal levies – were found wanting in morale and loyalty to the Raj. This included the South Waziristan and North Waziristan Scouts who experienced widespread desertions and even the storied Khyber Rifles opted for recruitment into either the Pashtun revolt or the Afghan invasion. Second, the recalcitrant tribes of *ghairilaga* remained true to form, and joined the Jihad. The British fought the Mohmands in 1927, 1933 and 1935, interspersed by conflicts with the Afridis in 1930-31, and the Mehsuds and Wazirs in North and South Waziristan from 1919-1923. Victory in this last campaign depended on the use of airpower for bombing and reconnaissance.

The Curzon policy not only failed to maintain peace, domestically and internationally, but also failed to reign in crime in the cis-Frontier districts of the newly created North West Frontier Province, which was a central argument for the FCR 1901 reforms. The number of raids, murders and other serious crimes in 1906-07 and 1918-1919 are provided below:

Year	Raids	Murders	Serious Crime
1906-07	41	160	2,456
1918-19	189	644	5,469
% Increase	361%	303%	123%

Source: Obhrai, 1938

The Minority Report of the North West Frontier Province Enquiry Committee cites the following reasons behind this crime wave<sup>112</sup>:

1. Lax supervision and inefficient investigation by police
2. Frequent transfers of officers
3. Frequent referral of cases to the Jirga which encouraged “*a habit of careless investigation*”
4. Lacking judicial capacity and “*want of moral fiber*” among the Magistracy

<sup>111</sup> The Savage Border, Jules Stewart, 2007

<sup>112</sup> As quoted in: The Evolution of North West Frontier Province, Rai Bahadur Diwan Chand Obhrai, 1938

These points to the failures not only of the FCR 1901, but also of the concentration of executive and judicial powers within the office of the Deputy Commissioner or Executive Magistrate who enjoyed unchecked authority over district level governance, as per the non-regulation province model. This model had been put in place by Lord Dalhousie when Punjab was first annexed, emulating the Sindh system put in place by Sir Charles Napier who found the civil government found in the Bombay Presidency “*distasteful*”.<sup>113</sup> Since then, the introduction and intensification of FCR provisions had created a local autocracy that was unprecedented in India. The separation from Punjab only exacerbated the problem. The Chief Commissioner became the alpha and omega of internal administration, overseen only by the Foreign and Political Department headed by the Viceroy. The Department concerned itself exclusively with policy matters of political weight, while the humdrum of administrative detail went unchecked. Frontier administration thus “*suffered for lack of responsible review*”, while local administrators were freed from due accountability.

This exceptional concentration of authority was then coupled with concentration of responsibility at the provincial levels and below. This was necessitated by fiscal scarcity that was inherited by the province from its very inception. In 1901, the estimated revenue for the province was Rs. 36 lakhs against an estimated expenditure of Rs. 44 lakhs, leaving a deficit of 38 lakhs. By 1921, this deficit was Rs. 140 lakhs, financed by Central government governments. The austerity drive launched to address this problem involved an inevitable “*doubling up of offices*” i.e. one officer was incharge of both the Frontier Constabulary and the district police; the Chief Medical Officer in charge of the Public Health Department was also charged with the administration of the department of Jails, while the offices of the Secretary, Irrigation and Secretary, Public Works were similarly merged. It is unclear if the desired economizing effect on public resources was achieved or what negative impacts were sustained by service delivery, as a result of this policy. But it is clear that having failed in its military, and rule of law imperatives, the Curzon policy had also fallen short of its financial ambitions.

This also further skewed the imbalance between an unduly strong executive and the non-existent legislative in the provincial government, which was again unprecedented across India. Punjab enjoyed a Legislative Council created in 1897, an executive arm constituted by the Lieutenant Governor and a Council of his appointees, and the Chief Court of Punjab serving as the judicial arm. But separation from Punjab and inclusion into the new NWF Province regressed the legislative/political development to its pre-Mutiny structure. Now the Chief Commissioner, assisted by a Judicial Commissioner and a Revenue Commissioner ran the administration and dispensed justice. Instead of Acts passed by the Governor-General-in-Council, or by the Punjab Legislative Council, legislation was limited to Regulations issued by the Governor-General. This structure was essentially frozen in the NWF Province, while mainstream reforms in the rest of the country brought India closer to parliamentary democracy and self-rule.

---

<sup>113</sup> Ibid.



The Minto-Morley Reforms enacted through the Indian Councils Act 1909 expanded the membership and powers of legislative councils and introduced indirect elections to form these councils in local, provincial and central legislatures, with separate electorate for Muslims. The Act was not extended to the NWFP. The 1919 Montagu-Chelmsford Reforms enacted through the Government of India Act 1919 introduced a bicameral legislature at the Center with elected provincial representation in the lower house, devolved powers of legislation and executive oversight over key areas such as health, sanitation, education, etc. to be overseen by provincial cabinets, responsible to the provincial legislature. This Act too, was not extended to NWFP. The Simon Commission Report published in 1930 acknowledged this wrong, and sympathized with the appeal of the inhabitants of NWFP: *“Neither the Minto-Morley Reforms, neither the Montagu-Chelmsford scheme, applied to the area...it is no fault of ours that we have been cut off from the Punjab...but while the Punjab has gone ahead...we have stood still.”*<sup>114</sup>

On the military front, the failure of the Curzon policy would perpetuate itself over many decades. British land operations failed to quell unrest that erupted in Waziristan in 1924. For the first time, the RAF independently bombed positions in Miran shah and Tank until the tribes sued for peace in 1925. In 1930 the Red Shirts led by Gaffar Khan paralyzed Peshawar with mass rioting, which spread to Waziristan and was quelled only by the now familiar action of the RAF. Finally, the British relented by raising NWFP’s status from a Chief Commissionerate to a Governor’s province, which would from then on join in the constitutional and legal slide toward independence. However, the Governor would still wear two very different hats – the head of the executive of a settled province balanced by an elected legislature and assisted by civil ministries for nation-building departments – and an absolute ruler of the *ghairilaqa*.<sup>115</sup>

This was the watershed where the destinies of the cis-frontier districts and trans-frontier tribal areas truly diverged. The last two Governors, Sir George Cunningham and Olaf Caroe were legendary Frontiersmen, but used every opportunity to suppress the idea of dismantling the administrative border between the two areas or develop them cohesively. A British officer who developed a Frontier Development Plan which encompassed both areas to be developed as a single economic unit, met with stiff opposition and the plan was never implemented.<sup>116</sup> This is despite lingering British guilt over quitting India without satisfactorily resolving the tribal problem. A British policy paper written in 1944 admitted as much: *“In short our diagnosis is that the patient is suffering from a lack of good government, just as a human being might suffer from a lack of Vitamin B.”*<sup>117</sup>

---

<sup>114</sup>Report of the Indian Statutory Commission Volume One Survey, 1930

<sup>115</sup> Thirty Years on the North-West Frontier, Leslie Mallam 2011

<sup>116</sup> Ibid

<sup>117</sup> OIOC European Manuscripts, MSS Eur D714/70.

In 1935 the British were faced with an uprising led by Mirza Ali Khan, the Faqir of Ipi which by 1937 had bloomed into full-fledged insurrection. Military campaigns mobilized four brigades in 1937-38, but as soon as they were pulled back, the conflict flared again in 1939. The RAF and a fledgling Indian Air Force were called into service. Eight years later, the state of Pakistan came into being and 292,000 tribesmen went to the polls to cast an overwhelming vote in favor of union with Pakistan. Within a month of partition, the ironically codenamed 'Operation Curzon' came into effect whereby Pakistan withdrew all regular troops from FATA in preparation for a brewing Kashmir conflict. Pakistan inherited the geopolitical headaches of the empire – relations with Afghanistan were dominated by the latter's agitation for an independent Pakhtunistan with the encouragement of the Soviets who eyed Pakistan's growing comfort with the USA with suspicion. Legal and diplomatic wrangling over the Durand line continues to this day between the two neighboring countries.

Pakistan's Frontier policy only differed from the British in terms of minimizing the use of military force. Till the Pakistan Army's foray into South Waziristan in 2005, only one campaign in 1961 put down a revolt in Bajaur believed to have been instigated by Afghanistan. The 'carrot' i.e. tribal allowances worth Rs. 50 million per year remained intact as under the British, as did the 'stick' – the FCR, which remains the governing law in FATA to this day. Though amended in 1947, 1962, 1963, 1995, 1997, 1998, 2000 and 2011 its essential structure remains the same while reforms remained cosmetic e.g. replacing "Commissioner" with "Court of Commissioner" in 1997, the authority to revise decisions made by the Commissioner was abolished, again in 1997. The Second Schedule was revised in 1995 and 1998. New Agencies were added in 1951 (Mohmand), and 1973 (Bajaur and Orakzai). Unrestricted adult franchise was extended to FATA as late as 1997. Until then, only a small electoral college of tribal elders registered with the Political Agents (and on their payroll) could vote in general elections. Political parties were banned till 2011 when the Political Parties Order 2002 was legally extended to FATA.

Today, the enactment, enforcement and adjudication of laws in the Federally Administered Tribal Areas (FATAs) are nationally and globally unique. Human rights safeguards enshrined in national and provincial laws and the Constitution are not, therefore, available to residents. Law enforcement is conducted by the Frontier Corps (a paramilitary force), levies and *khassadars* (police and tribal militia). Civil police has no jurisdiction. Courts are similarly absent and *jirgas* appointed by Political Agents (chief administrator at the Agency level) and *maliks* (tribal elders co-opted by the government) hear and decide cases. Judicial and executive powers are concentrated in the office of the Political Agent. Superior courts have no jurisdiction over FATA.<sup>118</sup> Policy reforms introduced in 2009 and more recently in 2011 have left this essential structure intact. Positive injunctions such as protection of the right to bail for prisoners introduced in 2009 and the appellate tribunal introduced in 2011 remain unimplemented.<sup>119</sup> Further, the Action in Aid of Civil Power Regulation 2011

---

<sup>118</sup> Countering Insurgency in FATA, International Crisis Group, 2009

<sup>119</sup> Pakistan Today, 24<sup>th</sup> October, 2011

confers sweeping powers to the military in FATA, rolling back key aspects of the earlier reforms.<sup>120</sup>

A similarly unique system of governance is functioning in the PATAs. Like the FATAs, Article 247 of the Constitution disallows from any law being applied to the area unless mandated by the Governor with the consent of the President. However, unlike the FATAs, the Supreme Court's jurisdiction was extended to PATA in 1974, and throughout the decade, other mainstream procedural (Evidence Act, the Criminal Procedure Code, and the Pakistan Penal Code) and substantive laws were gradually extended to the area. However, the judicial system remained a hybrid of custom, Sharia and mainstream law. Until 1960 the area was ruled by Nawabs and Walis with courts presided over by clerics. Integration with Pakistan in 1960 brought offices of the Political Agent and in 1969 Swat, Dir and Chitral were transformed into districts with Deputy Commissioners at the helm of affairs. The 1973 Constitution designated these districts as the Provincially Administered Tribal Areas or PATAs.<sup>121</sup>

Responding to mass protests over forest royalties the government introduced 2 regulations for the region in 1975: PATA Criminal Law (Special Provisions Regulation) and the PATA Civil Procedure (Special Provisions) Regulation. These vested the Deputy Commissioner with increased judicial powers, and allowed him to refer cases to the *jirga*, which carried the bulk of caseloads, and applied both *Sharia* and *Riwaj* for adjudication, under the leadership of *Tehsildars*. The parallel hierarchy of civil and criminal courts exercised jurisdiction only over cases involving minors, those of government interest, and offenses under Islamic laws. The Commissioner and Home Secretary served as appellate authorities while the Superior Courts could also be petitioned by litigants. The decision of the High Court in 1990 (upheld by the Supreme Court in 1994) to strike down the Special Regulations as unconstitutional brought the PATAs back into the judicial mainstream of the country.<sup>122</sup>

Giving in to the demands for ever-more stringent reflection of Islamic jurisprudence in laws applied to the PATAs the government capitulated to a 1994 insurgency led by the Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM) by introducing the Nifaz-e-Shariat Regulation. The government gave in to continuing pressure by the same outfit led by Sufi Muhammad, by enacting the Nizam-e-Adl 1999 which obliged judges to consult clerics for hearing cases. In 2007, a fresh insurgency by the same group once again carried the day, and succeeded in coercing another major judicial reform out of a beleaguered government. The Nizam-e-Adl Regulation 2009 created a parallel hierarchy of courts presided over by judicial officers who were advised by clerics trained in Islamic jurisprudence, at the subordinate and superior court levels.<sup>123</sup>

---

<sup>120</sup> Dawn, 13th July, 2011

<sup>121</sup> Pakistan: Countering Militancy in PATA, International Crisis Group 2013

<sup>122</sup> Ibid

<sup>123</sup> Ibid

A number of researchers have agreed with the TNSM, insofar as the inadequacy of the prevailing system of justice is concerned. Sultan-i-Rome points out that the mere extension of laws to Swat failed to address “*the grievances of people that were in progress with each passing day.*”<sup>124</sup> The vacuum left by undelivered judicial services was filled and exploited by militants.<sup>125</sup> In short, the Taliban offered a superior product i.e. quicker and cheaper justice than the one marketed by the state. Once this challenge to the state monopoly over justice provision gained acceptance, upgrades to the state’s product i.e. the Regulations passed in 1994, 1999 and 2009 could not regain lost legitimacy. Nor could they dispel the unshakeable nostalgia prevailing among citizens for the quality of justice services provided under the princely states regimes, particularly for Swat. Once again, the speed and cost of these services was cited as a prime factor for their superiority over the present system.<sup>126</sup> The last Wali of Swat of course tended to agree with this assessment: “*The present administration functions very differently from mine. Cases must wait for years before they are decided; security has become poor, maintenance of public facilities is poor.*” He also notes the flexibility and adaptability of the system: “*Every tribe put down in writing how they should be treated, how they should be punished for certain crimes, in short the main rules of customary law that was honored in each tribe... we also practiced Shariat... People could choose if they wanted to be judged by Shariat or by customary law.*”<sup>127</sup>

However, other experts have cautioned against drawing straightforward linkages between poor justice delivery and support for radicals and/or their agenda. TNSM opposition to state courts was unsurprising given that criminal cases were pending against its leadership, before those very judges. Additionally, backlogs, pendency and delays were not exceptional in Malakand district judiciary, in the national, or even the South Asian context.<sup>128</sup>

The system of governance in FATAs and the PATAs is riddled by anomalies with no apparent social, economic, or political rationale:<sup>129</sup>

1. The FCR within FATA applies only to ‘protected areas’ or *ilaqa-sarkar* which comprises roughly 27% of the area while the rest of the 73% i.e. *ilaqa-ghair* is governed by *Riwaj* or uncoded customary law adjudicated through *jirgas* and enforced by tribal leaders co-opted by the government through the payment of *longi* or allowance through the political agent.
2. While FATA is represented in both houses of the Parliament, these elected representatives cannot make laws that apply to FATA.
3. The Frontier Regions are governed by the Governor as they are part of FATA. Yet they are also administered by the Deputy Commissioners (DC) of adjacent settled districts. Even stranger is the fact that this administration by the DC is carried out not

<sup>124</sup> Sultan-i-Rome, ‘Crisis and Reconciliation in Swat’, 3(1) *Pakistaniat: A Journal of Pakistan Studies*, 2011

<sup>125</sup> See for instance: Rabia Zafar, 2011 and Osama Siddique, 2012.

<sup>126</sup> Justine Fleischner, ‘Governance and Militancy in Pakistan’s Swat Valley’, 2011, pp 1-12, at p 2, Center for Strategic & International Studies, Washington D.C.

<sup>127</sup> Fredrick Barth, *The Last Wali of Swat*, Norwegian University Press, 1983, p 151.

<sup>128</sup> Rule of Law and Peace-Building: A Modest Proposal, Erik Jensen, 2010

<sup>129</sup> Governance challenges in KP & FATA, Owais Ahmed Ghani, 2011

under the laws of the settled districts, but under the FCR. While the DC holds administrative jurisdiction over the respective Frontier Region (FR), the civil police in the adjacent settled district does not – this creates a safe haven for criminals. Moreover, the FRs are represented in the Senate and National Assembly, but not in the Provincial Assembly. Yet certain constituencies of FR-Bannu enjoy voting privileges in provincial elections.

4. The PATAs are represented both in the central and provincial legislatures but the dispensation of justice is governed by the Sharai-Nizam-e-Adl Regulation 2009, unlike the rest of the country.
5. The Kala Khel Tribal Area located under Mansehra district is governed unofficially by a provincial government appointee by “*an unclear mixture of tribal riwaj, laissez-faire and expedient administrative measures*”, while it is fully represented in the Parliament and the KP Assembly.

## 2.10 Origins of Militancy in the Malakand Division

The area today known as the Malakand Division is no stranger to political violence headlined by religious rhetoric. The phenomenon traces its roots to the late 1820s, when Sayyid Ahmed of Rai Bareilly led a group of self-styled *mujahidin* or ‘Hindustani Fanatics’, (as they were dubbed by the British Raj), in a holy war to oust the Sikh rulers of territories lying outside of British controlled India. These ‘Fanatics’ drew volunteers from Bengal, and the United Provinces (currently Uttar Pradesh) and later from Punjab, the bulk of them being poor villagers from rural Bengal and Bihar. Being geographically isolated, Swat valley remained beyond formal British control throughout the Raj. This was a perfect haven for the Fanatics. Following the death of Sayyid Ahmed at the battle of Balakot in 1831, the remnants of the Fanatics retreated to set up a colony in Buner. Provoked by their significant role in the mutiny of 1857, the British attempted military action against them in 1863. This Ambela campaign secured a Pyrrhic victory serving mostly to disperse the ‘Fanatics’ at the cost of 900 British casualties. This campaign marked the peak of military adventurism by the British against the fanatics and thereafter a policy of surveillance, containment and cooption was adopted that stretched over a century till the British quit India in 1947. This is despite evidence of intrigues with Afghan and Russian emissaries on the part of ‘Fanatics’, as well as ongoing seditious propaganda emanating from their colony.

The hindsight of most analyses of the current disturbances in the Malakand Division stretches barely to the 1990s when the Tehrik-i-Nafaz-i-Shariat-i-Mohammadi (TNSM) surfaced as a movement. More historically conscious studies that come across the ‘Hindustani Fanatics’ are quick to label them as forerunners of the TNSM movement, and to define their legacy as a blueprint for politico-religious insurgency in this region. However, each parallel drawn between the two glosses over multiple, stark contrasts. It is in these contrasts rather than the parallels that key insights may be gleaned.

*First*, many analysts have taken the sheer endurance of the colony of ‘Fanatics’ as straightforward evidence of the depth to which these outsiders had embedded themselves within tribal society. Further, this is held up as an example of the deep-seated ethos of hospitality among local tribesmen, which today presents a challenge to state forces seeking expulsion of extremist elements from sanctuaries provided by tribal hosts. However, this hospitality was not offered as much as it was bought by cash payments in a poverty-stricken area. And it dried up in the face of British violence during the Ambela campaign, when local tribesmen destroyed ‘Fanatics’ sanctuaries in Sitana and Malka. The Uthmanzai tribe who controlled the area aided in their ejection, as did the Khan of Amb.<sup>130</sup> The Akhund of Swat similarly hastened their departure. Though they regrouped by 1883, this hostility from surrounding tribes forced them into *‘an uncomfortable and harassed existence’*, regardless of its longevity. There is no record of intermarriages between the mujahedeen and local families. They lived as an *“unincorporated part of local society on the Frontier.”* Their monetary support and manpower replenishments came not from the Frontier but mostly from Bengal and Punjab.

While the ‘Fanatics’ could not penetrate meaningfully into the tribal social order of Swat, it is safe to say that the TNSM did not face these difficulties.<sup>131</sup> The TNSM uprising in 1994 claimed 40 lives before the armed forces could retake control over the airport, roads, police stations, and courts in Swat. In December, a protest march organized by the outfit raised 10,000 followers demanding the release of imprisoned comrades.<sup>132</sup> This not only bespeaks their popular support (at the time), but also brings us to the next crucial difference between their operations and the modus operandi followed by the ‘Fanatics’.

*Second*, the ‘Fanatics’ were ironically non-violent. They remained fence-sitters during the Frontier revolts of 1885, 1897 and 1908. In 1915, the Chief Commissioner wrote of them to the Foreign Secretary, concluding that: *“their fanaticism is the trade by which they live and that they are not at all anxious to be committed to any warlike acts...in order to get their ‘shukrana’ they are bound to show some hostility toward us.”* Violent rhetoric hardly translated into violent action – to the point where it began to fail even its fund-raising purpose. Their supporters in British India accused them of *“deriving an income for many years from the enemies of the British Government, without making any return in the way of hostile action.”* It is for exactly this reason that the Raj’s impression of these revolutionaries oscillated between tolerable nuisances to safety-valve for seditious fringe elements.

---

<sup>130</sup> History of the Indian Mountain Artillery, BRIGADIER-GENERAL C. A. L. GRAHAM, 1957

<sup>131</sup> Arguably, the Fanatics were ethno-lingual outsiders unlike the TNSM. However, this explanation does not bear up under historical scrutiny. Afghan immigrants from Yousafzai and Bengash tribes were called Rohillas who used the power vacuum created by the receding writ of the Mughals following Aurangzeb’s death to create a confederacy of fiefdoms which were destroyed by the British in 1774. The Sayyid Ahmed and his followers from Bareilly hailed from this region, and were more than likely ethnic Pashtuns who were genealogically bound to the Frontier tribesmen. Therefore, their lack of integration with the tribes in comparison with TNSM cannot be chalked up to xenophobic conservatism.

<sup>132</sup> South Asia Terrorism Portal: <http://www.satp.org/satporgtp/countries/pakistan/terroristoutfits/TNSM.htm>

Contrarily, the TNSM have deliberately employed violence as a strategy for the achievement of political goals.

Third, while historians disagree on whether or not the ‘*Fanatics*’ may accurately be termed ‘*Wahabi*’ *sensu stricto*, Sayyid Ahmed’s actions and statements, more than his writings (such as *Sirtaj-al Mustaqim*<sup>133</sup>), particularly subsequent to embarking on his Jihad are more closely aligned with *Wahabism* than other Islamic schools of thought. The historian Charles Allen clarifies this ambiguity by saying that Sayyid Ahmed had accepted the basic principles of Wahabism prior to sailing to Arabia to become a student of Shah Abdul Aziz, who was the son of the reformer Shah Waliullah, and a leader of the religious seminary in Delhi by the name of ‘Madrassa-i-Ramiyya’. Shah Waliullah was a man considered to be a modernizer and a key figure who was admired within the Sunni Islam sect, contrary to Abd al-Wahab, who was reviled. The former was a follower of the Hanafi school of Jurisprudence and a Naqshbandi Sufi newcomer, whilst the latter belonged to the Hanbali School, which was considered to be intolerant of other beliefs and was said to be ‘viciously’ anti-Sufi and anti-Shia. Abd al-Wahab followed the teachings, and derived most of his prejudices from the infamous fourteenth-century theorist Ibn Taymiyya of Damascus; whose reinterpretations of militant jihad are cited by most Islamic scholars. Shah Waliullah and Abd al-Wahab are said to share many commonalities that their followers may not choose to believe. The two were not only peers, but also studied in Medina at the same time period whilst sharing one teacher in common, as per documented history.<sup>134</sup>

An excerpt from an 1887 Gazetteer reported that Sayyid Ahmed “...*began to insist upon a strict performance of all the ceremonies enjoined in the Koran. The people, who had prayed twice, or at most thrice, in 24 hours, were obliged to pray five times. Fathers who had kept back their daughters until tempted by large presents to bestow them in marriage were punished severely if they kept a daughter unmarried after the age of 15, and thus in a single day 300 marriages were celebrated...Sajad Ahmad was of the sect of the Wahabis [sic]*”<sup>135</sup>. Sayyid Ahmed was said to refuse to acknowledge authority of any book except the Quran. The fact that an Afghan holds more respect for tombs in which their respective saints are buried, leads one to believe that the saints have more influence and authority than God. Sayyid Ahmed was said to have asserted his stance against all shrines by desecration. His act resulted in a strong religious prejudice against him, they were said to be the same people whom he had already enraged by his oppression.<sup>136</sup>

Given a long-standing tradition among the Frontier Muslims of revering mystics and saintly figures, it is safe to say that mainstream religious beliefs leaned decidedly toward the Sufi, rather than the Wahhabi school of Islamic thought.<sup>137</sup> The Wahabist rhetoric militated against the grain of this religious vernacular and was poorly received. According to a report

---

<sup>133</sup> Catalogued by JR Colvin as “Orthodox Sufism” in 1832

<sup>134</sup> Allen, Charles, The Hidden Roots of Wahhabism in British India, *World Policy Journal*, Summer, 2005.

<sup>135</sup> Hindustani Fanatics, India’s Pashtuns, and Deobandism – Connections, Tribal Analysis Center, 2009

<sup>136</sup> Hindustani Fanatics, India’s Pashtuns, and Deobandism – Connections, Tribal Analysis Center, 2009

<sup>137</sup> Swat: A Critical Analysis, Dr. Sultan-I-Rome, 2009

of a loyal Pathan informant employed by the British, the ‘Fanatics’ were: “*largely unpopular with the local tribesmen with whom they were at feud for calling them ‘kafirs’*”. Indeed, one of the main criticisms leveled against the Fanatics (and used as a pretext for forcing their expulsion) by the Akhund of Swat following the Ambela campaign was the ‘Wahabism’ professed by these holy warriors.

This juxtaposition of the Hindustani Fanatics with the TNSM movement, raises certain very important questions:

1. How were the TNSM able to pull a groundswell of popular support among tribal society against a government of Muslims functioning under an Islamic Constitution, while the ‘Fanatics’, despite being close ethnic cousins, were not able to mobilize similar support against an ‘infidel’ British Raj?
2. Why did violence become the main instrument for political negotiation by the TNSM, while the Fanatics remained glorified propagandists, despite the similar political objectives sought by both movements?
3. Why did Wahabist rhetoric proselytized by the TNSM find traction in Pashtun society and occupy a space in tribal belief systems, particularly when similar attempts by the Fanatics received vehement backlash?

## **2.11 Land Rights and Conflict: The Case of Swat**

Several studies have suggested poor property rights and land disputes are sources of conflict.<sup>138</sup> Land conflicts often have extensive negative effects on economic and social development. Such cases are evident in developing countries and countries in transition, such as Pakistan, where land market institutions are weak, opportunities for economic gain by illegal action are widespread and many poor people lack access to land. These property rights weaknesses give rise to tensions that manifest as violent conflict. In fact, many conflicts that are perceived to be clashes between different cultures are actually conflicts over land and related natural resources.<sup>139</sup> A study by Grover and Grover<sup>140</sup> examined the outcomes of good land governance, namely security of property rights using data on property rights from the Bertelsmann Transformation Index, and USAID. The analysis of the data concludes that property rights are least secure where there is political instability, violent conflict or unsustainable natural resource management. All of these conditions are historically and currently characteristic of Pakistan.

In 2013, Pakistan ranked in the bottom 15 of the 131 countries analyzed by the International Property Rights Index, reported by the Property Rights Alliance,<sup>141</sup> with pervasive structural weaknesses in the definition and administration of property rights, chiefly land rights. Furthermore, property rights in certain parts of KP, such as Swat, have become virtually

---

<sup>138</sup> McGregor 1997, Wehrmann 2008, Deininger & Castagnini 2006, Peter 2005

<sup>139</sup> Wehrmann 2008

<sup>140</sup> Grover & Grover 2012

<sup>141</sup> Lorenzo 2012



non-existent since the Taliban takeover and military conflict in 2009, which resulted in one of the world's largest mass displacements. A majority of the affected continue to live as internally displaced persons in various camps.<sup>142</sup>

Swat is a useful study in this regard, to explain the particularities of this phenomenon throughout the Malakand Division, for a number of reasons. The present day Malakand division comprises a total of seven districts: Swat, Buner, Shangla, Dir Lower, Dir Upper, Chitral and Malakand Agency. Until 1994, Buner and Shangla were parts of District Swat. Until 1924, Dir Upper and some parts of Dir Lower and Malakand Agency were parts of the Swat State, ruled by the Wali of Swat. Mingora City, situated in Swat was historically the capital of this State, and today serves as the administrative capital for Malakand Division. Most importantly, Swat has been the epicenter for the 1994 uprising, as well as the post-2001 TNSM movement. In short, Swat is a microcosm for exploring the unique historical, sociological, political and economic evolution of the entire Malakand Division en bloc.<sup>143</sup>

Conflicts over land ownerships in Swat have existed ever since the former NWFP (now KP), including the Swat valley, was occupied by the Yousafzai Afghans in the 16th century and a war broke out over the distribution of occupied lands. Dr. Sultan-I-Rome, in his paper titled: 'Land Ownership in Swat: Historical and Contemporary Perspective', explained that the division of land was eventually settled amongst the Yousafzai tribe using the traditional 'wesh'. This system of land tenure was applied because the land differed in composition, location, fertility, availability of water, accessibility and so forth. Under the 'wesh' system, land allotted to the main branches of the tribes was re-allotted every ten, seven or five years, to ensure that all the shareholders share benefits and losses of the land equally, however, such was not the case<sup>144</sup>.

After the inception of the state of Swat in 1915, its rulers adopted a very complicated method for the allotment and re-allotment of land. The process of a permanent settlement was carried out over 5 years, but the 'wesh' system was not completely abolished throughout the State. In some areas the 'wesh' system continued until the 1990s, and is still practiced in riverside lands<sup>145</sup>.

Eventually the land settlement was not appropriately carried out by the last Wali of Swat, leading to disputes over land ownership following the merger of Swat State. Some age old land disputes were renewed and some people who had sold their land attempted to reclaim it claiming the land had been confiscated. The Gujjars also took advantage of the new setup and claimed ownership of the lands which were in their possession as tenants<sup>146</sup>.

---

<sup>142</sup> Ali 2012

<sup>143</sup> Khyber-Pakhtunkhwa Judicial Academy, 2013

<sup>144</sup> Swat: A Critical Analysis, Dr. Sultan-I-Rome, 2009

<sup>145</sup> Ibid

<sup>146</sup> Ibid

These disputes aggravated the situation in Swat until finally, in 1970, the government of the NWFP formed a commission to deal with the crisis. This commission completed settlements of land in the then Swat District, i.e. former Swat State during the 1970s, however, this would not end the disputes of land ownership between the ex-ruling family and the tenants/claimants, as most of the cases are still pending in different courts. The commission completed settlements in the present Swat District area including Swat Kohistan, between 1981 and 1986 on the basis of a formula devised by the last Wali of Swat in 1950, which excluded the Gujjars. In 1950 the last Wali of Swat issued a decree to reinforce “the inherent rights to the land” “based on belonging to a segmentary Pashtun group”. This decree proclaimed that the Gujjars<sup>147</sup> possess no personal land in Swat. In case of a claim they would be required to produce a written and legal deed of the land dealing or twenty notable elder persons to prove the claim. Because landowners sold far-off lands and the hilly tracts to Gujjars after the merger of Swat State, to eliminate the aforementioned ownership disputes, these lands were then entered in the names of the Gujjars under the formula. Regarding the work of the Swat land settlement commission, Dr. Sultan-I-Rome mentioned in a report<sup>148</sup>:

*“On the whole, the settlement in Swat (1981-86) was carried out justifiably by the Settlement Officers. They did their best to enter the lands in the names of the real legal owners. The present disputes, regarding land ownership pending in the courts are mostly due to vested interest. The present legal system and framework, the non-implementation of the decisions and the law, and the ineffective administrative system also contribute to land ownership disputes in the present scenario.”*

The escalation of militancy and violence in Swat since the 1990s has often been associated with public dissatisfaction towards poor justice service delivery. These narratives suggest support for Sharia and other alternate dispute resolution mechanisms amongst the citizens of Malakand who sought swift justice. However, the notion of swift justice has been challenged by a study which contends that ‘justice was neither swift nor fair’ under the PATA regulations<sup>149</sup>.

Amongst the various grievances cited against the PATA regulation are cases getting held up on small procedural points, which lead to an excessive case burden for the assistant commissioner in charge. Additionally, cases could be dragged on for years, sometimes to delay an unfavorable judgment towards a litigant. Criminal and civil cases were often resolved after 10 years or more, while some are still unresolved<sup>150</sup>.

---

<sup>147</sup> The Gujjars are an ethnic group of the Jat or Rajput group. In Swat, they did not possess a hereditary share in the land or by virtue of their descent. They remained merely vassals to the landowners and were mostly tenants.

<sup>148</sup> Swat: A Critical Analysis, Dr. Sultan-I-Rome, 2009

<sup>149</sup> Countering Insurgency in FATA, International Crisis Group, 2009

<sup>150</sup> Ibid

Literature also suggests that the claim of Islamist militancy in PATA emerging from public demand for Sharia is unfounded. In fact, local elites comprised of powerful bureaucrats and influential landlords had been colluding with tribal elders and clerics since the 1970s. Together they formed an outfit which controlled judicial affairs under the PATA regulations, rarely ever ruling against their own interests. The Supreme Court decision in 1990, which declared the PATA regulation unconstitutional, undermined the control of the elites which resulted in their opposition to the formal justice system<sup>151</sup>. During the same time period, the TNSM, led by Sufi Muhammed had amassed considerable power in the region, strengthened with the help of the local administration and notables including the deputy commissioner of Lower Dir. The elites and the bureaucracy supported the TNSM campaign for Sharia as a means to revolt against the formal justice system and maintain the control they had been accustomed to since the 1970s<sup>152</sup>.

---

<sup>151</sup> Ibid

<sup>152</sup> Hussain, 2011

### METHODOLOGY

This section provides details on the methodology adopted for survey research, Focus Group Discussion, and overall administration.

#### 3.1 Survey Research:

The research design envisages a multistage probability survey of FATA, NWFP (Khyber-Pakhtunkhwa), and the former Malakand Division. These three regions have evolved governance institutions and cultures that are markedly different in terms of historical evolution, and current structure and function. FATA has been governed under the pre-independence Frontier Crimes Regulation (1901); the former Malakand Division includes the former princely states of Swat, Chitral and Dir; while the rest of (Khyber-Pakhtunkhwa) has been administered by the provincial and local governments. Data also signifies varying levels of radicalization across the 3 regions. FATA is described as being under “Taliban control”, (with about 80% of terrorist attacks in Pakistan planned and executed from South Waziristan), the former Malakand Division is described as being under “contested control”, while most other districts of Khyber-Pakhtunkhwa are described as being under “Taliban influence”.<sup>153</sup> These three regions have been chosen purposively to adequately represent these differences in the sample frame.



The enumerator takes interview in village Jaraid, Mansehra,

The survey was conducted in 2012, while the Focus Group Discussions were

conducted in 2014. The delay in activities was caused by worsening security conditions and protracted processing times for gaining government approvals to organize project activities in Malakand and FATA. The literature review was an ongoing activity to remain abreast of changes in the policy environment will mid-2014.

The sample is 800 in sample size within KP (Khyber-Pakhtunkhwa), chosen through probability proportionate to the size, another 600 in Malakand division and approximately

---

<sup>153</sup> Map of Taliban control in Pakistan's northwest, The Long War Journal, March 3, 2010.

600 in FATA. Within these regions, villages (in rural areas) and circle numbers (in urban areas) formed primary sampling units stratified by administrative units such as Districts, Tehsils and Urban/Rural locations.

Within each primary sampling unit we chose 10 respondents identified through selection of 10 households through systematic sampling after identifying the first household through a random walk method. Within each household we interviewed a respondent aged 18 years and above, identified through Kish Grid after listing the eligible respondents in descending or ascending



The enumerator takes interview in village Wardaghaa, Charsadda, supervised by Monitor.

order according to their ages, stratified by gender. We selected equal numbers of

male and female respondents from each primary sampling unit. This sample is representative of the regions thus chosen. Nevertheless, the 3 regions, (FATA, KP and Malakand Division) are weighted according to their adult population. The disproportionate multistage cluster sample has been designed to keep enough number of cases in each region for sub analysis of each region. This sample design also helps to control for contextual effects or cultural or ethnicity aspects which is presented as an alternative hypothesis to explain the support for radicalization.

### 3.2 Arriving at the Best Model

It is well recognized in econometrics that all models are wrong but some are useful. To arrive at the useful model, one has to go through the trial and error process. The foremost guidance, in this respect, is sought from the relevant literature about how the dependent variable should be measured and what explanatory variables should be included in the multiple regression models. However, there is more than simply identifying the relevant measure of the dependent variable and extracting explanatory variables. The following paragraphs outlines the steps that are being undertaken to arrive at the final and useful model specification in each of the four cases.

In survey based research, usually a variable is measured using more than one indicator. Including all these indicators in a regression model are nor possible neither desirable (since it causes so many econometric problems such as loss of valuable degrees of freedom, multicollinearity and the likes). Thus to treat this issue, we have utilized principle component analysis (PCA) which necessarily reduces the dimensions of the variable under consideration and hence saves many valuable degrees of freedom and the presence of

multicollinearity is also reduced. This procedure is adopted for the dependent variable, as well as, for most of the explanatory variables.

Outliers are detected using the formula;  $\text{Median} \pm (1.5) \text{ Inter Quartile Range}$ , and are replaced using the mean of the remaining data. Similarly, to detect the presence of severe multicollinearity, we have estimated all the possible three variable models (i.e. taking two explanatory variables at a time) and noted the Variance Inflating Factor associated with each one. This procedure enabled us to retain a sub set of explanatory variables that are both relevant in explaining the dependent variable and are not causing severe multicollinearity. The presence of heteroscedasticity is determined by using White's heteroscedasticity test (with cross terms) and if found, the estimates are corrected by using heteroscedasticity robust standard errors.

The next step is to identify a model that best explains the phenomenon under consideration and avoids any econometric problem. For this purpose, we use the forward stepwise selection procedure. The forward stepwise variable selection procedure involves estimating a simple bi-variate model and then adding more explanatory variables step by step. The criterion for including or excluding a variable can be stated in terms of Residual Sum of Squares (RSS), t-statistic or F-Statistics. Explanatory variables whose values confirm to the predetermined thresholds (either in terms of t-statistic, RSS, or F) are retained while others are discarded step by step.

The proposed model specification is then tested using the Ramsey's RESET test which involves estimating a restricted model (the most simple one) and then adding various quadratic and cubic terms (or any other functional form). If the added variable(s) turns out to be statistically significant, this implies that the specification (restricted model) is incorrect and hence a better specification is searched for. All these steps are in accordance with the best practices in academia.

Once the model is specified correctly, the next step is to estimate the model using an appropriate estimation method. The two rivals under considerations were Ordinary Least Squares (OLS) and Weighted Least Squares (WLS). Based on literature, the most appropriate method of estimation seemed to be WLS as the survey is conducted in three different parts of the country, each sub sample being attached with a different weight. To check whether WLS or OLS estimation method is appropriate, we have included the weights as dependent variable in all of the four specifications. The idea was that if the weight variable turns out to be significant, then this would imply that the weights are affecting the dependent variable which necessarily amounts to introducing a bias in the results, and hence OLS estimation method would be used. Our experiment in all the four cases suggests that, in fact, OLS is the appropriate estimation method for our study.

## KEY RESULTS AND FINDINGS OF INFERENTIAL STATISTICS

### 4. Introduction to the Model

In this section, results of the multiple regressions are presented and discussed. Also, the descriptive statistics of the perception survey which are used to construct the regression model for bivariate and multivariate analysis are attached with this report as Annex-I. As explained in the methodology section, before regression analysis, we have identified outliers in the individual series and included the mean of the remaining observation in place of the outliers. Factor analyses are then applied to the data and two types of series are generated. That is, one type of series are those original series generated by the SPSS which can be termed as individual components/factor scores of a variable. This series is based on correlation, i.e. those components are lumped together which have high correlation. The other type of series, which represent the whole variable, is generated manually by adding individual components together. All this has been done in accordance with the theory outlined in the methodology section and explained/justified in Technical Annex.

#### 4.1 List of Variables Under Consideration

Based on our literature review, the following list of variables (dependent and explanatory) will be considered for regression analysis. Some of them are area specific while the other applies to the whole data set. Interestingly, we have received responses on some area specific variables from areas where they do not apply. In this case, we can either ignore those responses or treat them as perceptions, which is how they were worded and presented to respondents in the survey instrument.

S.No	Variable Name	Definition/Measure	Type	Applies to
1	<b><i>Support for Militancy</i></b>	Factor Scores based on: Q#43 – To what extent do you support or oppose the activities of terrorists in your area? Q#44 –To what extent do you support or oppose the goals for which the terrorists are fighting in your area? Q#45 – To what extent would you support or oppose the use of violence against the security forces of Pakistan? Q#46 – To what extent would you support or oppose the use of violence against Pakistani civilians?	Dependent variable	All Areas
2	<b><i>Religious education</i></b>	<b>Years</b>  Q#1 – Where, for how long, and at	Independent/Control	All Areas

		what age did you receive religious education?		
3	<b><i>Source of religious education</i></b>	Either Madrassa, school, home or other  Q#1 – Where, for how long, and at what age did you receive religious education?	Independent/Control	All Areas
4	<b><i>Political opinion_1</i></b>	Factor scores based on: Q#2 sub part 1 –To what extent do you agree or disagree with the following statements:(‘The government should force people to conform to all Islamic injunctions like praying, fasting, etc. and punish those who violate them’) Q#2 sub part 2 –To what extent do you agree or disagree with the following statements:(‘Religious leaders have the right to dispense justice on their own like government institutions’)	Independent	All Areas
5	<b><i>Political opinion_2</i></b>	Factor scores based on: Q#2 sub part 3 –To what extent do you agree or disagree with the following statements:(‘The policies of Western countries such as US and UK in this region i.e. Pakistan and Afghanistan, are correct’) Q#2 sub part 4 – To what extent do you agree or disagree with the following statements :( ‘Western countries such as US and UK take into account the interests of countries like Pakistan?’)	Independent	All Areas
6	<b><i>Influence of Imam</i></b>	Factor scores based on: Q#5 – Does your local imam give statements in favor of terrorists, opposing the terrorists or unrelated to terrorists? Q#6 – To what extent you agree or disagree with the statements of your local imam, which are related to terrorists?	Independent /Control	All Areas
7	<b><i>System of governance</i></b>	Factor scores based on: Q#11 – Previous governance systems such as princely states and local government are perceived as a better system of governance by the citizens; therefore, the support for militancy is high.	Independent	Malakand Division



8	<b><i>Responsibility_1</i></b>	<p>Factor Scores based on: How well do the following public officials and institutions perform their respective duties? Kindly rate each official/institution on a scale of 0-10 with 10 being the best overall performance, 0 being the worst overall performance, and 5 being the middle point.)</p> <p>Q#20 sub part 1 – Police Q#20 sub part3 – Prosecution Q#20 sub part4 – Judicial System Q#20 sub part5 – Health Q#20 sub part6 – Education Q#20 sub part7 – WAPDA Q#20 sub part8 – Civil Works Q#20 sub part10 –Patwari Q#20 sub part11 –Tehsildar</p>	Independent	All Areas
9	<b><i>Responsibility_2</i></b>	<p>Factor scores based on: How well do the following public officials and institutions perform their respective duties? Kindly rate each official/institution on a scale of 0-10 with 10 being the best overall performance, 0 being the worst overall performance, and 5 being the middle point.)</p> <p>Q#20 sub part 12 – Member of the Provincial Assembly Q#20 sub part13 – Member of the National Assembly</p>	Independent	All Areas
10	<b><i>Responsibility_3</i></b>	<p>Factor scores based on: How well do the following public officials and institutions perform their respective duties? Kindly rate each official/institution on a scale of 0-10 with 10 being the best overall performance, 0 being the worst overall performance, and 5 being the middle point.)</p> <p>Q#20 sub part 2 – Khasadar Q#20 sub part 9 – Political Agent</p>	Independent	FATA
11	<b><i>Responsibility</i></b>	Sum of scores	Independent	All Areas
12	<b><i>Corruption_1</i></b>	<p>Factor scores based on: Please rate the following public officials and institutions with respect to corruption, on a scale of 0-10 with 0 being the least corrupt, 10 being</p>	Independent	All Areas

		<p>the most corrupt, and 5 being the middle point.</p> <p>Q#21 sub part 2 – Police  Q#21 sub part 3 – Judicial System  Q#21 sub part 4 – Prosecution  Q#21 sub part 6 – WAPDA  Q#21 sub part 9 – Civil Works  Q#21 sub part 10 –Tehsildar  Q#21 sub part 11 –Patwari  Q#21 sub part 12 – Member of the Provincial Assembly  Q#21 sub part 13 – Member of the National Assembly</p>		
13	<b><i>Corruption_2</i></b>	<p>Factor scores based on:  Please rate the following public officials and institutions with respect to corruption, on a scale of 0-10 with 0 being the least corrupt, 10 being the most corrupt, and 5 being the middle point.</p> <p>Q#21 sub part 5 – Health  Q#21 sub part 7 – Education</p>	Independent	All Areas
14	<b><i>Corruption_3</i></b>	<p>Factor scores based on:  Please rate the following public officials and institutions with respect to corruption, on a scale of 0-10 with 0 being the least corrupt, 10 being the most corrupt, and 5 being the middle point.</p> <p>Q#21 sub parts 1 – Khasadar  Q#21 sub parts 8 – Political Agent</p>	Independent	FATA
15	<b><i>Corruption</i></b>	Sum of scores	Independent	All Areas
16	<b><i>Ability</i></b>	<p>Sum of scores  Q#22 – Please rate the following public officials and institutions with respect to their professional competence on a scale of 0-10 with 10 being the most competent, 0 being the least competent, and 5 being the middle point.)</p>	Independent	All Areas
17	<b><i>Friendly Behavior_1</i></b>	<p>Factor scores based on:  Please rate the following public officials and institutions with respect to citizen-friendliness on a scale of 0-10 with 10 being the most friendly, 0 being the least friendly, and 5 being the middle point)</p>	Independent	All Areas

		Q#23 sub parts 3 – Tehsildar Q#23 sub parts 4 – WAPDA Q#23 sub parts 5 – Patwari Q#23 sub parts 6 – Education Q#23 sub parts 7 – Judicial System Q#23 sub parts 8 – Civil Works Q#23 sub parts 10 – Health Q#23 sub parts 11 – Prosecution Q#23 sub parts 12 – Police		
18	<b><i>Friendly Behavior_2</i></b>	Factor scores based on: Please rate the following public officials and institutions with respect to citizen-friendliness on a scale of 0-10 with 10 being the most friendly, 0 being the least friendly, and 5 being the middle point)  Q#23 sub parts 1 – Member of the Provincial Assembly Q#23 sub parts 2 – Member of the National Assembly	Independent	All Areas
19	<b><i>Friendly Behavior_3</i></b>	Factor scores based on: Please rate the following public officials and institutions with respect to citizen-friendliness on a scale of 0-10 with 10 being the most friendly, 0 being the least friendly, and 5 being the middle point)  Q#23 sub part 9 – Political Agent Q#23 sub part 13 – Khasadar	Independent	FATA
20	<b><i>Friendly Behavior</i></b>	Sum of scores	Independent	All Areas
21	<b><i>Access_1</i></b>	Based on: Please rate the following public officials and institutions with respect to access for average citizens, on a scale of 0-10 with 10 being the most accessible, 0 being the least accessible, and 5 being the middle point.)  Q#24 sub part 1 – WAPDA Q#24 sub part 2 – Patwari Q#24 sub part 3 – Prosecution Q#24 sub part 4 – Tehsildar Q#24 sub part 5 – Member of the Provincial Assembly Q#24 sub part 6 – Judicial System Q#24 sub part 8 – Health	Independent	All Areas

		Q#24 sub part 10 – Police Q#24 sub part 11 – Member of the National Assembly Q#24 sub part 12 – Civil Works Q#24 sub part 13 – Education		
22	<b><i>Access_2</i></b>	Based on: Please rate the following public officials and institutions with respect to access for average citizens, on a scale of 0-10 with 10 being the most accessible, 0 being the least accessible, and 5 being the middle point.)  Q#24 sub part 7 – Khasadar Q#24 sub part 9 – Political Agent	Independent	FATA
23	<b><i>Access</i></b>	Sum of scores	Independent	
24	<b><i>Basic Rights</i></b>	Factor scores based on Q#27.  Protection of rights i.e. individuals who feel that their rights are protected are less likely to support militancy.	Independent /Control	All Areas
25	<b><i>Financial Outlook</i></b>	Factor scores based on: Q#33 – As compared to the past few years, would you say your economic condition has become much better, better, remained the same, become worse or much worse? Q#34 – Thinking about the next few years, do you think your economic condition will become much better, better, remain the same, become worse or much worse?	Independent /Control	All Areas
26	<b><i>Traditions</i></b>	Factor scores based on: Q#8 – How important are the following values to you? a) Living in accordance with the teachings of Quran and Sunnah. b) Participation in governance. c) Defense of territory from invader. d) Protecting the interests of fellow linguistic group e.g. Pathan, Baloch, Hazarewal, etc. members. e) Safety of guests to whom shelter has been offered.  Q#9– In your opinion, has the	Independent /Control	All Areas

		<p>Government of Pakistan succeeded or failed in protecting these cultural values?</p> <ul style="list-style-type: none"> <li>a) Living in accordance with the teachings of Quran and Sunnah.</li> <li>b) Participation in governance.</li> <li>c) Defense of territory from invaders.</li> <li>d) Protecting the interests of fellow linguistic group e.g. Pathan, Baloch, Hazarewal, etc. members.</li> <li>e) Safety of guests to whom shelter has been offered.</li> </ul>		
27	<b>FCR</b>	<p>Factor scores based on: Q#15 –In your opinion, should the following policies be changed, revoked, or left unchanged?</p> <ul style="list-style-type: none"> <li>a) Collective Punishment.</li> <li>b) Concentration of judicial and executive powers within the office of Political Agent.</li> <li>c) Election of MNAs on non-party basis.</li> <li>d) Dispensation of justice by jirgas.</li> <li>e) Participation of local citizens in development through Agency Councils that were introduced in 2004.</li> </ul>	Independent	FATA
28	<b>Dealing with Govt_1</b>	<p>Factor scores based on: How difficult or easy is it for you to achieve the following:</p> <p>Q#42 sub part 3 – Get a case registered in court. Q#42 sub part 4 – Contest a case in court. Q#42 sub part 7 – Obtain medicines for patients from government outlets. Q#42 sub part 9 – Get electricity connected to either a house or an office. Q#42 sub part 12 – Get documents for ownership for your land. Q#42 sub part 13 – Gain secure occupation of your land. Q#42 sub part 14 – End unlawful</p>	Independent	All Areas

		<p>occupation over your land. Q#42 sub part 15 – Resolve disputes over your land. Q#42 sub part 16 – Get water for your land or home.</p>		
29	<b><i>Dealing with Govt_2</i></b>	<p>Factor scores based on: How difficult or easy is it for you to achieve the following:</p> <p>Q#42 sub part 5 – Enroll patient in a government hospital. Q#42 sub part 6 – Get patient treated at government hospital. Q#42 sub part 7 - Obtain medicines for patients from government outlets.</p>	Independent	All Areas
30	<b><i>Dealing with Govt_3</i></b>	<p>Factor scores based on: How difficult or easy is it for you to achieve the following:</p> <p>Q#42 sub part 1 – Get FIR registered. Q#42 sub part 2 – Get FIR investigated.</p>	Independent	All Areas
30	<b><i>Dealing with Govt_4</i></b>	<p>Factor scores based on: How difficult or easy is it for you to achieve the following:</p> <p>Q#42 sub part 10 – Get roads built in your area. Q#42 sub part 11 – Get sewage/drainage infrastructure built in your area.</p>	Independent	All Areas
31	<b><i>Dealing with Govt</i></b>	Sum of scores	Independent	All Areas
32	<b><i>Land Ownership</i></b>	<p><b>Kanals</b></p> <p>Sizes of land holding i.e. individuals with larger land holdings are less likely to support militancy.</p>	Independent /Control	All Areas
33	<b><i>Schooling</i></b>	Years	Independent /Control	All Areas
34	<b><i>Monthly Income</i></b>	<p><b>Rupees</b></p> <p>Monthly income i.e. individuals with higher monthly incomes are less likely to support militancy</p>	Independent /Control	All Areas

--	--	--	--	--

## 4.2 Regression Diagnostics

For testing multicollinearity through VIF, multivariate regressions of the following type are estimated and the associated VIF and tolerance have been noted;

$$SM_i = \beta_0 + \beta_1 X_i + \beta_2 Z_i + \epsilon \quad (1)$$

Where  $SM_i$  is the support for militancy of the  $i^{th}$  individual,  $X_i$  and  $Z_i$  are any two explanatory variables and  $i = 1, 2, \dots, 2000$ . As a rule of thumb, a VIF value greater than 10 is a symptom of severe multicollinearity and hence variables associated are labeled suspected. Since we have 33 independent variables under considerations, considering two independent variables at a time makes it 528 regressions of the above type to be estimated. The results of all those estimated regressions, along with their respective VIF's are appended in the appendix section. This procedure has made us aware of which combinations of variables can cause the problem of multicollinearity so that we can avoid putting that combination in a single multivariate regression.

Similarly, the tests heteroscedasticity and misspecification are carried out for each individual model whose results are appended in the appendix section.

## 4.3 Model(s) Specification

Based on the above diagnostics, the following four models, each one representing a different sample/area, has been estimated.

### 4.3.1 Model Specification for overall Sample

$$SM_i = \beta_0 + \beta_1 RE_i + \beta_2 LO_i + \beta_3 SC_i + \beta_4 MI_i + \beta_5 II_i + \beta_6 GR2_i + \beta_7 GC3_i + \beta_8 GF2_i + \beta_9 GA2_i + \beta_{10} DG3_i + \beta_{11} T_i + \epsilon \quad (2)$$

In the above equation, the variables included are as follows;

$SM_i$  = Support for militancy of the  $i^{th}$  individual

$RE_i$  = Years of religious education of the  $i^{th}$  individual either at Madrassah, Home or School

$LO_i$  = Land ownership of the  $i^{th}$  individual (size in Kanals)

$SC_i$  = Years of schooling of the  $i^{th}$  individual

$MI_i$  = Monthly income of the  $i^{th}$  individual

$II_i$  = Influence of Imam on the  $i^{th}$  individual

GR2<sub>i</sub> = Rating of the i<sup>th</sup> individual with respect to fulfillment of responsibilities by MNA and MPA

GC3<sub>i</sub> = Rating of the i<sup>th</sup> individual with respect to corruption by the Political Agent and Khasadar

GF2<sub>i</sub> = Rating of the i<sup>th</sup> individual with respect to friendly behavior of MNA and MPA

GA2<sub>i</sub> = Rating of the i<sup>th</sup> individual with respect to access to political agent and Khasadar

DG3<sub>i</sub> = Rating of the i<sup>th</sup> individual regarding registering and investigating an FIR

T<sub>i</sub> = Rating of the i<sup>th</sup> individual regarding whether following tradition (providing refuge to guests seeking asylum) are important or not.

#### 4.3.2 Model specification for KP\_S (Khyber Pakhtunkhwa Settled Districts)

$$SM_i = \beta_0 + \beta_1 RE_i + \beta_2 LO_i + \beta_3 SC_i + \beta_4 MI_i + \beta_5 II_i + \beta_6 GR3_i + \beta_7 GC1_i + \beta_8 GF3_i + \beta_9 GA2_i + \beta_{10} DG3_i + \epsilon \quad (3)$$

In the above equation, the variables included are as follows;

SM<sub>i</sub> = Support for militancy of the i<sup>th</sup> individual

RE<sub>i</sub> = Years of religious education of the i<sup>th</sup> individual either at Madrassah, Home or School

LO<sub>i</sub> = Land ownership of the i<sup>th</sup> individual (size in Kanals)

SC<sub>i</sub> = Years of schooling of the i<sup>th</sup> individual

MI<sub>i</sub> = Monthly income of the i<sup>th</sup> individual

II<sub>i</sub> = Influence of Imam on the i<sup>th</sup> individual

GR3<sub>i</sub> = Rating of the i<sup>th</sup> individual with respect to perception of the degree to which the Political Agent and Khasadar fulfill their responsibilities

GC1<sub>i</sub> = Rating of the i<sup>th</sup> individual with respect to perceived corruption by Police, Judiciary, Prosecution, WAPDA, Civil Works Department Officials, Tehsildars, Patwaris, MNAs and MPAs

GF3<sub>i</sub> = Rating of the i<sup>th</sup> individual with respect to perceived friendliness of attitude of Political agent and Khasadar in dealing with citizens.



GA2<sub>i</sub> = Rating of the i<sup>th</sup> individual with respect to ease of access to Political Agent and Khasadar

DG3<sub>i</sub> = Rating of the i<sup>th</sup> individual regarding ease of registering and investigating an FIR.

#### 4.3.3 Model Specification for MD (Malakand Division)

$$SM_i = \beta_0 + \beta_1 RE_i + \beta_2 LO_i + \beta_3 SC_i + \beta_4 MI_i + \beta_5 II_i + \beta_6 GR2_i + \beta_7 GC3_i + \beta_8 GF2_i + \beta_9 GA2_i + \beta_{10} PO2_i + \beta_{11} T_i + \beta_{12} GR3_i + \beta_{13} GF3_i + \beta_{14} GM_i + \epsilon \quad (4)$$

In the above equation, the variables included are as follows;

SM<sub>i</sub> = Support for Militancy of the i<sup>th</sup> individual

RE<sub>i</sub> = Years of Religious Education of the i<sup>th</sup> individual either at Madrassah, Home or School

LO<sub>i</sub> = Land Ownership of the i<sup>th</sup> individual (Size in Kanals)

SC<sub>i</sub> = Years of Schooling of the i<sup>th</sup> individual

MI<sub>i</sub> = Monthly Income of the i<sup>th</sup> individual

II<sub>i</sub> = Influence of Imam on the i<sup>th</sup> individual

GR2<sub>i</sub> = Rating of the i<sup>th</sup> individual with respect to the perception of the degree to which the MNA and MPA fulfill their due responsibilities.

GR3<sub>i</sub> = Rating of the i<sup>th</sup> individual with respect to the perception of the degree to which the political agent and Khasadar fulfill their due responsibilities.

GC3<sub>i</sub> = Rating of the i<sup>th</sup> individual with respect to perceived corruption by the political agent and Khasadar

GF2<sub>i</sub> = Rating of the i<sup>th</sup> individual with respect to perceived friendliness of attitude of the MNA and MPA in dealing with citizens.

GF3<sub>i</sub> = Rating of the i<sup>th</sup> individual with respect to perceived friendliness of attitude of the political agent and Khasadar in dealing with citizens.

GA2<sub>i</sub> = Rating of the i<sup>th</sup> individual with respect to ease of access of political agent and Khasadar

T<sub>i</sub> = Rankning of the i<sup>th</sup> individual regarding whether following tradition (providing refuge to guests seeking asylum) are important or not.

$PO2_i$  = Rating of the  $i^{th}$  individual regarding the western policies in Pakistan and Afghanistan

$GM_i$  = Rating of the  $i^{th}$  individual regarding the perceived success of systems of governance, past and present, in Malakand division

#### 4.3.4 Model Specification for FATA

$$SM_i = \beta_0 + \beta_1 BR_i + \beta_2 LO_i + \beta_3 SC_i + \beta_4 MI_i + \beta_5 II_i + \beta_6 GR_i + \beta_7 GC2_i + \beta_8 GF_i + \beta_9 DG_i + \epsilon$$

In the above equation, the variables included are as follows;

$SM_i$  = Support for Militancy of the  $i^{th}$  individual

$LO_i$  = Land Ownership of the  $i^{th}$  individual (Size in Kanals)

$SC_i$  = Years of Schooling of the  $i^{th}$  individual

$MI_i$  = Monthly Income of the  $i^{th}$  individual

$II_i$  = Influence of Imam on the  $i^{th}$  individual

$GR_i$  = Rating of the  $i^{th}$  individual with respect to the perception of the degree to which the all the public officials fulfill their due responsibilities.

$GC2_i$  = Rating of the  $i^{th}$  individual with respect to perceived corruption by the health and education sector

$GF_i$  = Rating of the  $i^{th}$  individual with respect to perceived friendliness of attitude of the all the public servants in dealing with citizens.

$DG_i$  = Rating of the  $i^{th}$  individual regarding dealing with the public officials

$BR_i$  = Rating of the  $i^{th}$  individual regarding their basic rights

Note that in all of the above four specifications, we have used two criteria's regarding variable selection. Variables causing severe multicollinearity as well as those variables having very little explanatory power in a particular model were dropped. The decision of whether or not a variable has a strong explanatory power is based on  $R^2$  comparison.

## **4.4 Key Results and Discussion**

The multiple regression results, of all the four specifications, are presented in the following table.

## Results of Multiple regressions

<i>Variable Name</i>	<i>Measure</i>	<i>Overall</i>		<i>KP-S</i>		<i>FMD</i>		<i>FATA</i>	
		<i>Coeff</i>	<i>P-Value</i>	<i>Coeff</i>	<i>P-Value</i>	<i>Coeff</i>	<i>P-Value</i>	<i>Coeff</i>	<i>P-Value</i>
<i>Religious education</i>	Years	-.032	.407	-.037	.534	.055	.457		
<i>Political opinion_2</i>	Factor scores					-.024**	.055		
<i>Influence of Imam</i>	Factor scores	.080***	.000	.069**	.054	-.045	.305	.037	.315
<i>System of governance</i>	Factor scores					-.128***	.001		
<i>Responsibility_2</i>	Factor scores	.049*	.063			.192***	.000		
<i>Responsibility_3</i>	Factor scores			.071*	.065	.078*	.091		
<i>Responsibility</i>	Sum of scores							.047	.202
<i>Corruption_1</i>	Factor scores			.108***	.005				
<i>Corruption_2</i>	Factor scores							.020	.621
<i>Corruption_3</i>	Factor scores	-.006	.791			.111***	.006		
<i>Friendly Behavior_2</i>	Factor scores	-.021	.377			.056	.214		
<i>Friendly Behavior_3</i>	Factor scores			.028	.483	.030	.600		
<i>Friendly Behavior</i>	Sum of scores							-.036	.328
<i>Access_2</i>	Factor Scores	.097***	.000	.074**	.053	.003	.959		
<i>Access</i>	Sum of scores								
<i>Basic Rights</i>	Factor scores							-.075*	.064
<i>Traditions</i>	Factor scores	.024	.296			.117***	.009		
<i>Dealing with Govt_3</i>	Factor scores	.077*	.001	.149***	.000				
<i>Dealing with Govt</i>	Sum of scores							.052	.132
<i>Land Ownership</i>	Kanals	-.116***	.000	-.108***	.008	.000	.984	-.190***	.000
<i>Schooling</i>	Years	-.022	.494	-.034	.525	-.163***	.012	-.034	.431
<i>Monthly Income</i>	Rupees	-.047	.246	-.074	.238	.121*	.093	-.445***	.000

\*10% significance level

\*\*5% significance level  
\*\*\*1% significance level

We have not reported results for all the variables originally under consideration but only those are reported which gives the best fit. That is, there were some independent variables that were highly multicollinear and hence are dropped from the final analysis (as explained in the methodology section). Although this is the appropriate way to proceed, however, in some cases this procedure had made it impossible to carry out area wise comparisons, as is evident from the results table. The discussion in the subsequent paragraphs will follow the variable by variable interpretation and area wise comparison will also be made where applicable.

#### 4.4.1 Role of the Radicalizer

As is outlined in the literature review section, religiosity is considered to be one of the driving forces behind radicalization (Hoffman, 2006 and Attran, 2003 and 2010). However, other researchers, such as Fair, Malhotra and Shapiro (2011), have shown that this relationship is not robust. Previous studies have considered various indicators, such as attending Dars e Qur'an, as a measure of religious intensity. For this study, we consider two important and direct measures of religious intensity, i.e. years spent in getting religious education (either at Madrassa, school or home) and influence of imam. If religious intensity really affects radicalization, then we can expect positive sign of the estimated coefficient of both the parameters. However, we do not have statistical evidence to establish either positive or negative relationship between



support for militancy and years spent getting religious education.

The enumerator takes interview in village Bagh, Buner, Malakand

However, we also tested other independent variables as a direct measure of religious intensity in our regression analysis. Those variables were based on the daily routines of a practicing Muslim such as “how many times a person goes to mosque? How many times a respondent offers prayer in a day? And how many times a respondent recites the holy Quran?” But we dropped them from the analysis as we were unable to find any relationship among these variables and radicalization due to insignificant regression results. This implies that it is not necessary that a good practicing Muslim tends to be more radicalized.

The second variable that captures the influence of religiosity on support for militancy is the influence of Imam. This variable has been constructed by doing factor analysis of two questions which measures whether or not the Imam of the area concerned supports or oppose the activities of militants and whether or not the respondents agree or disagree with the stance of the Imam. As already mentioned, we are expecting a positive sign



The Enumerator takes interview in Mohallah  
Sikandarpura, Peshawar, KP

for the estimated coefficient if Imam does have a positive influence on generating support for militancy. The estimated coefficient is positive for the overall sample, KP-S and Federally Administered Tribal Areas (FATA), and is negative for Former Malakand Division. The relationship is statistically significant in overall sample and KP-S but is not in either FATA or former Malakand division. Thus while we have statistical evidence of a positive relationship between influence of imam and support for militancy in KP overall and KP-S, we don't have any statistical evidence to establish such a relationship in former Malakand division and FATA.

Thus, while we have evidence of a positive relationship between religiosity and support for militancy in some areas, we do not have any evidence in others. Since the relationship changes from area to area, there may some intervening variables in between which influence this relationship. However, the literature highlights the catalytic role of radicalizer in the process of radicalization as compared to internal factors such as personal dilemmas or tragedies, as explained in the literature review. According to NYPD Radicalization Phase Model, the exposure of a Salafi Islam believer to the "Radicalizer" and "Group Think" is one of the most powerful driving force towards committing a terrorist act.

#### **4.4.2 Basic Human Rights**

Support of democratic values of freedom, human rights and liberty can also increase support for militancy. This implies that people who feel deprived of these basic rights are potentially the ones supporting militancy (Fair, Malhotra and Shapiro, 2011). In order to capture the influence of missing political freedom and democratic values on support for militancy, we have included "basic rights" as independent variable which applies to all target areas.

The “Basic Rights” variable has been constructed from responses regarding whether or not respondents feel that their basic rights (sanctity of life, honor and prestige) are safe, have freedom to express themselves, have power to change policies, and have their basic needs (food, shelter and clothing). The responses ranged from completely agree (=1) to completely disagree (=5). Reversing the original



The enumerator takes interview in village Kalanger,  
District Haripur, KP

responses for factor analysis, we hypothesize that if people feels

deprived, they will have more support for militancy and the reverse is true if the public, at large, feels satisfied. The results show that we can establish this relationship only for FATA where, interestingly, the estimated parameter is negative and is statistically significant at 10% level of significance. This means that respondents who are feeling satisfied regarding their basic needs, basic rights, freedom of expression and having the power to change policies are less likely to support militancy. However, this relationship holds only in FATA.

### 4.4.3 System of Governance

The “system of governance” variable has been constructed from people’s responses to whether the system of governance (i.e. princely state, local governments, commisionarate system, or democratic government) has fulfilled the general public’s basic needs in the area. The responses varied from very successful (=1) to very unsuccessful (=5) which are kept intact for factor analysis. During factor analysis, it was found that in Malakand people perceive that Princely State and LG system of governance were better therefore they are more radicalized now.

### 4.4.4 Education and Literacy

The relationship between education and support for militancy is mixed. Certain studies have reported no relationship between the two (Krueger & Maleckova 2003, Drakos & Gofas, 2006, Kurrild-Klitgaard et al. 2006, Krueger & Laitin 2007), but there are also studies which linked higher illiteracy to higher terrorist incidence and more support for militancy (Tavares 2004, Azam & Thelen 2008). There is still another view that high literacy promotes international terrorism (as adjusting in international environment requires higher literacy) but literacy is negatively associated with local terrorism, whether it is mere support or active involvement. (Elbakidze& Jin, 2000).



Thus, in order to investigate the potential role of literacy in support for militancy, we have considered years spent at school as one of the explanatory variable. We may expect no relationship, positive relationship or a negative one between literacy and support for militancy, depending on which of the above hypothesis is correct. The multiple regression results, reported in the above table, shows that the estimated coefficient of schooling is negative for all areas, i.e. overall sample, KP-S, former Malakand division and FATA. However, the relationship is statistically significant (at 5% level) only in former Malakand division. This means that more literate people are less likely to support militancy than the illiterate ones.

#### 4.4.5 Service Delivery

The major crux of this research study is to investigate the possible link between mis-governance and radicalization. We find mixed results in the previous studies regarding the link between misgovernance and support for militancy (Eyerman 1998, Kurrild-Klitgaard et al. 2006, Wade & Reiter 2007). However, this is well established that adequate social welfare policies and efficient governance are found to reduce both the generation and risk of exposure to terrorist attacks (Burgoon 2006, Mousseau, M., & Mousseau, D. 2005).

In order to achieve the above stated goal, we have included a number of governance indicators in our multiple regression models. These indicators are whether or not the public authorities responsible for providing public services are fulfilling their responsibilities, whether or



Statistical expert providing training to enumerators at training workshop

not they are engaged in corruption, whether or not their behavior is friendly, whether or not access to these authorities is easy, and how easy/difficult it is for the general public to deal with various public authorities. In all of the above cases, responses are gauged on a scale from 1 to 10 and in all cases except corruption, 1 is the worst category and 10 is the best category. Therefore, we have reversed the original responses, except corruption, so that 10 becomes the worst category and 1 becomes the best.

By doing so, in all cases, and if these various indicators of governance are related with support for militancy, then we expect a positive relationship with each indicator and support for militancy. That is, worst performance on each indicator should be positively associated with support for militancy. It is important to clarify at the very outset that due to the wide differences in governance systems operational in KP Settled Districts, Malakand Division and FATA the government departments referred to in the questionnaire do not exist in all 3 areas, or exist under different names/modalities from one region to the next. For instance,

FATA has no regular police, courts or prosecution department. In Malakand and KP Settled Districts the Political Agent and *Khassadars* do not exist as they do in FATA.

Looking at the results table once again, the first of these indicators is “Responsibility\_2” which signifies the fact that what the public opinion is regarding how well the representatives of the citizens (Member National Assembly and Member Provincial Assembly) are fulfilling their responsibilities. While we have no evidence to say anything about whether the worst performance of MNA and MPA causes more support for militancy in KP-S and FATA (where it does not apply), we do have a strong and positive relationship between the two in overall sample and former Malakand division. The relationship is significant at 10% and 1% level of significance in overall sample and former Malakand division respectively. It should be noted that this conclusion applies to the MNAs and MPAs elected during the general elections of 2008, not the current assemblies, as it is based on the results of the survey which was conducted before the general elections of 2013.

The next in the list is “responsibility\_3” which signifies the same thing as above for political agent and khasadar. Interestingly, we failed to find any evidence of worst performance of political agent and khasadar, on the scale of responsibility, causing support for militancy in FATA (where it is applicable) and Overall sample but the relationship is positive and significant, at 10% level, both in KP-S and former Malakand division (where there are no political agent or khasadar). This may be interpreted as public perception regarding political agent and khasadar which causes support for militancy. However, the sum scores of responsibility are positively associated with support for militancy in FATA but this variable is not significant at any standard levels.

Corruption\_1 measures the impact of corruption by police, judiciary, prosecutor, Health department, WAPDA, civil works, tehsildar, Patwari, MNA and MPA on support for militancy. The estimated coefficient is positive, as expected, and is significant at 1% level in KP-S. This signifies the fact that corruption by the mentioned public authorities and departments causes support for militancy to increase. However, this relationship is not established in other parts of the surveyed areas which is understandable since the mentioned authorities, or a majority of these, originates only in KP-S and the public, at large, have experienced the corrupt attitude of those only in KP-S. Similarly “Corruption\_2” shows the influence of corruption by the health and education department on support for militancy. This relationship, as the result table shows, is positive but statistically insignificant, and hence we can conclude that corruption by the health and education departments have no statistically significant impact on support for militancy.

Corruption\_3 gives us the impact of corruption by political agent and khasadar on support for militancy. As before, this relationship is inconclusive in overall sample, KP-S and FATA but is positive and highly significant at former Malakand division, and as before, this can be interpreted as mere perceptions. Also, it should be noted that descriptive statistics does not hold any link of Khasadar and Political Agent with corruption.

The next indicator of governance is the behavior of the public authorities with the general public. First in this list is “Friendly Behaviour\_2” which shows the impact of MNA’s and MPA’s behavior on support for militancy. However, this variable, in our data set don’t systematically affect support for militancy as the estimated coefficients are insignificant everywhere. Similar is the case with “friendly behavior\_3” and overall friendly behavior.

That is, we can conclude that we do not have any evidence to show that unfriendly behavior by the public authorities affects support for militancy in any way.

Access to the officials responsible for delivering public services with ease has a profound impact on the satisfaction level of the society. But if public authorities are not accessible, then it causes heartburn amongst the tax payers (general public) and may ultimately result in violent conflict against the ruling class. Thus the next important indicator of governance that we have considered is accessibility to public servants and services and its impact on support for militancy. Unfortunately, we have not found any statistically meaningful relationship between access and support for militancy except “Access\_2” which measures the difficulty to access political agent and khasadar for public service delivery. And as before, this indicator is positively and significantly affecting support for militancy where it is not applicable, i.e. overall sample and KP-S.

Dealing with Govt\_3 measures the impact of how difficult it is to register an FIR and force the police to timely investigate the FIR on support for militancy. This variable have an intuitive appeal for being included in the analysis as many of the think tanks thinks that the large scale militant support in Pakistan is due to the fact that the police force, which is responsible for ensuring law and order and justice, is engaged in rent seeking behavior. As a result, the public at large seeks other sources which amount to supporting militancy. The results table shows that this variable is positive and highly significant, at least in overall sample and KP-S. This implies that the bottlenecks created by the police force to register a FIR and investigate it causes people to support alternative sources of maintaining law and order and to provide them justice.

#### **4.4.6 Income**

A person’s position on the income scale is considered to be one of the driving forces of militancy. That is so because if a person is poor, his personal characteristics notwithstanding, most will term the system for not providing this particular individual the opportunity to flourish. Naturally then, overthrowing the current system and replacing it calls for struggle, may it be violent or non-violent. Thus poverty is expected to be strongly associated with support for militancy (Enders and Hoover 2012, Li and Schaub 2004).

To capture the influence of this important variable on support for militancy, we have included monthly income of the respondents as one of the explanatory variable in our multiple regression models. If the hypothesized theory is correct, then we will expect a negative sign of the income variable which will signify the fact that the more is income, the less is the support for militancy and vice versa. The results table shows that our estimated parameter is exactly in accordance with the theory except former Malakand division. This relationship is highly significant in FATA. Intuitively, militancy brings negative fortunes for those who have a well-defined income source and hence are less likely to support militancy. But the positive sign in former Malakand division of the income variable, which is significant at 10% level, is interesting. It is said that terrorists, at former Malakand division, were strongly against the wealthy and public servants. To reduce the strong opposition of the terrorists, the wealthy sought the favor of the terrorists by establishing relationships, social and financial, with them (as per FGD findings). Thus looked in this context, it make sense that the income variable is positively associated with support for militancy.

A strong correlate of the income variable is the land ownership by the respondent and hence our expectations regarding land ownership and support for militancy are the same as for the income variable. In line with our expectations, more land is associated with less support for militancy everywhere except at Malakand division. Land ownership is highly significant in overall sample, KP-S and FATA but totally insignificant in Malakand where it takes counter intuitive sign.

#### **4.4.7 Traditions**

The variable named “traditions” has been constructed based on whether government of Pakistan has made it sure to take care of the traditions such as providing protection to the guests seeking asylum. The responses ranged from completely successful in doing so (=1) and completely failed in doing so (=4). Thus, if the stated variable has anything to do with support for militancy, then we expect a positive coefficient. The results show that this variable is positively and significantly associated with support for militancy in former Malakand division.

## CHAPTER – V

### KEY RESULTS AND FINDINGS OF FGDs

Focus Group Discussions (FGDs) were conducted in each of the 3 regions selected for survey research (Malakand Division, KP, and FATA) inviting the participation of deputy district, district, and executive district level public service providers, including:

- |             |               |               |                                   |
|-------------|---------------|---------------|-----------------------------------|
| • Police    | • Prosecution | • Judiciary   | • Health                          |
| • Education | • WAPDA       | • Civil Works | • Land Revenue and Administration |

The agenda of the FDGs was to:

Identify the supply-side factors that are responsible for negative citizen perceptions related to each public service area (if any) emanating from the surveys and highlight the reasons that explain differences

Evolve policy recommendations that may mitigate these factors, to improve negative public perceptions of local governance, which may promote radicalization

Identify areas for further research to explore the misgovernance-terrorism nexus in light of FGD findings

#### 5.1 FGD Narrative – Peshawar

**Project:** Mis-Governance Radicalization Nexus in Pakistan

**Donor:** USIP

**Event:** Focus Group Discussion

**Venue:** Shelton's Greens Hotel - Peshawar

**Date of Event:** 20 November 2013

**Facilitators:** Mr. Daniyal Aziz and Mr. Usama Bakhtiar

**Sessions:** 1, 2 and 3 (Deputy District Level, District Level and Executive District Level)

Invitees:

*Deputy District Level:* Judiciary: Ahelmad, Reader, Civil Judge, Judicial Magistrate, Assistant District Prosecutor; Police: Investigation Officer, Muharar, SHO; Land Management and Revenue: Lumberdar, Patwari, Qanungoe; Health: MO/Superintendent

RHC; Education: Teachers/Principal/Headmaster; WAPDA/PESCO: Line Man, Meter Reader, Inspector; Civil Works: Road Inspector, Secretary Union Council

*District Level:* Judiciary: Additional District & Session Judge, Deputy District Public Prosecutor; Police: DSP; Land Management and Revenue: Assistant Commissioner/ Tehsildar; Health: MS THQ, DO (Health); Education: AEOs, DDO (Education); WAPDA/PESCO: Line Supervisor, SDO; Civil Works: SDO Roads, TMO

*Executive District Level:* Judiciary: Senior Civil Judge, Senior District & Session Judge, District Public Prosecutor; Police: DPO, SP (Investigation); Land Management and Revenue: Deputy Commissioner; Health: EDO (Health), Deputy Secretary/Joint Secretary (Health); Education: EDO (Education), Deputy Secretary/Joint Secretary (Education); WAPDA/PESCO: SE, XEN; Civil Works: Superintendent Engineer Roads

Mr. Daniyal Aziz commenced the Focus Group Discussion by greeting all the FGD participants. He preceded by informing participants about GINI, the USIP's project and what the project is trying to achieve. Mr. Aziz asked the participants to jot down any questions they may have so that they can be answered after the presentation was over.

Mr. Usama Bakhtiar carried out the presentation. The data in the presentation were from 800 ordinary citizens (public) residing in Khyber Pakhtunkhwa, and questions were based on the performance and effectiveness of Civil works, Health, Education, Police, Land Management & Revenue and Water and Power Development Authority (WAPDA), departments. The statistics were derived from a detailed analysis of the results of the 800 questionnaires and were presented to the aforementioned government departments

### **Health Department**



Mis-governance – Radicalization Nexus in Pakistan | Focus Group Discussion in Peshawar, KP.

Dr. Ifthikhar from Charsadda from the health department was the most vocal and voiced his views and provided a rationale behind health related statistics. Mr. Aziz then asked Dr. Ifthikhar to tell everyone how many Basic Health Units<sup>154</sup> (BHUs) are currently present in Charsadda; to which he answered 40-50, but also clarified that only 15 or less are currently working, while others are in ruins. Dr.

Ifthikhar explained that BHUs and civil hospitals were in bad shape due to 'bad

performance' from domestic influences.

<sup>154</sup> These are first level healthcare facilities that are the primary point of contact between the state's system of health and citizens seeking healthcare.

He explained that 20% of health centers in Charsadda were nonfunctional. He also mentioned that places where BHUs are needed the most are not constructed i.e. no one bothers to construct BHUs where there are 40,000 people residing in an area. A point that he raised more profoundly was that Members of the National Assembly (MNAs) and Members of the Provincial Assembly (MPAs) use their influence to secure decisions from the bureaucracy only, regarding planning and finance functions – even the construction of BHUs to



Mis-governance – Radicalization Nexus in Pakistan | Focus Group Discussion in Peshawar, KP.

He added, that these hospitals were made by using billions of Rupees, and due to their location (in the middle of the jungle) maintenance of the hospitals became troublesome and eventually no one bothered to maintain them any further which had caused the hospital to close down/abandoned.

Mr. Aziz then went on to explain that, from the 50 BHUs already established in Charsadda, 45 that are not functional today were indeed functioning in the 1980s, which meant that the purpose of the BHU's were fulfilled at the time. Dr. Iftikhar rebutted that the government only provides 25% of health services in Charsadda, while private firms are providing the remainder, leading to the conclusion that the government owned BHU's are sub-standard and do not contain necessary equipment to cater for the 1000s of patients.

Dr. Iftikhar then explained that the only way to improve quality of the Tehsil Head Quarters Hospitals is to privatize them. He further explained that 25% of the population was being treated by privately owned and run hospitals. To which Mr. Aziz said that private doctors are using Government owned facilities, which was also a form of occupying the hospital.

Dr. Atiq-ur-Rehman, a Deputy District Health Officer (DDHO) from Charsadda highlighted the need for proper implementation of government system. He went on to explain that if there are systems in place, it should be implemented. He gave an example of Basic Health Units (BHUs) that are failing in Charsadda; he suggested that BHUs should be supervised if they are to function properly. Dr. Atiq-ur-Rehman stressed on the following problems that result in failure of BHUs; a) political influences being a core problem, b) health authorities are very weak, c) substandard pharmaceuticals available to the public d) internal disputes.

He explained that internal disputes arise from reporting against a peer of wrongdoing; this dispute easily erupts into a life-threatening situation. He explained that the BHUs are operated more like an organized crime syndicate than an actual health service center. Dr. Atiq-ur-Rehman gave a few remedies through which these problems could be minimized; he



stressed on community empowerment, he feels that the communities and elected community leaders should be more involved; hiring of local staff members in the BHUs and improve the working environment.

### **Police Department**

Mr. Hadayatullah, a Station House Officer (SHO) from Nowshera explained why the public was so dissatisfied with the police. He began by explaining the perspective of the police officers, by saying that there are no set duty timings; the timings change from 8 hours to 24 hours; beat officers are not safe in some areas, and no safety precautions are given to them. He admitted that amidst corruption and wrongdoing, there is a lot of sacrifice that an officer gives which overshadows corruption.



Mis-governance – Radicalization Nexus in Pakistan | Focus Group Discussion in Peshawar, KP.

The officers are not provided with any arrangements of food and went on to say that food arrangements had to be made by themselves which include cooking the food by themselves and purchase of food, the cost of which were borne by them. Not having a police endorsed hospitals is another factor, which he highlighted. Lastly he explained that the police tries to do good for the

community, but due to lack of trust from the public there is no cooperation from them; the community thinks of the police as an enemy.

Mr. Aziz asked Mr. Hadayatullah whether or not despite lack of facilities, the monthly income is enough or not. He went on to say that according to the public, police officers are in this profession to earn money from illicit means rather than protecting them. Mr. Aziz then requested Mr. Hadayatullah for a figure that represented his current monthly income and also an increment figure, which the police officer would like to receive per month.

Mr. Hadayatullah answered that he was getting paid twenty five thousand (25,000) Rupees a month; and the increment figure should be fair and justified according to the duties that the officer is hired to perform.

Mr. Nazir Khan, Deputy Superintendent of Police (DSP), Nowshera explained that he did not find the data showed in the presentation, with regards to the police related answers to be trusted. He further explained that the police are working very hard to solve problems in communities.

He explained that an online First Investigation Report (FIR) was in place for everyone to use. Mr. Khan explained the process of this system starting with the complainant lodging an online FIR, the cases are then viewed by the CPO who further delegates them to the SHO; the SHO is then responsible to investigate these cases and is answerable to the CPO.



## **Education Department**



Mis-governance – Radicalization Nexus in Pakistan | Focus Group Discussion in Peshawar, KP.

Mr. Kamal Khan who is an associate professor of the government college in Peshawar, explained that the Higher Education Commission and Elementary & Higher Secondary Commissions have been divided due to

departmental mismanagement issues such as; botched student enrollments, deteriorating quality of educational institutions and low teacher salaries to name a few. Primarily due to lack of government buildings for colleges and schools, many are shifting into rented houses and starting up schools and colleges there.

He explained that although no student is denied admission, primary school graduates are still finding it very hard to seek admissions into colleges. There is a Bachelor of Science (BS) program initiated by the Government of Pakistan, that makes it easier for 12<sup>th</sup> grade graduates to enroll into after completing their higher secondary schooling; this initiative enables students to enroll into a college while maintaining educational standards.

Mr. Aziz then asked Mr. Khan whether or not he feels that the segregation of the departments (explained previously), have strong links to mis-governance that might be considered to be a cause for the locals to have pro radicalization sentiments. To which Mr. Khan answered, yes. Mr. Khan went on to explain further that the departments are failing in fulfilling their duties.

He went on to say that, with the Taliban's presence in the area, many grievances and problems of the local people get addressed quickly, which results into the public to rely on the Taliban, rather than the Pakistani Government. Lastly Mr. Khan explained that if the government and its various departments were giving proper solutions, people would not go to the Taliban for resolving their disputes and addressing their grievances.

## **Land Revenue and Administration**

The *patwaris* that had attended the FGD were more vocal when taken to the side away from their superiors to explain why the public had such a negative perception. One explained that there is more corruption taking place in the *tehsildar's* office than any other department in the government. He went on to explain the forms of corruption; each *patwari* has a clerk to conduct illicit deals on their behalf, the proceeds from those deals are then divided between the *tehsildar* (who takes majority of the cut) and the *patwari* and his clerk who take the remainder.

The clerk is not on any official government payroll; they are, however, on the payroll of the *patwari*. 25% - 30% of land disputes are resolved once any party has paid off the *patwari* to

resolve the matter in the favor of the highest payer. If there is any dispute involving an influential person, the *patwari* cannot resolve any issue regardless of how much any party pays, this is due to the threats which the *patwari* would receive if he is biased.

*Patwaris* who do not want to take part in illicit deals are pressurized by the *tehsildar*, as their dealings also benefit the *tehsildar*. The *patwaris* request their seniors to be posted to a higher revenue city from rural to urban settings so that there is more chance of making revenue through illicit deals.

The books that the *tehsildars* maintain are encrypted, which means that any other person who wishes to see their books with correct land measurements cannot decipher the encryption, which makes the *patwari's* dependent on the *tehsildar* to make decisions and deals. Most of the documented measurements are either incorrect or fabricated; the *tehsildar* then instructs the *patwari* to amend the incorrect errors, which becomes very difficult.

Finally, another *patwari* explained that what they are taught in the academies are untaught and in return the *tehsildars* train them to conduct illicit deals and other modes of corruption. As mentioned before, this *patwari* reiterated that they are dependent on the *tehsildars* due to discrepancies in their books.

The only way to reduce corruption in this department is for the FIA and not Police to conduct checks and balances.

## 5.2 FGD Narrative – Malakand

**Project:** Mis-Governance Radicalization Nexus in Pakistan

**Donor:** USIP

**Event:** Focus Group Discussion

**Venue:** Committee Hall, DCO Office – Mingora, Swat

**Date of Event:** 18<sup>th</sup> December 2013

**Facilitators:** Mr. Usama Bakhtiar (CEO, GINI) and Mr. Sabieh Haider (Research Manager, GINI)



Mr. Sabieh Haider (Research Manager GINI) presents the survey research at the FGD in Swat

### Land Revenue and Administration

The Assistant Commissioner (AC), Swat, was among the most

vocal of the participants and was the first to speak following the research presentation. He thanked GINI for the very informative presentation and stated that the survey was ‘excellent’ and an ‘eye opener’. Speaking on behalf of the revenue department, he was in general agreement with the ratings provided by citizens in the survey. He brought up the issue of the constant changes being introduced to the local governance system, which has led to confusion among citizens. Citizens who are more familiar with the older system of governance are not aware of the new administrative setup of various departments and may have a tendency to view the present system as less efficient and effective during this transitional period.

Mr. Usama Bakhtiar posed a question to the AC about the dissatisfaction with the system of the Swat land settlements and its role in propagating militancy in the region. The AC responded to the question by explaining why people were dissatisfied with the land settlement commission. He explained that before the settlement, there was a great setup for record keeping and dispute resolution which was done swiftly and verbally by the Wali of Swat. It was simple. The land settlement, he argued, was too complex for the average citizen to understand. Even though there was a provision for settling any objections with the settlement, the objection needed to be filed during an appropriate time period. However, people were used to system of verbal settlements with the Wali. He continued to explain that even today; citizens prefer to settle their disputes verbally through alternate dispute resolution (ADR) setups. Citizens avoid contesting cases in civil court because of the complications involved with the judicial system, and the lengthy process of obtaining justice this way, compared to the swift ADR mechanisms. Further, he added that a majority of cases in civil courts are land cases.

Mr. Bakhtiar then inquired about whether or not there is nostalgia amongst the locals with regards to the judicial system implemented by the Wali of Swat. To which the AC responded that the Wali of Swat was one person who was the judge, jury and prosecution. He went on to explain that before the devolution of 2001, there used to be summary trials, which again have been on a rise in recent years. He explained that according to the mindset of the common Pakistani, the colonizers (British) developed the Code of Criminal Procedure (Cr.P.C) with a lot of thought as it took them 50 years to perfect the system so that they could keep the Pakistanis in check. He then stressed on the fact that Pakistanis are ‘not human’. He further clarified that a Pakistani abides by all the rules when s/he is in a foreign country and on his/her return to Pakistan, the Pakistani breaks all the rules once again. This is why the rules that are made for Pakistan are not the same for other countries. He concluded by saying that the Wali of Swat understood British rules and why they need to be implemented to keep the Pakistanis in check, which is why the locals respect the Wali of Swat system, because albeit simple, the system used to work.

Returning to the issue of militancy, the AC mentioned that the current administrative system in PATA is the most effective administrative system in the region. They have made special laws and provisions to speed up cases, and to appoint an additional magistrate in the event that a magistrate has to handle more than 200 cases. The laws are present but

implementation is lacking due to the size of Swat District. Other Tehsil's in the region have much few districts in comparison. However, Tehsil of Swat district has a complete police and judicial setup, a functional administrative system as well as a sense of security due to army presence.

Every officer in Swat Tehsil is present and available at his place of duty, which is not the case in other regions. He also stated that the return to normalcy could be assessed by indicators such as the prices of vegetables, property and transport which are now stable, and freedom of movement of Government officials is not hindered by security threats.

The AC was of the opinion that computerization of land records is a crucial step forward towards improved land management and overall governance. He said that initially computerization of land records would cause more problems, as there will be growing pains, but people would eventually get used to it. There is a great need for centralization of data and strengthening of the IT set up in PATA. He mentioned the example of the EDO IT post that was operational in Punjab for some time as well as the data centralization procedures undertaken by NADRA. The AC went on to explain that more senior/older officers, whom he referred to as 'babas', are not receptive to change and that policy makers are 'technology shy'. He was of the opinion that governments need to take steps to grow, and that the coming age is the 'age of innovation.'

### **Prosecution**

An FGD participant representing the prosecution brought up the Right to Information Ordinance. The AC responded to the question, stating that the Right to Information Act is not helpful at all. The act will not be extended in PATA. The act can only be extended according to article 247, which states that the Governor and President must consent to it. It will not be extended till such time that the army is present there. He continued to explain how, like the Right to Information Act, there are numerous other acts and 2000 special laws in PATA; however, there are numerous challenges being faced in their implementation, political interference in decision making being a major one.

Mr. Bakhtiar then brought attention limited public access of the prosecution, evident in the survey data. FGD members of the prosecution took speaking during discussion about role in the judicial system and the challenges they face. A prosecutor explained how he may



The Assistant Commissioner, Swat, discusses his thoughts about the information presented by GINI

to

turns  
the  
their

be handling 30-40 cases from the AC's office, while simultaneously handling 40 cases from the judicial magistrate's office. He said that the case load is too great on any particular prosecutor. Following those remarks, the AC added that the prosecutor is not supposed to be available to the public; rather, he/she should be available to the judges and the ACs. The prosecutor is the person from the Government side that assists the Judges and ACs with criminal cases. He further added that in district Swat, there are about 450-500 cases pending in the high court and about 1000-1500 cases in the civil court, but there are (only) 3 government readers. The high caseload and lack of staff leads to the need to 'prioritize justice', i.e. to push cases which are deemed more important. One prosecutor also shed light on the timetable prescribed by National Judicial Policy 2009 to solve a case which created pressure on judges to follow timelines of cases which have caused slippages in the quality of adjudication. He went on to explain that the timetables prescribed by the National Judicial Policy 2009 for criminal and civil cases are –

- 4 months to reach a judgment on criminal cases; and
- 6 months to reach a judgment on civil cases.

Another member of the Prosecution stated that, in Pakistan, surveys of public opinion are carried out. Until public opinion is accounted for, there is no idea of where the priority of each individual department should be. After gathering public opinion we can understand what should be prioritized. The gentleman continued to explain how the previous PATA system of mediation was not exemplary but it provided for cheap and swift justice. He compared it to the current process of appeals which, in his opinion, is a far too lengthy and complicated system which lead to cases in the supreme and high courts to remain pending for years. In his opinion, the appeals system should be limited.

He then chimed in on ADRs, saying that the Jirga and Panchayat systems are not flawed systems. The only problem with those systems is that there are no government regulated checks and balances to oversee the process. He cited the example of the supreme court of India passing a ruling which brought their Panchayat system into the existing legal framework of checks and balances, to provide cheap and swift justice for all. The AC interjected, stating that there are forums for ADR which are successful. He asserted that he is a 'very strong believer in ADRs', and that legal regulations should be enacted to strengthen the existing ADR setup in Pakistan.

Mr. Bakhtiar proposed another argument that the prosecution can sometimes drop a case, but there is pressure on them for the case to go to trial. One prosecutor explained that the duty of the prosecution is to serve the interest of the public, not to convict the accused. He stressed this point several times. He explained that if the prosecution sees a weak case, The Prosecution Act has various sanctions to deal with such a situation, but he was interrupted. Other participants of the FGD interject about pressure and political interference, when finally the original speaker agreed that there is pressure, but they address it aptly. Another prosecutor added that there are social factors, misgovernance is rampant and there is political

pressure and interference. The prosecution has lots of stakeholders including the police, the legal investigative agencies and the biggest stakeholder group being the public.

Mr. Bakhtiar then asked about the existence of parole and probation laws, whether they have been extended in Malakand and whether there is public awareness about them. The response to that question was an emphatic yes from multiple participants, however, there is limited awareness among the general public. Provisions exist in the legislation; there is a parole and probation order however, the general public cannot understand civil and criminal procedures which are very complex. A member of the prosecution thought that there was no need for these procedures to be so complex. They should be simplified for the general public to whatever extent possible and technicalities should be removed.

Another prosecutor brought up the Sharia regulation, stating that only 2 points of the Sharia regulation are in practice. One of those points being that appeals must be filed within one month. It was additionally explained that supervision of the prosecutor starts as soon as the first information report (FIR) is filed. Another short coming of the legal system, he said, was the shortage of staff, which has not kept up with the population growth rate.

Another prosecutor provided statistics from the latest fortnightly data of the Malakand division which showed that 50% of the cases during the reporting period resulted in convictions, 25% in acquittals and the remaining 25% in a compromise. These were not including cases where the defendant pled guilty. Furthermore, the conviction ratio for Swat during the month was 25%, the highest in the province. It was also added that there are not harsh enough penalties for filing frivolous reports and cases. The sentence for frivolous allegations is usually only 2-6 months and/or a petty fine of a few 1000 rupees.

### **Police Department**

At this point an FGD participant from the Police interjected. He stated that an FIR is only the first information report which the police may decide to investigate if an investigation seems warranted. If the report is true, if it warrants inquiry and an offense has been discovered, the case is immediately sent to the prosecution. Many FIRs are not registered because they do not meet the criteria to be registered. He continued to explain that cases having a sentence of more than 3 years are usually pushed ahead in the investigation. The police have to support the prosecution in every way, until they are satisfied, but they are bound by the timeline of 14 days to register the challan.

A police official and prosecution official went back and forth explaining details about the FIR which included the following:

- FIR is a report which includes details like Name, Father's Name, Telephone number, and a short brief of the issue
- The FIR can be registered with the session judge as well

- Public awareness is low about the FIR procedure

A member of the prosecution went on to explain that most of the people who are in contact with the prosecutors are the police investigators. A member of the police added that there is complete cooperation between the police and prosecution, and there is an adequate system of checks and balances in place.

Mr. Bakhtiar informed the FGD participants that the media and news agencies constantly blame the gaps in the law and order system of Pakistan for being exploited by militants. A police officer attending the session claimed that these issues were synonymous with all provinces and not just KP or MD. Provinces like Punjab and Baluchistan are also seeing rising signs of militancy in recent years. The police officer continued to explain that other areas have more radicalization and militancy than MD, and that a lapse in the law and order system cannot be the only factor to result in militancy nor the fact that law and order gaps are not present in other provinces. He was recalling his time in MD 25 years ago when he was stationed in the district; he was surprised to see vast differences between the MD now and before and finally added that he does not know what elements cause radicalization.

Another police officer explained that the average working hours for any police officer is 24 hours a day. He explained that on an average one investigation officer who is conducting an investigation on a First Information Report lodged by the plaintiff, has an excess of up to 50 cases a year to solve; some IOs' cases are much more which becomes very difficult to handle. He also expressed his grief on having to import forensics equipment from Australia; but was also very positive as he believes that the new equipment would make solving cases faster, which would further improve their perception among the public.

Mr. Bakhtiar asked FGD participants representing the police whether or not there will be any significant change in performance if the government gives each officer a pay increment. A participant representing the police answered that the police is doing everything in their power as it is, but policies will be taken more into consideration as implementing efforts in improving police service will be a significant result of a pay increment. He, however, did have one condition which was no political influences should occur whilst conducting police duties, as this makes it very difficult to investigate suspects without prejudice.

Mr. Bakhtiar then asked participants whether or not under the 2001 LGO, the criminal justice committee conducts coordination meetings to mitigate some of the communication lapses and whether or not this committee even exists. A discussion participant responded, saying that this system is very much in place and is working very well as it helps to coordinate meetings every month. However, he mentioned that most witnesses to murders and heinous crimes are afraid to come forward to give their testimony as they fear for their lives.

## **Health Department**

A health official stated that Misgovernance is rampant in Pakistan, and that everybody should be accountable to the state. He went on to explain that centralization of power causes disruptions, divisions and rifts. Director Generals (DG) in the province don't want to delegate power which leads important posts to remain vacant. He stated that our democracy ruins everything. A former medical superintendent interjected, stating that any decision he made was overturned or interfered with by senior officials.

He made the point that misgovernance occurs from the top down.

An official from DHQ hospital added that funding is a problem and most health officials are unaware about the funding decisions. He also stated, "We are like puppets". Furthermore, he brought up the following points:

- Nobody asks the correct officials about the necessary health requirements.
- Many important posts have been vacant for years, e.g.: Gynecology
- He tried to start a blood bank, secured investment, and put in some of his own funds, but his senior officials forced him to stop because he didn't ask for their prior approval.
- Policy makers should ask hospitals about their requirements

Another health official brought up the following issues:

- The public seeks the immediate satisfaction of quacks and quick fix medicines, rather than the correct long-term medical treatment.
- They don't have enough staff
- Ability to prioritize cases is poor
- Patient filtering system should be implemented to prioritize important cases
- Funding/ Budgeting at the district level is only 50 Paisa per head per year. In comparison, the cost of a syringe is Rs 10.
- There is too much political interference

Another health official entered the discussion, explaining that the health department is facing numerous problems. He went on to explain that the District Health Officer (DHO) has ultimate powers short of the secretary and the Director General who have powers and authorities greater than the DHO. The officer level employee has such limited powers that if there is something wrong in the hospitals, the officer has no authority to solve matters, instead they wait for the aforementioned to come forward and resolve matters. The hiring



system is long and tedious; he gave an example of a doctor's application for a job that took 6 months for the department. He cited political interference for his department's red-tape.

### **Education Department**

An official from the educational department was pleased to see that public perception on education was positive. He narrated a story in which he observed that a teacher teaches the class for 10 minutes and the rest of the class, students are asked to sit quietly on their chairs. This practice results in the children to learn nothing while the teacher still receives their full salaries. When asked why the teacher was doing such a thing, the reply was that the syllabus is enough for 2 months' worth of teaching; and if the teacher taught the children now, they would have forgot most if not all of what was taught, which is why the teacher is adamant to teach the children the syllabus two months before the exams are conducted so that what is learnt is still fresh in their minds and so that there is no need for any revision classes. In the teachers opinion this is necessary so that the students could pass their exams with ease, rather than to teach them at the start of the semester and revising all what was being taught.

He continued to explain that the educational department has rules procedures and policies in place; however, these are all useless if there is no one to implement them. He went on to further explain that the management committee appoints the teacher and the teacher signs a contract that lasts a year. He also informed the FG that there is an evaluation report in place that assesses the performance of each teacher independently. If the report is negative, the teacher is given a warning. If the report is negative more times than not, the teacher is not given another contract for the next year. In extreme cases, the teacher's license is revoked without prejudice.

On the subject of performance based incentives, the same educational officer was of the opinion that within the educational department, this system would work wonders. He then informed that currently there is a promotional system that requires the officer to have a certain level of qualification and experience to measure whether or not the candidate is suitable for a promotion. The educational department's current hiring criteria is an intermediate qualification; however, he informed that master's graduates are given first preference. Another education official added that universities like Allama Iqbal Open University, who provide distance learning capabilities, produce teachers with degrees; however, they have no experience or functional know-how on how to deal with students or to teach. Furthermore, the educational official explained that the headmaster and principals are only titles given with no real authority. He informed that as per educational departments' policy and regulations, the power to hire or fire should be given to them to use at their discretion.

Officials from Education brought up the following points:

- Only 2% of the budget is dedicated to education

- The new budget about educational emergency has not really been effective
- Lack of trained, qualified and motivated teachers
- There are donor operated teacher training programs, but no government operated teacher training programs

### **Civil Works**

A civil works official explained that in the past there was a system in place, which required all damaged roads to be patched as soon as there were signs of wear and tear. This used to be done on a limited budget and limited manpower. He then compared the past with the present by saying that regardless of the budget being more than what it was before, there is no support to repair roads. Only when a road is absolutely destroyed does the government tender its repairs. He also raised an interesting point that identified political influences to determine which road is to be repaired. In his opinion, the gutters and roads where voters are situated are repaired and paved well within time by political representatives of the area; and main roads are left unattended.

Mr. Bakhtiar then informed the participants of the second session that in the first session an employee of civil works mentioned that contracts are outsourced to repair the roads. Due to this being a sensitive topic for most (corruption), the participants relating to civil works were asked to shed some light on this matter.

The same official from civil works then confirmed that there had always been outsourcing of contracts; however, the level of outsourcing is questionable. He went on to explain that the selection criteria and registration could be done fairly and in an unbiased manner. However, there are a lot of hierarchical influences that totally disregard any company selection fairly and on merit. He urged that selection should be based on merit and not on any network contact to keep this process free from any corruption and bias.

## **5.3 FGD Narrative – Federally Administered Tribal Areas**

**Project:** Misgovernance Radicalization Nexus in Pakistan

**Donor:** USIP

**Event:** Focus Group Discussion

**Venue:** FATA Secretariat

**Date of Event:** 26 March 2014

**Facilitators:** Mr. Daniyal Aziz and Mr. Sabieh Haider

## **Political Agent and Khasadar**

An official from the FATA Secretariat Project Management Unit, clarified that the satisfaction and dissatisfaction of the criminal justice system in FATA are almost 50-50. He also mentioned that the ratio had been derived from reports from Punjab and settled areas of KP.

Mr. Daniyal Aziz clarified that the research focuses primarily on Malakand Division, Khyber Pakhtunkhwa and FATA. He also informed the participants that other provinces such as Punjab, Sindh and Baluchistan were not researched upon due to budget constraints. He also stressed upon the fact that this project focuses more on areas where there is more of an issue with regards to radicalization, so the study includes KP, MD and FATA. He agreed with the participant about an impending radicalization problem in Punjab, Sindh and Baluchistan, and future possibility to extend this study into the remaining provinces.

The PMU official continued to say that FATA in itself is diverse and complex and that the North and South of FATA are very different from each other; he went on to describe the Masud area where 100% of people residing there will take use of the Jirga system to settle their issues, and that they won't go to the Political Agent and/or Khasadar. He added that the only way they will come to the political agent and Khasadar is when there is a land dispute between two tribes. The Khasadars and political agents will not be called to resolve the matter completely as they are only called to facilitate e.g. requesting them to get in-touch with tribe elders from different tribes so that they could meet.

He continued to say that it is different in the north as there are a few areas such as settled areas where the people will agree to go to a Tehsildar or another government official to resolve the issue, he went on to say that while 80% - 90% of people from North Waziristan will still go to a Jirga. While in the Khurram agency (excluding Parachinar), the locals will not seek help of any political administration or the government; they will settle their land disputes between the 2 parties. The people will only go to the political administration and government if they feel the need to be facilitated in the resolution process for the tribal dispute.

After telling the GINI team about all the complexities and diverging opinions present in FATA's agencies, he asked the following questions:

1. How is it possible for conclusive results to be derived from MD and FATA?
2. Why is it that after the events of 9/11, a need to find links between misgovernance and radicalization are being discussed now and not before?

Lastly he posed his opinion stating that linking misgovernance to radicalization is due to a flurry of reasons and not just a few. He also suggested that, the redressal system should be focused on so that it can be improved further rather than worsen it, and then we should dig further into branching out the redressal system so that better results can be derived from other areas.

Another official from the FATA secretariat PMU stressed that the ratio of 50 males and 50 females is unrealistic due to the fact that females in FATA are not socially active. He also suggested that the ratio of 20 females to 80 males or thirty females to 70 males would be a more plausible ratio.

Mr. Sabieh Haider confirmed that the ratio set for the survey was according to international survey methods.

Mr. Aziz interjected that although the PMU official was correct about the female respondents, however, he also clarified that the GINI team had to make a comparison with settled districts and Malakand. This is why the GINI research team decided to make a benchmark from where the survey needs to be based on. This is why a 50-50 ratio was chosen. Mr. Aziz understood that there are cultural affinities which are different between the three areas (KP, MD and FATA), but that could be argued for any percentage.

An official from the PMU highlighted the fact that a political agent deals with redressal and a Khasadar falls in the delivery category. Thus, the survey results concerning the public's access to a political agent would significantly vary as compared to that of Khasadars. He also identified another issue where the study highlight competence, he clarified that the judicial officers or civil servant officials are hired in the same manner and undergoing the same hiring process; deeming one's competence lower to that of the other is not justifiable.

Another PMU official interjected by saying that a lot depends on the perspective of the local population. He went on to explain that if the general perspective about law & order in FATA is not normal, and the GINI team is trying to analyze data from an international perspective for the same situations where there are external interferences and many other factors make things very difficult to focus on a few key factors to determine the relationship between radicalization and misgovernance is not a rational approach. He posed a rhetorical question if he was asked to put a rating on the study as a whole, he would rate that 90% more factors affect the outcomes as compared to the study itself, which has only covered 10% of the factors.

Mr. Aziz agreed to the statement, however, he clarified that GINI is not identifying misgovernance as the only reason to support militancy or radicalization, in-fact the GINI team is trying to determine whether there is militant and radical mindset caused by misgovernance. He went on to say that once the survey found out that there was a limited sense of radicalization, the research team then tried to identify which government function was creating difficulty and the composites/indicators that the study includes, for example corruption, is quite significant compared to other indicators we have taken into consideration in the study. He went on by saying that after all the Focus Group Discussions were completed and all the information has been gathered and finalized, the final research report will be presented by GINI on the 4<sup>th</sup> of April 2014 at the Peshawar University where all your valuable input that will be received today will be highlighted at the seminar. Mr. Aziz concluded by assuring the participants that the GINI team is aware of the ground realities, which are being highlighted with regards to tribal structures, their habits, how they resolve

their conflicts and comparisons between FATA and Malakand; thus are emphasized within the report in the form of a literature review and background analysis as a starting point of all the issues.

A PMU official commented by saying that the system of FATA is very small, incompetent, powerful, not accountable, there is no revenue generation and very corrupt. He continued to clarify each point by saying that by small it is meant that the political agent has executive and judicial powers there is no specialization of powers. By incompetent he meant that all officers come for 3 reasons 1. They don't want to work 2. They want to make money through corruption 3. They want to bring about change. He concluded that in his opinion the only way to fix this problem is revenue generation so that the system could support itself. He spoke very bluntly against the FCR, and the fact that it should be abolished; all the while stressing on the fact that FATA needs a firm push towards development.

A project employee from the PMU of the FATA Secretariat said that the people of FATA are vulnerable and they have nothing to lose. Which is why when outsiders present offers to them, they graciously accept without asking many questions. He suggested an umbrella of development to be created so that the people can develop a level of trust through accessibility, by the help of different organizations and showing an improvement in their lively hood. When speaking about project development, he kept on hearing people saying that there are copious amounts of funding through international donors, but he regretted to inform that there is no visible change on the ground.

Overall, the FGD participants generated a healthy discussion about the political administration of FATA and brought up a number of important issues. The special constitutional status of FATA was blame for certain structural inconsistencies responsible for poor governance in the area. For example, due to FATA's special constitutional status, official employees were not able to enjoy the same salary increases as officials in neighboring KP. This is despite the fact that all officials working in FATA are provincial government employees (according to the Presidential Order 1972) on deputation. Furthermore, they do not get any deputation allowance as FATA is administered under the jurisdiction of the federal government. Additionally, recruitment cannot be carried out by employees on deputation. Even FATA's own parliamentarians cannot pass legislation as they face greater restrictions due to the constitutional status of FATA.

Regarding local governance issues, an official at the FGD was of the opinion that the administrative setup is flawed. He suggested that a degree of decentralization should occur and the administrative boundaries of the Thana, Tehsildar, Khasadar and Levies be brought closer and made more accessible to citizens. He was of the opinion that the Tehsildar working from the Tehsil headquarter is overburdened. Appointing a Naib Tehsildar, or a similar official to share these responsibilities, at the village level, would solve the problem of overburdening as well as increase accessibility.

## **Health Department**

A medical doctor from the FATA health department commented that there have been many health related researches in FATA, From UNICEF and Agha Khan University. He went on to say that whenever him and his peers review their statistics, there have always been numerous discrepancies. He then posed a question regarding the sampling techniques used by the GINI research team i.e. what sampling methodology and the method used to collect the data was used? He then referred to a graph related to health from which he noticed that there are 2 groups i.e. Very dissatisfied and the other is satisfied; he continued to explain that in his opinion the reasons is that in FATA the Doctor to population ratio, Nurse to population ratio, paramedics to population ratio and bed occupancy in hospitals to population ratio are much lower as compared to other areas. He continued to explain that in FATA, facilities for Primary and secondary health care services are available however; facilities for tertiary health care services are not available. He then posed his opinion that, the groups of respondents that are dissatisfied are the ones who are in need of tertiary health care services, but due to the lack of facilities, they cannot avail them. With regards to how to improve the healthcare department, the doctor reported that the government of Pakistan has provided health recourses to 90% of people in FATA, this includes providing infrastructure and human resources, however, quality health care services are only available to less than 50% of people. This is why the doctors are at a 40% loss in resources, he also added that if resources are not available to the doctors, an effort should be put to at least try to improve the quality of healthcare services up-to 90%.

Mr. Aziz asked the doctor how things can be improved. To which the doctor replied that the real solution is improving governance to which health care can be improved. He added that it is because FATA does not have a health regulatory authority as compared to other areas like KP.

Mr. Aziz then asked whether or not the doctor had any recommendations with regards to the improvement of government health services. To which the doctor replied that there is no quality health services available, the reason for this is that the M&E system is not that strong. If the M&E system is strong, 90% of people can receive quality health care.

Mr. Aziz then asked the doctor that according to his experience and expertise, how the M&E system can be improved. To which the doctor said, that the improvement of the M&E system is based on political will and the will of the decision makers. The system is already in place, the overall system requires a little revision and a lot of commitment to ensure its implementation and success.

A PMU official stated his opinion saying that an effective redressal system is not there which a person can address queries and problems with regards to their respective departments. He gave an example of the director of health services that performs multiple tasks such as, planning, administration and regulation. He went on to say that the FATA secretariat is performing all the tasks for the whole of FATA? He gave another example, this time of an Agency Health Officer who is responsible for all tasks such as regulation,

delivery, planning etc. He added that there should be a parallel redressal system so that grievances can be addressed and problems can be solved. He concluded by agreeing that such a system (parallel redressal system) is not present in Pakistan, however he felt that there is a huge difference between the settled areas or KP and FATA i.e. special security concerns and geography of the 2 areas. Because of these reasons, all the work cannot be taken from one person or one institution.

Mr. Aziz asked whether he felt that an ombudsman should be in place. To which the PMU official replied yes, he added that an ombudsman as well as a monitoring and evaluation team should be in place.

An official from the health department inquired about whether along with political administration, is it not the FATA Secretariat's mandate to supervise the weaknesses of monitoring & evaluation or implementations? To which a PMU official answered yes; he went on to say that, the way to make it effective is not in the hands of the FATA secretariat as there are no controls in place. He went on to explain that although the secretariat possesses the capabilities and the means to deliver, he regretted to inform the participants that no one is willing to work towards implementation. He concluded by saying that, there is no need to strengthen political administration in fact instead there should be a drive to improve accountability.

A health department official commented by saying that, after the events of 9/11 the whole world changed, he continued to say that it is safe to say that the situation in FATA has also changed significantly. He went on to say that the people's priority does not lay in building schools or whether or not there is quality healthcare, they're more concerned with whether or not there is peace in the region or not. He ended by saying that neither doctor nor teacher willing to work in an area ruined by continuous conflict.

An official from the health department commented that there was deemphasize of the health facilities in 2009 i.e. rural facilities were moved to be situated in more populated areas. To which the medical doctor interjected that there was no deemphasize of any health facility, and the only change brought about is the converting of Basic Health Units (BHU) into Rural Health Centers (RHC). He continued to say that the doctors from the BHUs had been reassigned to secondary level health care facilities. He added that primary healthcare facilities provide more than 75% preventive services and 25% of common ailments are dealt with. According to reports from the World Health Organization (WHO) study, there is no role for doctors working in the BHUs to perform and the doctors were absent most of the time.

The medical doctor continued to say that in the current situation as it stands in FATA, there is no way that a medical specialist will work in the agencies. His rationale being that primarily because the salary package and medical facilities provided are not enough to compensate the medical specialist, as compared to other areas. He concluded by saying that until and unless these issues are not dealt with, no doctor would ever want to work there. He

also informed participants that UNICEF took an initiative to double the salary of all doctors located in FATA; unfortunately there are still vacancies in FATA for specialists.

To which Mr. Aziz inquired that regardless of an increase in salary, the doctors are still unwilling to go to FATA; what can be done to coax them to work in FATA? The doctor replied that there has been a research conducted by Shaukat Khanum Cancer Hospital with regards to its turnover rate for doctors. He went on to explain that the study found that the turnover rate was high; then they researched upon the reason as to why the turnover rate was so high, from which it was learnt that the facilities that are supposed to be provided to the doctors and specialists were not being given. The same was found for the Lahore hospital either. A doctor's salary package is perhaps the 4<sup>th</sup> reason on the list of reasons for the turnover; the first reason is the working environment, schools for their children being the second, and capacity building techniques being the third.

A female Data Manager from the District Health Information System highlighted the need for appreciation from her seniors for a job well done, which she reported does not come as frequent as it should be. She narrated a story when she crosschecked data from agencies and prepared a report and how that report was always ignored with no feedback. She said that she did not use to prepare reports for the governor, which her not her peers ever used to get any appreciation for their hard work nor did they ever used to get feedback on the work. She believes that feedback and appreciation would improve service delivery a great deal.

### **Local Government**

Mr. Aziz then asked the participants that if according to them, they felt that there is a scope in conducting local government elections in a judicious way? He pointed out that in a previous comment, the current local situation determines a political agent's strength and it was also mentioned that there is no alternative administration in place, accountability or any parallel system in place. He continued to ask the participant who they felt could be an authority to conduct judicious elections in the region?

To which an official from the PMU answered, yes for the elections having a scope. He went on to say that the way the Election Commission of Pakistan conducted the current elections for the National and provincial assemblies will be the same way that elections should be conducted in FATA. He informed Mr. Aziz that the people are willing to participate; all that is needed is initiation.

To which an official from the Civil Works replied that if any system is introduced in FATA, there was no guarantee that the next political administration will accept these systems? He went on to express his opinion by saying that the next political administration will certainly not accept any changes. He concluded by saying that implementation and execution will come from the higher ups of the political leadership and that there is no use in contemplating what the local administration thinks because the ultimate power does not lay in their hands. To which the PMU official replied that a system for the local government has been provided



with authority. The word authority should be replaced with responsibility so that the system provided to FATA is properly administrated.

A PMU official gave his opinion by saying that until and unless there are no rules and regulations introduced or until there are no amendments in the FCR, FATA will remain the way it is. He added that the problem is that ever since the FCR was made, there have been no changes; and on the other hand there are conversations of bringing about abrupt changes in the region. To which Mr. Aziz asked whether or not the FCR is being implemented in the whole FATA region. To which the PMU official replied that the FCR is only implemented in those areas where there is a government writ, and the areas covered by the FCR are not that many, so he answered no to the FCR question as not being implemented throughout.

Another PMU official pointed out the GINI survey data by highlighting that 86% of respondents use the Jirga system and 26% approach their families to address their grievances. To which Mr. Aziz asked whether or not the Maliks or Lungi Holders are present throughout the area or only in specific areas? To which the PMU official replied that the Maliks or Lungi Holders are from all the tribes and villages. He went on to clarify that the term Jirga has been wrongfully interpreted. Jirga is such that leadership emerges according to the passage of time. In a tribal society influence and intelligence in a clan, an individual stands out regardless of whether he is from an influential family or not. If a competent person emerges from a tribe, they make him a Malik. In the Khyber agency, if there are 3000 elders or Maliks the ones working are only 250-300 others are dormant.

### **CIVIL WORKS**

An official from the Public Health and Engineering Department said that his department is still going by the policies that were first introduced in 1994, in which it states that after completing a particular project, the maintenance should also be conducted by the same department. He went on to explain that there was another policy by the name of the Social Action Program and according to that policy, FATA comes within the settled areas; and in accordance with that policy, his department was engaged in a lot of projects, which after being completed were handed over to the Village Development Organization. When he was called after a few years to conduct a survey of the projects, he found that approximately 80% - 90% of the projects were not in running condition. This was because of lack of technical knowledge, no proper billing system, there were no resources available to repair the machines, and therefore the policy was unsuccessful. The previous government revised the policy and reintroduced under a different scheme for which a position was also created in all settled villages i.e. one scheme for each village. Under the same policy, the Governor took note of the abandoned schemes and suggested that the staff members, who are not working anymore but are getting paid for their services, need to be let go of. But unfortunately in FATA, firing the workers would create more problems than it would solve.

Another Civil Works official explained that in FATA the first major problem is the lack of law and order, he mentioned that if there is always a danger looming, no one will be willing to work in FATA regardless of whether or not the worker is provided with facilities and/or

packages. He went on to say that the awareness level of the people; according to the GINI survey shows that 69% of people reported to have difficulty accessing roads, the projects that are conducted by him are identified by the Members of the National Assembly and community elders, hence they cannot give any schemes directly to the people. The projects recommended, for example are nominated by the health department or the education department depending on their demands, so all that the Civil Works department does is execute the scheme and hand it over to the respective department after completion. He concluded by saying that his ultimate focus is on peace in FATA so that everyone regardless of department can perform their duties.

An official from the Local Government Department made all the participants privy to his opinion by saying that the local government act should be extended to FATA so that the people can be aware and so that their problems can be solved. The monitoring should be on the agency level, so that the work can be guaranteed to be completed on time, and that there is accountability.

## **EDUCATION**

A Deputy Director from the education department spoke about the Public Service Commission, and the fact that 16 and 17 grade recruitments are allocated zone wise. He added that now days it is mandatory for the 16 and 17 grade teaching staff falling under zone 1 to be sent to FATA by the Public Service Commission. Grade 18 officials then do not fall into the zone wise allocation, in fact their allocation is based on merit and usually they do not come to FATA. He suggested that the Provincial public service commission should ensure that even 18 grade officials are allocated zone wise so that more people come to FATA to teach. He went on to say that in FATA, it is noticed that there is a lot of interference by the parliamentarians i.e. the Agency Education Officers are pressurized by the parliamentarians to upgrade schools, which are not feasible to upgrade. FATA's position is still very unclear regardless of the 18<sup>th</sup> amendment, and few of departmental rules and regulations are coming from the Federal Government while the rest are coming from the provincial Government, which leaves the educational department stuck between the two.

## **CONCLUSIONS**

### **Introduction**

The conclusions and recommendations triangulate findings from the different sources of data and analysis conducted under the project and presented in preceding Chapters. Results from descriptive statistics, Focus Group Discussions are used to explain, rationalize and link results to the prevailing policy environment.

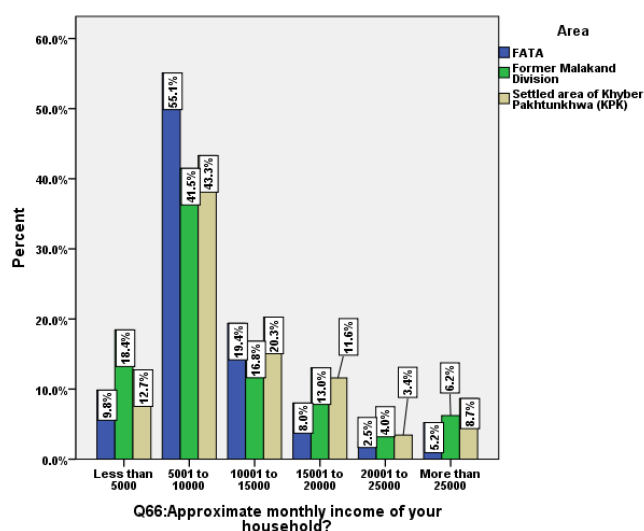
Perhaps the clearest conclusion that may be drawn from this research is the fact that radicalization is not a heterogeneous phenomenon across the three regions under study. This Study made every attempt to bring out the variations across the three target regions. These included region-specific questions in the survey instrument; a literature review that attempts to trace the divergent historical evolution of governance policies and institutions in FATAs, PATAs and KP settled areas; distinct regression models developed for these regions; as well as separately organized Focus Group Discussions with local service providers in each region to fully illuminate the unique policy context in each area. These efforts have paid off – the factors driving radicalization are very different, (though closely related) across the 3 regions, in cases counter-intuitively so. Policies which seek to minimize their impact on extremism must similarly be contextualized to the region's historical and current policy environment.

### **6.1 FATA Conclusions**

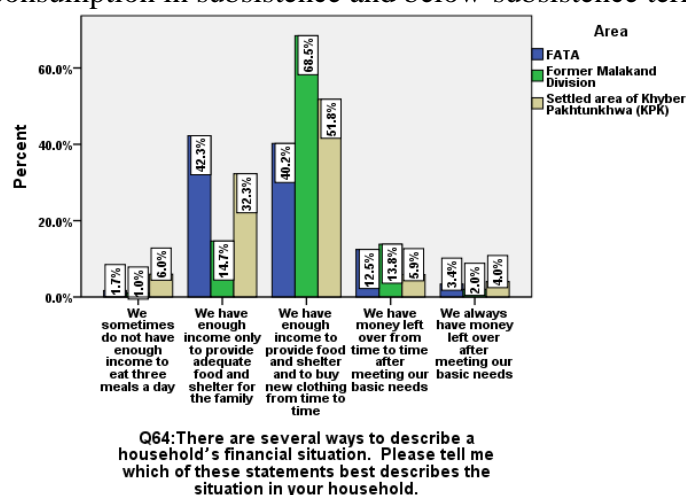
In FATA support for militancy is driven by 3 statistically significant predictors:

1. Size of land holding i.e. individuals with larger land holdings are less likely to support militancy
2. Monthly income i.e. individuals with higher monthly incomes are less likely to support militancy
3. Protection of rights i.e. individuals who feel that their rights are protected are less likely to support militancy. These rights include:
  - a. Right to security of life, property and dignity
  - b. Right to freedom of expression
  - c. Right to change policies that are undesirable
  - d. Right to basic necessities including food, clothing and shelter

All three factors are intrinsically tied to governance, and as such, are completely unsurprising. All three indicate extreme deprivation of economic and political opportunity which the state is obligated to create. These deprivations are clearly illustrated in the following figures.



The majority of households surveyed in FATA (55%) earn around USD 50 > 100 per month. Given that the average household size in FATA is approximately 9 persons, according to the 1998 census, this works out to a per capita income of 19c > 37c per day, which is well below all accepted poverty lines. This is unsurprising as FATA also appears to have the highest unemployment rates (9.3%), according to survey findings, as compared to KP (5.4%) and Malakand (4.7%). Consumption levels are similarly lowest, among all regions. The following figure shows that a higher proportion of FATA respondents describe their consumption in subsistence and below-subsistence terms, as compared to other regions.



This is borne out by any number of independent assessments. In addition, the hotbeds of religious radicalization, extremism and militancy in Pakistan are those neglected pockets where Islamabad is an absentee policymaker.<sup>155</sup> FATA serves as a prime case in point. Socio-economic indicators for the region are far below the national par, with 60% of its residents living below the poverty line, 3% female literacy rate, and twice the maternal mortality rate as the national average. Most of the 300,000 people aged 16-25 are unemployed. This implies a youth bulge providing a ready recruitment pool for terrorists.

<sup>155</sup> A number of studies, including: Orakzai et al., Institute of Policy Studies, June 2009; Arshad Ali, Institute of Strategic Studies, 2010; among others, cite lack of socio-economic development, access to justice, and widespread corruption as key drivers of conflict in FATA.

Chronic lack of public service delivery and low public spending is evidenced by a wide array of indicators; population per doctor is 7,670 (1,226 nationally), and population per hospital bed is 2,179 (1,441 nationally).<sup>156</sup> Government's current development allocation to FATA amounts to \$11.30 per capita, compared to a national annual average of \$25.55. Lack of power and irrigation restrict growth of industry and agriculture, respectively. Employment opportunities are limited to Taliban soldiery (paid Rs. 15,000/month, nearly thrice the salary of tribal levies), or the local arms and drugs trade. Investment and business activity remain minimal in the absence of economic regulation, a formal banking sector, and infrastructure (particularly road networks).<sup>157</sup>

With dismal prospects for jobs and entrepreneurship, livelihoods depend on agriculture, which in turn requires land. Here too, FATA is at a great disadvantage with 53% of survey respondents reporting that they do not own any land. This greatly minimizes options as far as sources of income are concerned, and so it is not unexpected that low levels of land ownership are associated with higher support for militancy.

The fact is that the social contract between the state and citizens of FATA has not broken down – it was never written. There are few governance decisions in FATA that the Government of Pakistan can claim as its own. Both the policies and the ends that guided them were British hand-me-downs. The list is long:

1. Pre-occupation with national security continued. Curzon's three-fold buffer of settled districts, tribal belt, and British-friendly states is the 'strategic depth' dominating the priorities of the Pakistani security establishment today.
2. The administrative border separating settled districts from *ghairilaqa* was never abolished. Similarly, the Durand line i.e. the international border with Afghanistan was never settled to the satisfaction of the two governments or the tribes residing on either side.
3. The *Maliki* system which co-opts local leadership through cash payments in exchange for loyalty to the state remained in place.
4. Local recruited irregulars continued to provide policing (*khassadars*) and civil defense (levies) services.
5. The Political Agent in the Agencies and the Deputy Commissioners in the Frontier Regions retained revenue, executive and judicial authority, in the absence of a strong legislature or independent judiciary. The superior judiciary holds no jurisdiction, as under the British, while parliamentarians elected from FATA cannot legislate for the region. The Political Agent also serves as project director for all local government schemes.
6. The FCR 1901 continues to be the central legal framework. This means that even after the acclaimed reforms of 2011 (which have yet to see full implementation on-ground), the following is legally sanctioned<sup>158</sup>:

---

<sup>156</sup> FATA – A Most Dangerous Place, Center for Strategic & International Studies, Shuja Nawaz, 2009

<sup>157</sup> Pakistan: Countering Militancy in FATA, International Crisis Group, 2009

<sup>158</sup> Summary of 2011 Amendments to the Frontier Crimes Regulation, FATA Research Center. Link: <http://www.fatareforms.org/summary-of-2011-amendments-to-the-frontier-crimes-regulation/>

- a. Collective responsibility and punishment, from which children and the elderly have been exempted only in 2011
  - b. Retired bureaucrats with tribal experience (read ex-Political Agents) will form the an appellate forum i.e. the FATA Tribunal for judicial decisions
  - c. Political agents continue to be the final arbiters for all judicial decisions, including those where they are the accused
  - d. *Jirga* or an ad-hoc council of elders continues to decide cases which do not include women in their membership even where cases involve women, and practice *swara* i.e. the exchange of young girls and women between parties to settle feuds. The British were unfazed by this practice, as is the Pakistani government.
7. Inter-governmental hierarchy of administration remained problematic. FATA, since Curzon, continues to be federally administered, although the 1973 Constitution took the liberty of changing the word “*centrally*” to “*federally*”.
  8. Most of FATA remained an non-protected area, where even the minimal government machinery headed by the Political Agent has no direct authority, except through the *Maliki* system.
  9. Currently, at the provincial level, the FATA Secretariat runs line departments (health, education, agriculture, etc.) under the supervision of the Governor’s Secretariat as the representative of the Federation, while the Chief Secretary coordinates between the Governor and the Chief Minister while overseeing the Additional Chief Secretary, FATA. Added to this political and administrative mix are military stakeholders i.e. 11Corps HQ and Frontier Corps who must be involved for a coordinated response to militancy<sup>159</sup>. A Frontier Officer wrote of the Raj’s similarly fragmented authority structure: “*dual management only tends to fill sheets of foolscap and make confusion.*”<sup>160</sup>

Jinnah even requested George Cunningham to return as Governor, KP, so great was the need to preserve the status quo. Pakistan was so busy trying not to ‘rock the boat’ that they forgot to steer it. During FGDs, several civil servants defended this homage to the British Raj, by describing these policies as successful and therefore beyond the need for reform. As discussed in the literature review section, these policies failed to achieve lasting peace with Afghanistan, peace with the trans-frontier tribes, law and order in cis and trans-frontier areas, and fiscal discipline – goals that these policies were designed to meet. Regardless of the fact that the policy objectives of a sovereign nation-state should be logically different from those of a colonizing power, success could not have been expected when these policies failed the last time they were implemented. Borrowing even its failures from the British, Islamabad has been for the citizens of FATA not an incompetent policymaker, but an absent one.

Another defense of this policy inertia has been the inexplicable need for gradualism. This was exhorted by British Frontiersmen and is a ready response from current Frontier experts today. This incremental approach to Frontier governance during the British era was responsible for reform being ever the latecomer to NWFP, be it the Minto-Morley Reforms of 1909 or the Montagu-Chelmsford Reforms of 1919. Infact NWFP only became a full-

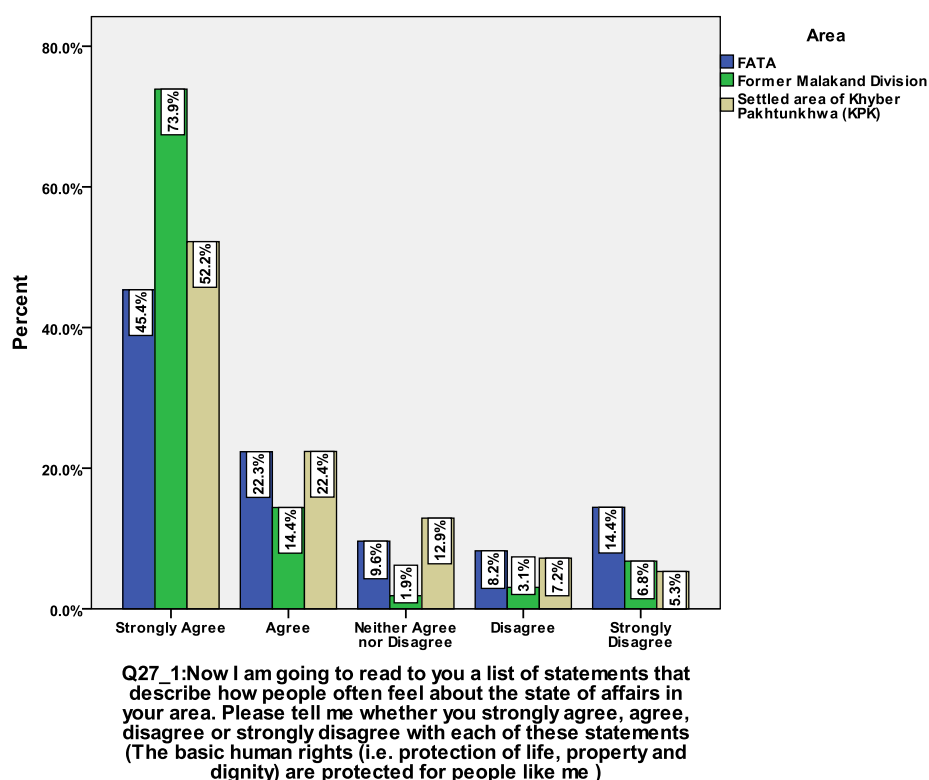
---

<sup>159</sup>Governance challenges in KP & FATA, Oqais Ahmed Ghani, 2011

<sup>160</sup> Fragments of the Afghan Frontier,

fledged province in 1935, 8 years before the British left. Following partition, unrestricted adult suffrage was extended only 1997, and political parties were allowed only in 2011 i.e. over 125 years after the Indian National Congress was formed in 1885. Most recently, Senators discovered that the Citizenship Act 1951 did not apply to FATA. This means that Christian families residing in FATA since 1914 could not be issued basic citizenship documentation.<sup>161</sup>

Abortive experiments and unimplemented reform are far worse than no reform. In 2004, the elected councils at the Agency level were introduced briefly in FATA with an arrangement for Councilors to receive nominal stipends for performing their duties. However, the initiative unraveled when bureaucratic resistance stopped these payments from being made.<sup>162</sup> In 2011, ten of the biggest political parties in the country threw their weight behind a special economic package for uplift and development in FATA, which was inexplicably shelved, much to the disappointment of tribal groups.<sup>163</sup> In 2012, a Local Government Regulation was promulgated. Despite its flaws, it was expected to break the tradition of ‘almost-reform’ since it had at the very least crossed the formidable legislative barrier. However, to date, no local bodies elections have been held since the Regulation was introduced. In 2011, the government passed the 2011 reforms mentioned earlier, which curtailed powers of arrest and detention held by the bureaucracy, protected children and the elderly from collective responsibility clauses, set up the FATA Tribunal and opened Political Agent’s account to the Auditor General’s scrutiny. However, the very same year, the President signed the Action in Aid of Civil Power Regulation for FATA which gave the military carte blanche authorities of arrest and indefinite detention. In addition, the Political Agents refused to allow audits of the estimated USD 3-5 million Agency Development



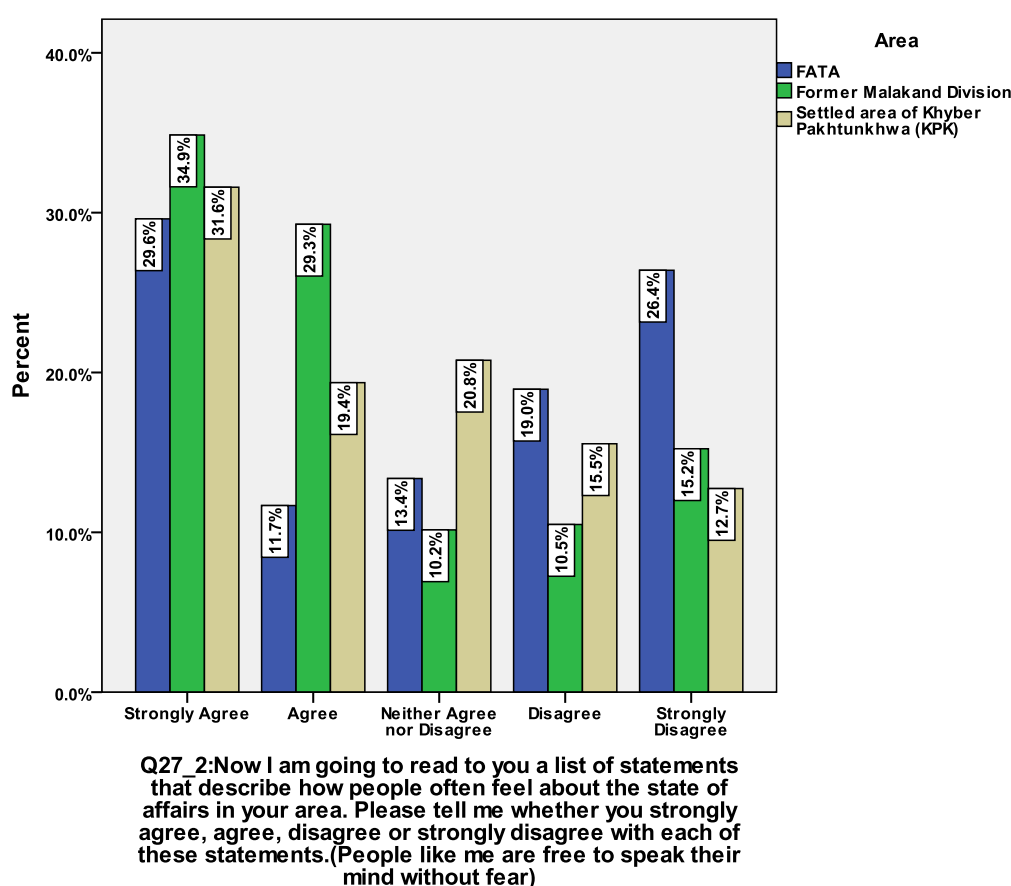
<sup>161</sup> Express Tribune, 14<sup>th</sup> Feb, 2014

<sup>162</sup> Mr. Daud Afridi, Project Director, FATA Secretariat (Participant at FATA FGD)

<sup>163</sup> Political Reforms in FATA: Will it End the Militancy? Waqar Ali Shah, 2012

Funds financed through taxes levied on goods entering FATA annually. Women and children from FATA remain incarcerated in DI Khan prisons under the FCR. Meanwhile, over 1,100 ‘missing persons’ have been allegedly transferred to detention centers run by the military.<sup>164</sup>

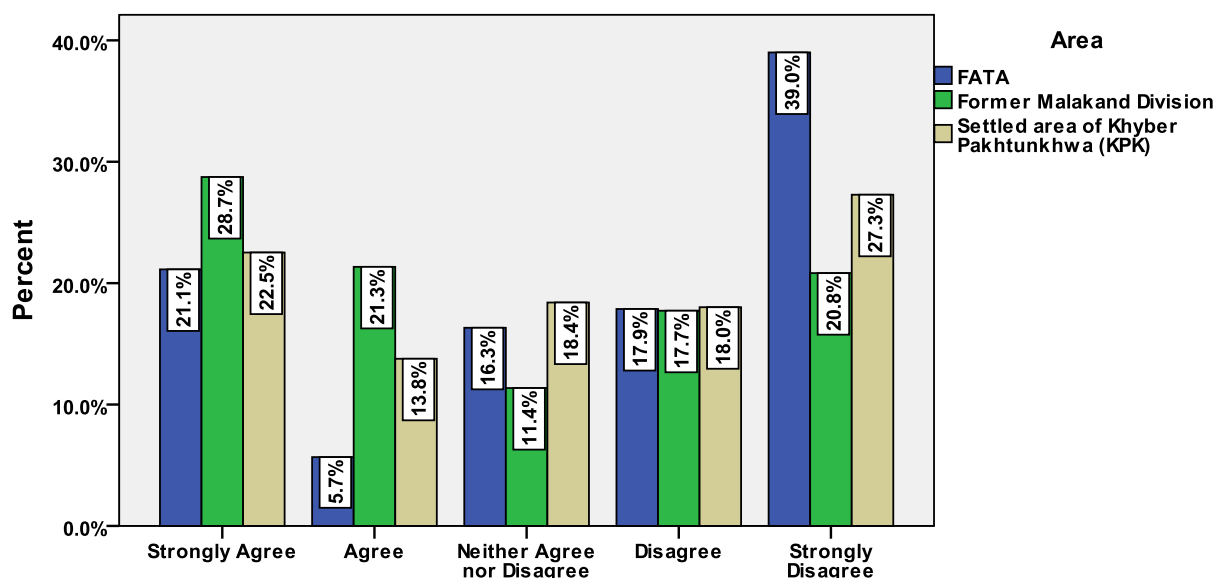
These sudden stoppages create disillusionment and widen the rift between the citizens and the state in FATA. They also heighten insecurity of civil liberties and basic human rights, as illustrated by the descriptive analysis of the survey results. As depicted by in the Figure, nearly a quarter of the respondents from FATA disagree with the assertion that their basic human rights are protected. It may be noted that this may be the minority, but the question refers to rights that should be held inviolable with the state as guarantor. Moreover, in the ‘Strongly Disagree’ category, responses from FATA have the highest representation across all 3 regions.



Again, FATA responses dominate the ‘Strongly Disagree’ category, while the plurality of respondents chose to disagree with the statement that their freedom of expression is protected.

<sup>164</sup> Actions in Aid of Civil Power Regulations: Analysis and Recommendations, International Crisis Group and Amnesty International, 2012



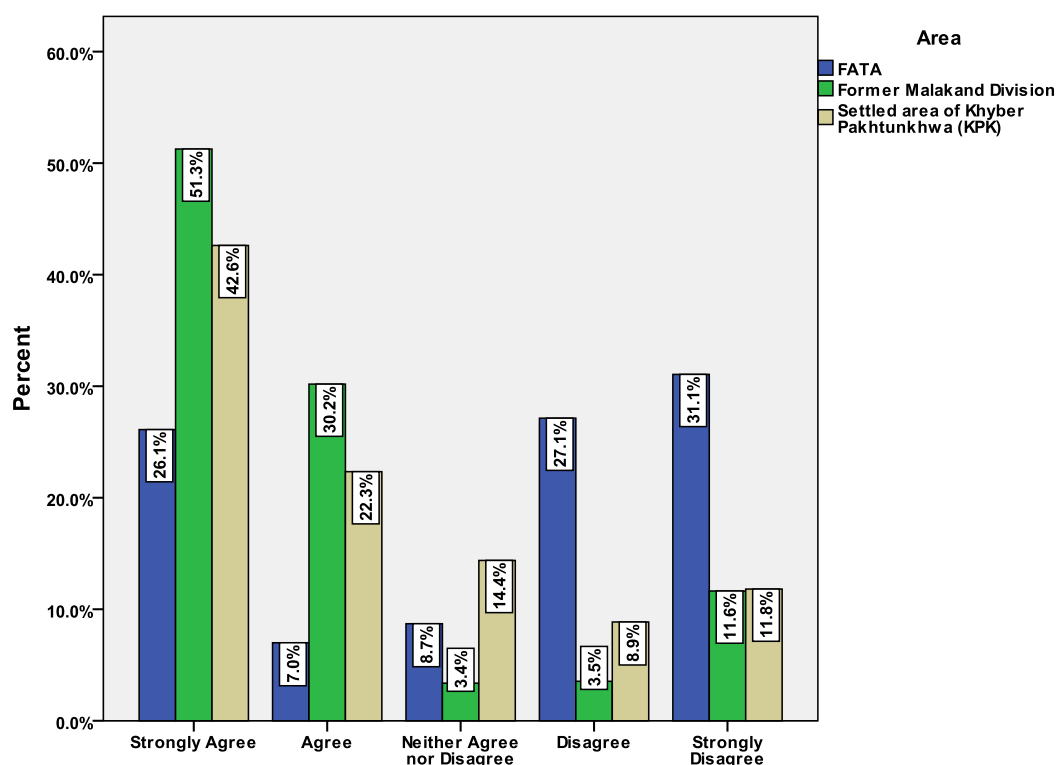


**Q27\_3: Now I am going to read to you a list of statements that describe how people often feel about the state of affairs in your area. Please tell me whether you strongly agree, agree, disagree or strongly disagree with each of these statements. (People like me have the power to change the policies they do not like)**

Given the lack of representativeness in all manner of governance decision-making at the local, provincial and even national levels, it is unsurprising that almost 48% of respondents from FATA feel that they do not have the power to influence policy. This state of disenfranchisement is not reflected in Malakand or KP, as the governance systems are very different in both of these regions. It should also be considered that when asked about the degree of freedom for voting in general elections, over 31% of respondents reported some level of restrictions in exercising even this basic right. In addition, nearly 31% of respondents faced restrictions in contesting elections. It is unsurprising that turnout in the last general elections held in 2008, FATA had the second-lowest turnout for National Assembly polls (31%) in comparison with other territories and provinces, followed by Baluchistan (28%).<sup>165</sup> Citizens obviously feel powerless to affect policymaking at the ballot, for their areas in FATA.

Even the most fundamental human rights of access to food, clothes and shelter are highly unprotected, which endangers not just political or economic health, but the very survival of citizens in FATA. The following figure clearly shows the gulf between FATA and the other 3 regions, with the former dominating the 'Strongly Disagree' (31%) and 'Disagree' (27%) categories in response to the statement that such basic necessities are provided to 'people like them'.

<sup>165</sup> [http://www.ecp.gov.pk/TurnOut/NA/NA\\_turnout.pdf](http://www.ecp.gov.pk/TurnOut/NA/NA_turnout.pdf)



Q27\_4: Now I am going to read to you a list of statements that describe how people often feel about the state of affairs in your area. Please tell me whether you strongly agree, agree, disagree or strongly disagree with each of these statements. (People like me have basic necessities like food, clothes and shelter.)

## 6.2 Malakand Division Conclusions

In Malakand, support for militancy is empirically linked to the following factors:

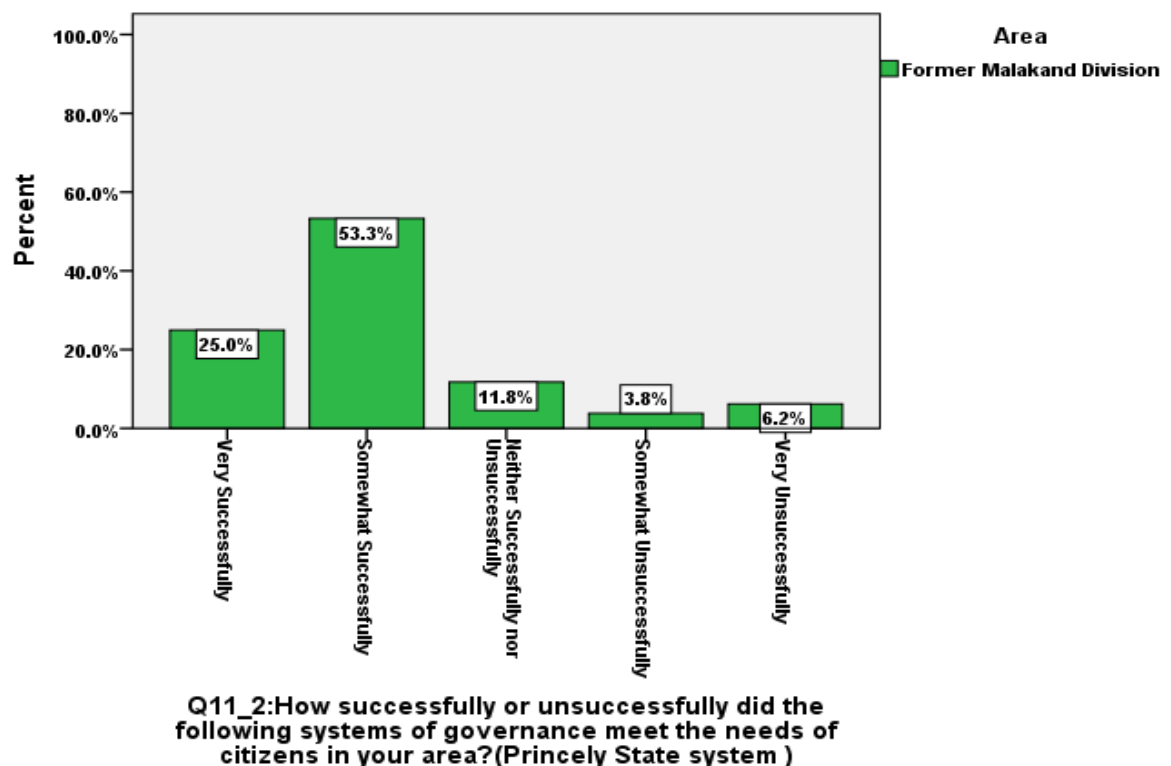
1. Nostalgia for past systems of governance i.e. individuals who described the system of devolved local governments in Malakand (2001-2009), as well as the system of princely states before 1969, as successful in meeting the needs of citizens of their areas, were more likely to support militancy
2. Monthly income i.e. households with higher monthly incomes are more likely to support militancy
3. Perceived failure of MNAs to perform due responsibilities i.e. individuals who rated national and provincial elected representatives poorly with regard to fulfillment of responsibilities were more likely to support militancy
4. Perceived failure of Political Agents and Khasadars to perform due responsibilities i.e. individuals who rated Political Agents and Khasadars poorly with regard to fulfillment of responsibilities were more likely to support militancy
5. Perceived corruption among Political Agents and Khassadars i.e. individuals who rated the offices of Political Agents and Khasadars as highly corrupt were more likely to support militancy
6. Years of schooling i.e. individuals who had received more years of formal schooling were less likely to support militancy

7. Opinions regarding policies of western nations such as US and UK i.e. individuals who disagreed with the policies of Western countries and considered such nations to exclude the interests of countries like Pakistan were more likely to support militancy
8. Cultural values/traditions regarding safety of guests to whom refuge has been offered i.e. individuals who felt strongly about the tradition of safeguarding guests who have been sheltered and those who felt that the government had been unsuccessful in defending this tradition were more likely to support militancy

It is clear at the very outset that radicalization in Swat shares little in the way of causal and/or contributory factors with FATA, or (as will be seen later on) with KP. As a phenomenon, it appears to derive explanation from external outlook (both internationally and regionally, in relation to FATA), historical memory, and cultural consciousness. It therefore relates to political, rather than administrative or economic realities, which is unsurprising, given that it is a more mature polity. It may be also be construed as a more heterogeneous phenomenon within Malakand itself, making it difficult, to associate the list of factors above, to a single profile of individual or group of individuals. This indicates that individuals supportive of militancy in Malakand are a more diverse group, subscribing to a multiplicity of political opinions, and driven by a broader range of interests, and identifying with a more fragmented demographic profile, than in FATA and KP. This necessitates that the conclusions drawn and recommendations framed be multi-pronged rather than unified in narrative and context.

#### *Nostalgia for past systems of governance:*

The fact that high levels of perceived satisfaction with past systems of governance are associated with support for militancy may be interpreted as nostalgia for those systems and desire for their re-establishment in some shape.



The powers of the rulers of princely states were weakened back in 1947 when all states signed Instruments of Accession which transferred defense, external affairs and communications to the Government of Pakistan. In addition, all rulers (except Dir) also signed secondary instruments of accession which empowered the central legislature of the Pakistan government to enact laws for these states. In 1969, the system of princely states expired and they were merged as districts headed by Deputy Commissioners under a Commissioner of the Malakand division. There are various aspects of governance in these states which could inspire the nostalgia discovered by the analysis.

In Swat, for instance, internal administration was based on minimal red-tape, with the ruler exercising supreme executive, judicial and legislative authority. Despite the 1954 Constitution of Swat which obligated the ruler to consult a council with partial elected membership, in practice the ruler remained a ‘benevolent despot’ maintaining accessibility to the local communities. Land rights administration remained informal, with rotation under the *wesh* system. Tax collection was outsourced to the highest bidder, and tax burden was appealable in the courts.<sup>166</sup> Education and health systems were more advanced and outcomes were better than in other Frontier regions.<sup>167</sup>

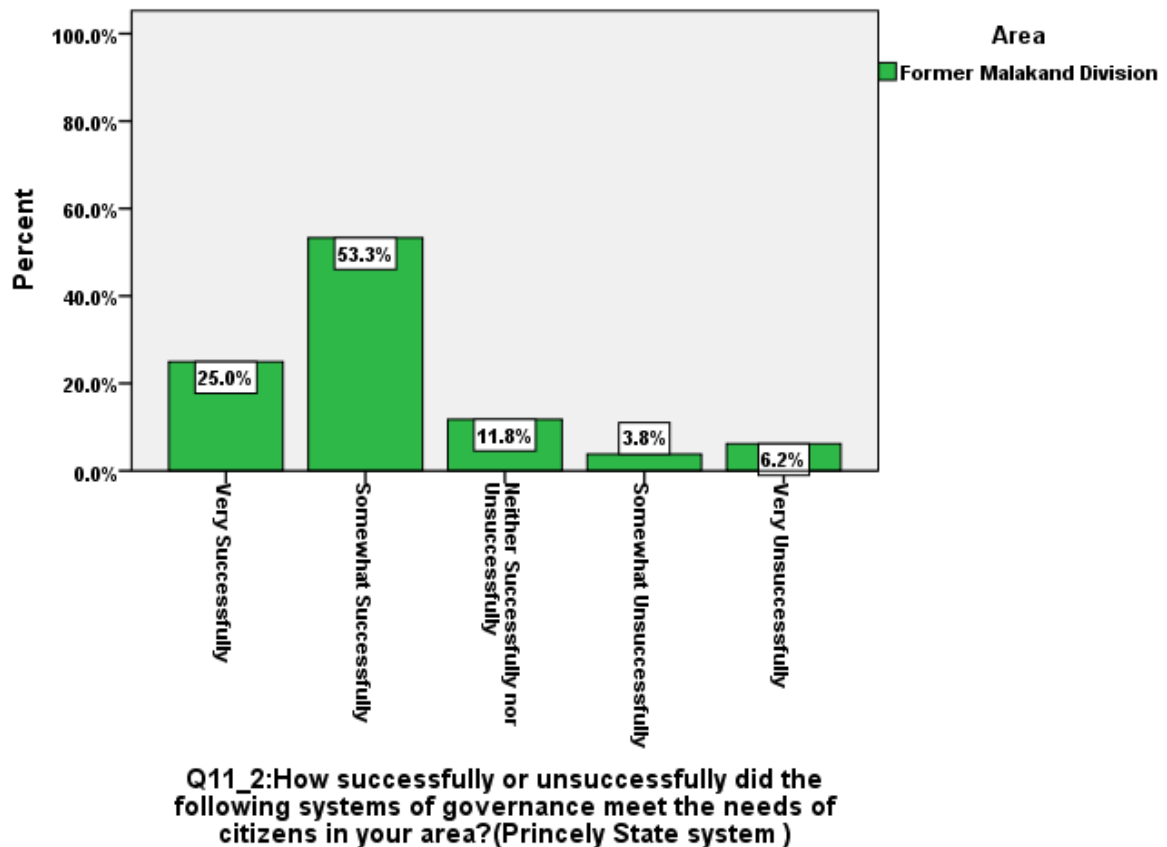
However, both the literature review and the FGDs have called attention to the justice system in place during the Wali’s time, which was highly successful in meeting the needs of citizens. This system involved a judicial hierarchy of Qazis at the village, Tehsil and Hakimi levels, which made them more accessible to litigants. However, they could only decide cases referred to them by the executive-cum-financial hierarchy of Tehsildars at the bottom and the ruler at the top. Petitions could however be filed to a variety of state officials, ranging from the junior-most revenue officer, commander-in-chief of the armed forces, the heir apparent, members of the ruler’s advisory council to the ruler himself. “Instructions, orders, correspondence” was often written on the back of these petitions, with hardly any superfluous paperwork. There were no court fees, no distinction of criminal/civil/family law, and cases were mostly decided in a couple of hearings. Though tainted by corruption, adjudication was quick and free, verdicts were brief and properly implemented. These decisions were taken in light of both Islamic Shariah as well as custom or *Rewaj*, with the latter prescribed and enforced by each tribe.<sup>168</sup> A post facto assessment under this survey reveals high levels pertaining to this system among citizens.

---

<sup>166</sup>[http://www.valleyswat.net/literature/papers/Administrative\\_System\\_of\\_Swat.pdf](http://www.valleyswat.net/literature/papers/Administrative_System_of_Swat.pdf)

<sup>167</sup> Governance and Militancy in Swat, Justine Fleischer, 2011

<sup>168</sup>[http://www.valleyswat.net/literature/papers/Administrative\\_System\\_of\\_Swat.pdf](http://www.valleyswat.net/literature/papers/Administrative_System_of_Swat.pdf)



According to the literature review, as well as the FGDs conducted in Swat, the post-1969 system of justice in Swat was a major disappointment to citizens used to this simple, cheap accessible and speedy system of justice dispensation. In the spirit of gradualism, the government retained all old laws, customs, orders and notifications which created mass confusion because no such rules had ever been codified. Undocumented Rewaj remained the key source of law, while the government kept sporadically extending mainstream laws to PATA. The passage of the Special Regulations extending criminal and civil procedure to PATA compounded the problem. Tribal custom now supplied the substantive law administered through predominantly Anglo-Saxon procedure. In 1976, judicial jurisdiction over certain criminal and civil cases was transferred to the executive, who would refer cases to *Jirgas*.<sup>169</sup> This however, was not the traditional *jirga*, but one appointed in membership and presided in adjudication by revenue officials like the Tehsildar or Naib Tehsildar.<sup>170</sup>

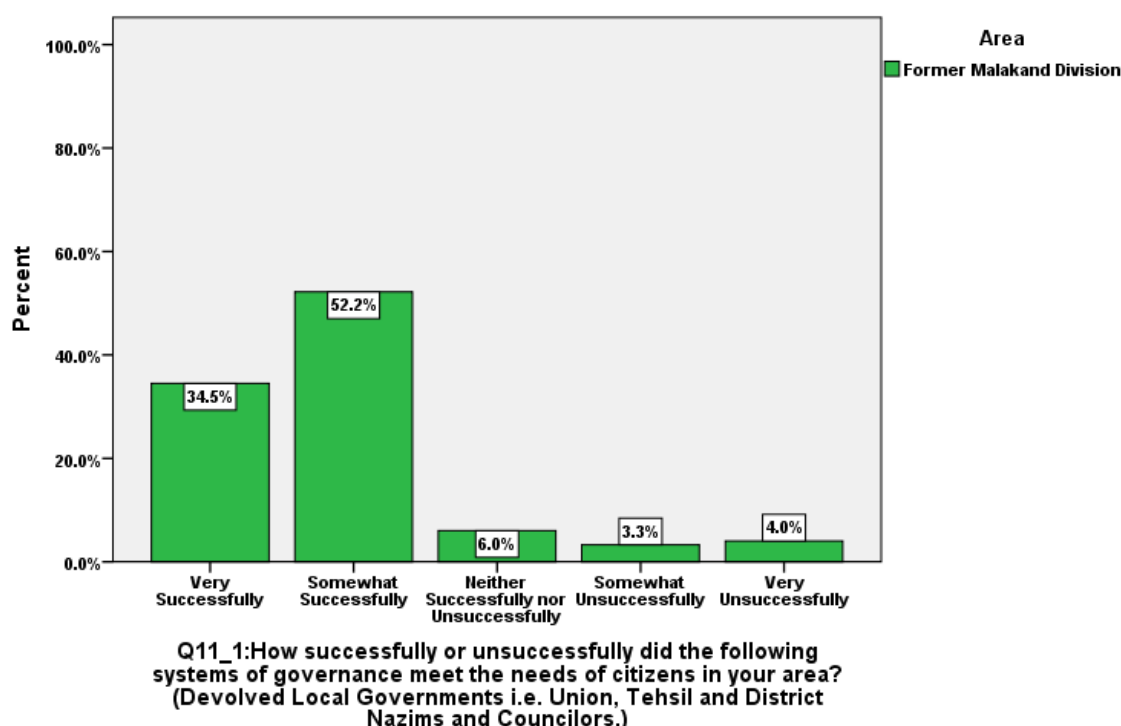
This did not speed up judgments as intended. Disappointed litigants challenged the PATA Regulations in the Peshawar High Court who struck them down, in a decision upheld by the Supreme Court in 1994. Capitulating to demands for Shariah law by the TNSM, the government passed the ‘Provincially Administered Tribal Areas (Nifaz-e-Nizame-Shariah) Regulation, 1994,’ and ‘The Shari-Nizam-e-Adl Regulation, 1999, which made Urdu the official court language and changed the nomenclature of judicial officers.

<sup>169</sup> The judiciary continued to decide certain cases in the Chapter of the Pakistan Penal Code on the criminal side, and civil cases where the government, minors or mentally incapacitated individuals were a party. Source: Swat: A Critical Analysis, Sultan-i-Rome, 2009

<sup>170</sup> Indigenous Peoples and Ethnic Minorities of Pakistan: Constitutional and Legal Perspectives, Shaheen Sardar Ali and Javaid Rehman, 2001

In 2001, the NWFP Local Government Ordinance (LGO) was passed, which brought about wide-ranging reforms to the Malakand division, which is the second system for which Malakand respondents have expressed nostalgia, in turn linked to their support for militancy. These reforms represented a sea change in political, administrative and fiscal governance for the PATAs, rivaling the watershed of 1901. The local civil administration, including the land revenue administration and the police was made subordinate to elected representatives. The promulgation of the Code of Criminal Procedure (Amendment) Ordinance, 2001 dissolved the nexus of judicial and executive authority by abolishing the office of the District Magistrate and Executive Magistrate and transferring their powers to a Judicial Magistrate and the Sessions Judge.<sup>171</sup>

Further, an institutionalized Alternate Dispute Resolution mechanism i.e. *Musalihati Jarga* was created under elected representatives at the Union level to facilitate mediation and arbitration for out-of-court settlements. Implementation of these reforms remained uneven at the national level, and no data could be obtained on their impact on case disposal, cost, or convenience specifically with regard to Malakand. However, assessment in hindsight under this survey reveals that the system was found to be successful in meeting citizen needs by the majority of respondents to this survey.

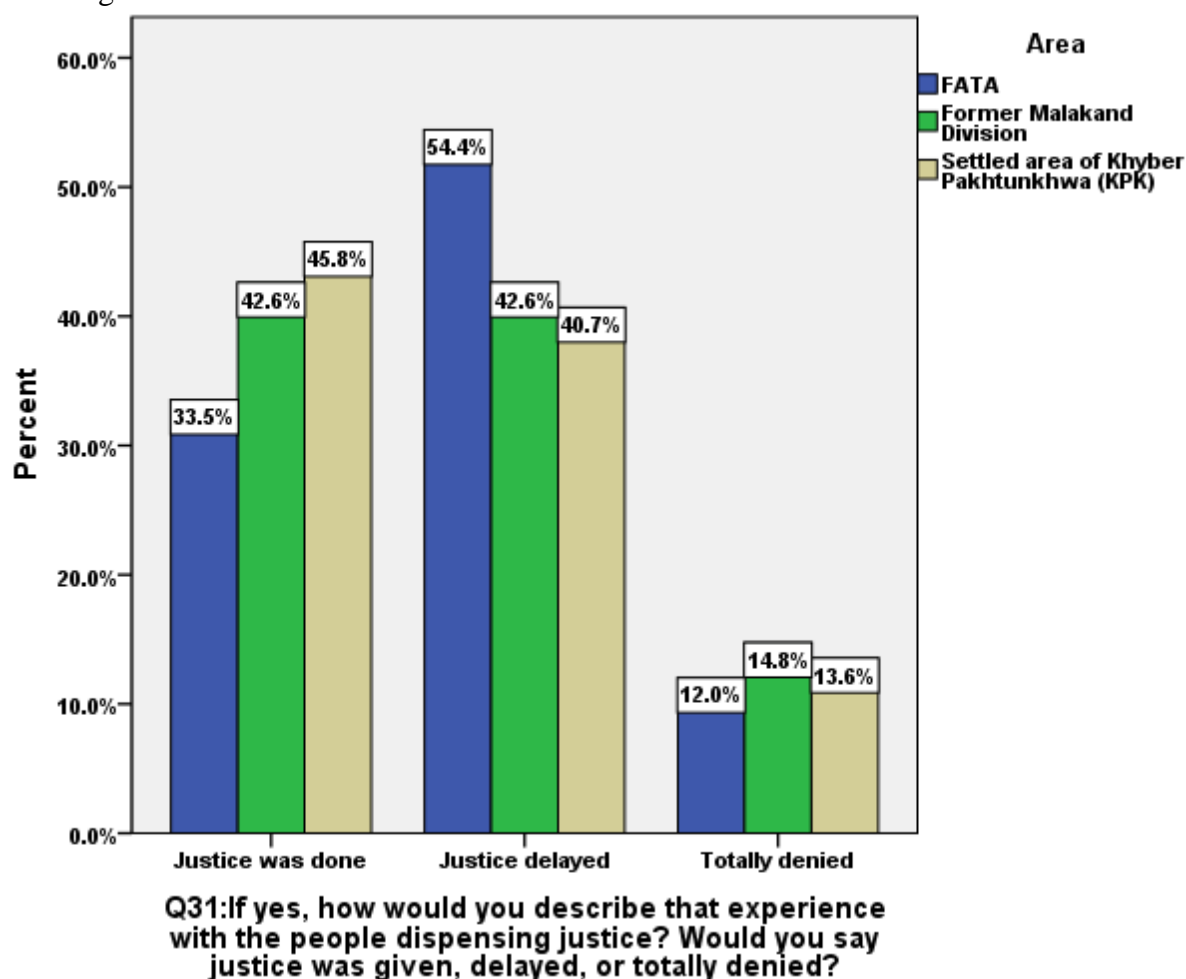


However, in 2009 when the LGO 2001 lapsed, key elements of the reform were rolled back. Most importantly, against Constitutional provisions (Article 175, 3) and past Supreme Court judgments, the Executive Magistracy was revived through the Nizam-e-Adl Regulation passed once again, in deference to armed insurrection by the TNSM. This was inexplicable, given that the TNSM demanded the application of Islamic law, never the return of judicial

<sup>171</sup> Law Reform Ordinance 2001 (Ordinance XXXVII of 2001) dated 13.8.2001

authority to the executive.<sup>172</sup>This was subsequently challenged in the Peshawar High Court and the decision on the issue is still pending.

Dissatisfaction with the prevailing system of justice governed by the Nizam-e-Adl Regulation 2009 is clearly visible in the survey results. When asked if justice was provided, delayed, or denied in their recent interactions with justice service providers during the last year, the majority of respondents from Malakand responded negatively. Infact, in the ‘Totally denied’ category, the highest response set is from Malakand, in comparison with the other 2 regions.



### ***Higher Monthly Income:***

While it may appear counterintuitive at first glance, this finding echoes similar results from past studies, discussed in the literature review<sup>173</sup>. However, these studies do not offer much in the way of explanation that would place these findings in a governance context. In this

<sup>172</sup><http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=202986&Cat=7&dt=10/15/2009>. Subsection (2), Section 19 of the Regulation states: “The Code of Criminal Procedure (Amendment) Ordinance, 2001 (XXXVII of 2001), applied to the said area vide Home and Tribal Affairs Department’s Notification No. 1/93 -SOS^I.I (HD)/2001, dated the 27th April, 2002, is hereby repealed.”

<sup>173</sup>See for instance: “Fair, C.C., Blair, G., Malhotra, N., & Shapiro, J.N. (2011). Poverty and Support for Militant Politics: Evidence from Pakistan.”



case, the Study has developed two competing, (but not mutually exclusive) scenarios that shed light on how income is linked to support for militancy in Malakand.

The first scenario may be termed as the ‘*Elite Revolt*’ case, with multiple arguments in its favor. According to multiple studies reviewed by the Study, an elite alliance composed of the landed aristocracy, the civil administration, tribal heads, and the clergy controlled the judicial system since before the accession of princely states. Taking the case of Swat, bribery and impartiality were a regular feature of judicial process, and while it was not allowed to hamper the speed or raise the cost of service delivery beyond tolerable levels, the rulers never made a determined attempt to eliminate such practices. This was because the rulers themselves used the judicial system as an instrument for leverage in village level politics.<sup>174</sup> Thus while the average citizen considered it fair trade for quick, cheap, uncomplicated adjudication with guaranteed execution of decisions “*whether they were just or not*”<sup>175</sup> – the judicial system continued to be the arena of political competition between key players. The merger with Pakistan in 1969 removed the overriding authority of the Ruler as head of the judiciary. The transfer of certain judicial powers to the civil bureaucracy in 1976, in the absence of the writ of the superior courts gave the elite alliance free reign to wield control over the justice sector for private rather than public gain.<sup>176</sup>

This played havoc with an imperfect but efficient system. Case durations expanded into decades and pendency piled up. The system also departed from Islamic jurisprudence in a number of ways. For example the death penalty was not applicable for a number of crimes where it is prescribed under Sharia. A popular revolt for the Sharia only came in 1994 when the PATA Regulations were struck down. This opened Malakand to a Constitution and body of laws that (following the reforms of 1985 and 1991) included a Federal Shariat Court, a Council of Islamic Ideology and multiple other provisions to ensure their *bona fide* Sharia credentials. However, it weakened the judicial authority of the executive. The fact that the TNSM uprising follows the same year as the Supreme Court ruling, absent any popular plea for Shariah law under the less than Islamic PATA Regulations for 19 years, appears to be a remarkable coincidence. This implies that the TNSM movement, though it may have generated some degree of popular support in its appeal to religious sentiment and justified criticism of justice delivery, remained at its core: a “*revolt less of the general public than of the elite*”.<sup>177</sup> They rose up against the system when their hold over judicial affairs, (and through it, the broader system of governance) was threatened.<sup>178</sup>

The second scenario may be termed as the ‘*Popular Uprising*’ finds support from various quarters that weakens the arguments made above. First, dissatisfaction with the present system of governance on the basis of its unfavorable comparison (in terms of the speed, accessibility, simplicity, and expense of justice delivery) with the system of princely states or devolved local governments, prevails across all socio-economic strata, not only the elite. Second, the finding (discussed later) that individuals with fewer years of formal schooling are more likely to support militancy in Malakand, further weakens the ‘*Elite Revolt*’ case. Illiteracy and early drop-outs are not consistent with the general characterization of the

---

<sup>174</sup>[http://www.valleyswat.net/literature/papers/Administrative\\_System\\_of\\_Swat.pdf](http://www.valleyswat.net/literature/papers/Administrative_System_of_Swat.pdf)

<sup>175</sup>[http://www.valleyswat.net/history/poststate\\_p5.html](http://www.valleyswat.net/history/poststate_p5.html)

<sup>176</sup> Swat: A Critical Analysis, Sultan-i-Rome, 2009

<sup>177</sup> Pakistan: Countering Militancy in FATA, International Crisis Group, 2009

<sup>178</sup> This is corroborated by other studies: Swat: The Main Causes of the Breakdown of Governance and Rise of Militancy, Khalid Aziz, 2010; “The Malakand IDP Crisis”, HRCP, August 2009; etc.



Malakand elite, although it may be remembered that the definition of elite does include a broad-range of stakeholder groups, including the clergy who may have received schooling in religious seminaries, rather than the public school system. Third, the higher income trend may in fact be explained by higher foreign remittances by overseas workers to socio-economically unremarkable households. It must be remembered, that the cross-sectional data obtained through the survey instrument, represents a continuous variable obtained in response to the question of approximate monthly income of the household not of the individual. According to a Study conducted in 2011, KP province (which includes Malakand) was the highest recipient of foreign remittances in comparison with other provinces<sup>179</sup>. Data suggests that this trend held true till end-2013.<sup>180</sup> Finally, in the Dissemination Seminar held in Peshawar on the 4<sup>th</sup> of April, 2014 for this Study, participants pointed out that the landed aristocracy of Swat suffered tremendously in the conflict, in terms of civilian casualties, even exile under threats of militant violence against them. This prompted many commentators to pronounce the Swat insurgency as a class conflict, which again, undermines the ‘Elite’ Revolt’ thesis.

While the arguments above may serve to spark informed debate on the constituencies harboring radical thoughts and supporting militancy in Malakand, they do not help in narrowing them down to the elites or the rank-and-file. It must be remembered that the data analysis does not restrict conclusions in this regard to a mutually exclusive ‘either/or’ preference. In fact, both scenarios may hold true on ground to varying degrees. However, it is important to recognize this dichotomy found in this Study (and echoed in various other studies exploring the Swat conflict), so that it can be reconciled to better reflect ground realities through further research and investigation.

### ***The perceived role of Political Agents and Khassadars***

The fact that the failure of political agents to perform their due responsibilities, compounded by high levels of corruption prevailing among these offices drives radicalization is unexpected. What emerges as relatively counterintuitive is the fact that these perceptions are linked with radicalization not for FATA, where these officials currently operate, but for respondents from Malakand, where these officials hold no jurisdiction. The literature review offers a host of possible explanation for this phenomenon.

1. First, geographically, Malakand and FATA share a border between Bajaur and Mohmand Agencies on the FATA side, and Malakan Protected Area and Dir on the PATA side. Mobility of people across this administrative border, as well as through the settled districts of KP is common. Infact, it was this mobility that carried Malakand jihadist led by Sufi Muhammad into Afghanistan in 2001, the returning leader to be arrested in Kurram Agency (not PATAs) upon his return later that year, and Afghan Taliban to sweep back into PATAs to assist Swat militants (2006-09). Numerous other such examples may be quoted.<sup>181</sup>

---

<sup>179</sup>Is Consumption Pattern Homogenous in Pakistan? Evidence from Pakistan Social Living Measurement (PSLM) survey presented by Dr Ashfaque Hasan Khan, Dean NUST Business School and economist Umer Khalid, 2011

<sup>180</sup><http://tribune.com.pk/story/639668/changing-pattern-of-remittances/>

<sup>181</sup><http://riport.org/update/downloads/The%20Main%20Causes%20of%20the%20Breakdown%20of%20Governance%20and%20Rise%20of%20Militancy%20in%20Swat%20Version%202-7-10%20V6.pdf>

2. Second, FATA and PATA share various economic interests. For instance, Dir traders rely on the transit trade between Afghanistan and Pakistan via FATA, supplied by silk manufacturers in Swat. Supply chains carrying arms, drugs and other contraband also stretch across both FATA and PATA.<sup>182</sup>
3. Third, in addition to economic linkages, FATA and PATA are also linked by tribal and ethnic affiliations. According to the survey conducted under this Study, members of the Shiwari, Ysufzai, Bangesh and Mehmand tribes were found in both FATA and PATA.

Thus, it is not unreasonable to expect that anti-state perceptions targeting *Khassadars* and Political Agents were relayed from FATA to fuel support for militancy in Malakand. It must also be remembered that generating strong empathies in support of perceived injustices in geographically removed areas is not new to the political history of the Frontier, or the Indian subcontinent. The Khilafat movement (1919-24) was a pan-Islamic movement supporting the protection of the Caliphate for the Ottoman Empire in Turkey, which spawned mass protests across India, ending in the Turks abolishing the caliphate in favor of democracy. The lack of democracy in Swat moved thousands of Pakistanis to demand merger in letters and telegrams to Yahya Khan<sup>183</sup>. Malakand citizens may well have truck common cause with their brethren in FATA, against the injustices of the FCR system of governance.

Finally, it is not as if citizens in Malakand were completely unfamiliar with the offices of the Political Agent and *khassadars* under him. Until 1969, a Political Agent was stationed in Malakand, who became a Commissioner, following the merger. In fact, the Malakand levies, a system of civil militia used for policing much like the *Khassadars* is still operational in the Malakand Protected Area.

### ***Illiteracy and low levels of schooling***

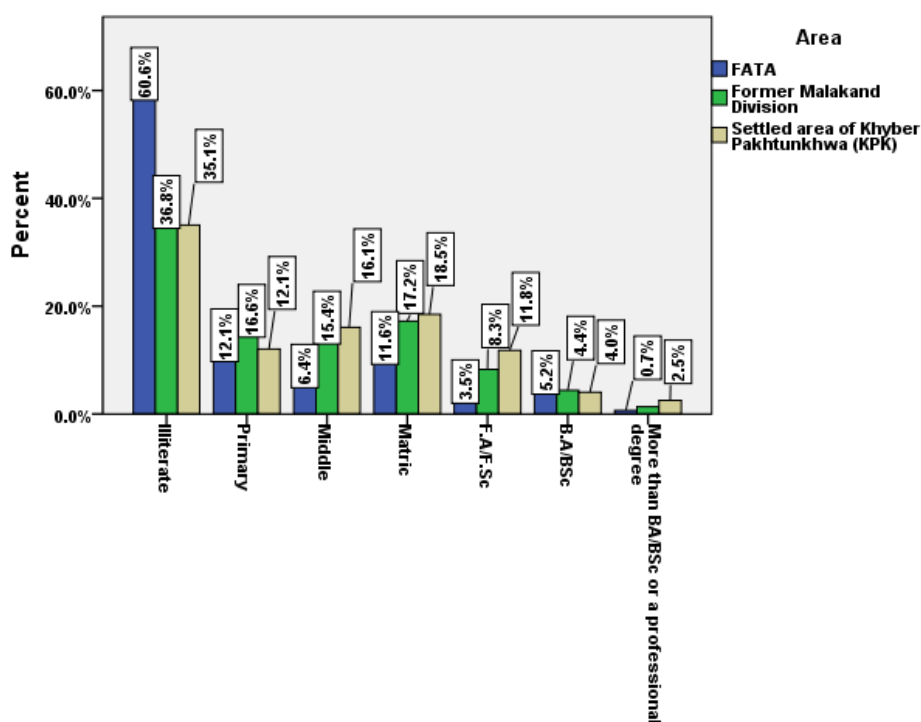
The survey has found high levels of illiteracy prevailing across the Malakand division - 36% which is worrying when it is linked to support for militancy in the region. This rate is lower than the adult literacy rate of 46% for the KP province (46%) according to government statistics.<sup>184</sup> This can be seen in the survey results, shown below:

---

<sup>182</sup>FATA: Tribal Economy in the Context of Ongoing Militancy, Asif Mian, 2009

<sup>183</sup>[http://www.valleyswat.net/history/poststate\\_p3.html](http://www.valleyswat.net/history/poststate_p3.html)

<sup>184</sup><http://mande.gkp.pk/Download/Summary%20for%20the%20Cabinet%20ADP%202012-13.pdf>



Q65: Educational qualification

In addition, certain Malakand districts often score near the bottom of various rankings for literacy and other education indicators. For instance, according to the Alif Ailaan survey conducted in 2013, Shangla is ranked at 23 out of a total of 24 districts in terms of infrastructure availability, and also weighs in second-to-last for rankings on education quality in terms of achievement, survival and enrolment.<sup>185</sup> In addition, the militants have targeted primary schools, especially girls' schools, destroying 640 in the Malakand division from 2009-11. In Swat alone, 175 such schools were destroyed, out of which 140 still remained unreconstructed as of 2012<sup>186</sup>. Aside from violence, intimidation tactics further discourage the enrolment and retention of girl students. By the end of 2008, the Taliban had announced a deadline of mid-January, 2009 for enforcing a complete ban on female education in Swat. As a result some 400 schools serving an approximate 40,000 female students were forced to close, while 10 schools that refused to comply were demolished in Mingora.<sup>187</sup> The earthquake of 2005 and the floods of recent years have also damaged their share of education infrastructure in the region. These factors may further exacerbate the current poor condition of education in Malakand. Finally, most worrying is the number of out-of-school children in KP, which according to latest government figures stands at "0.53 million, with 0.4 million girls and 0.1 million boys."<sup>188</sup> This indicates that the cycle of illiteracy breeding radicalization may amplify over the coming generations unless enrolment and retention rates are raised significantly, with special emphasis on the Malakand division.

During the Focus Group Discussions held in Swat, officials from the education departments in Malakand districts pointed to various supply-side difficulties which led to poor service

<sup>185</sup> [http://d3n8a8pro7vbm.cloudfront.net/themes/510b66738d57d935ba000001/attachments/original/1368771306/Alif\\_Ailaan\\_Pak\\_Dist\\_Education\\_Ranking\\_2013\\_Report.pdf?1368771306](http://d3n8a8pro7vbm.cloudfront.net/themes/510b66738d57d935ba000001/attachments/original/1368771306/Alif_Ailaan_Pak_Dist_Education_Ranking_2013_Report.pdf?1368771306)

<sup>186</sup> <http://cmcpk.wordpress.com/2013/01/20/schools-vs-militants-an-overview-of-the-situation-in-KP-and-fata/>

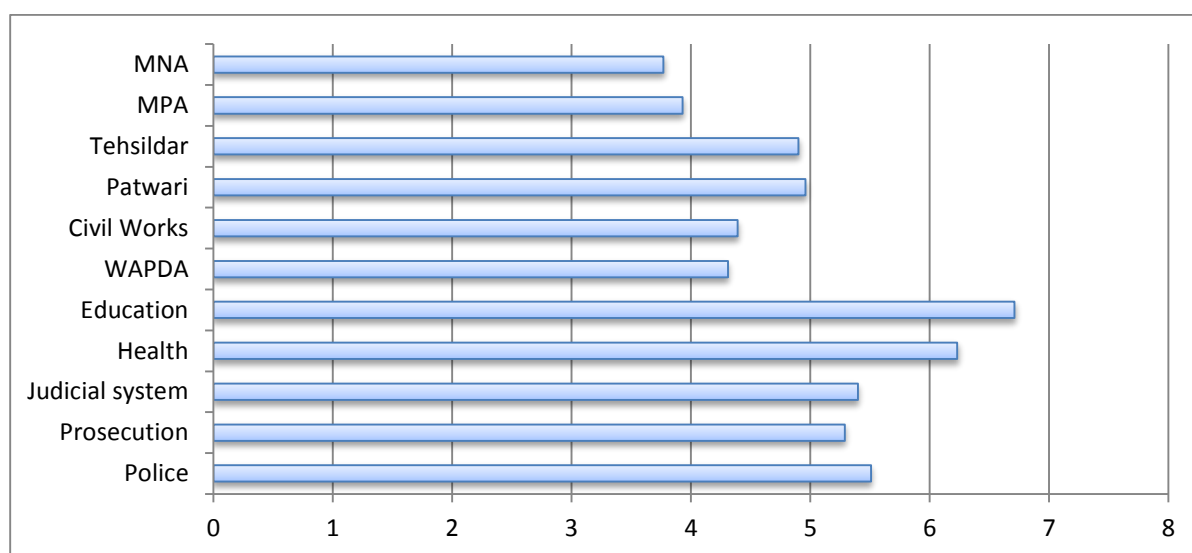
<sup>187</sup> <http://www.criterion-quarterly.com/malakand-division-conflict-floods-and-response/>

<sup>188</sup> [http://planipolis.iiep.unesco.org/upload/Pakistan/Pakistan\\_National\\_plan\\_of\\_action\\_2013-2016.pdf](http://planipolis.iiep.unesco.org/upload/Pakistan/Pakistan_National_plan_of_action_2013-2016.pdf)

delivery. These included weaknesses in capacity of teachers at the pre-service and in-service levels which remained unaddressed in the absence of institutionalized teacher training programs run by the government, rather than international donors. Centralization of management authority meant that immediate supervisors such as head teachers and principals are not authorized to reward or penalize teachers. Their performance management remained delinked from incentive structures and so apathy and low levels of motivation prevailed across their ranks. Finally, officials also cited shortages of financial resources devoted to education budgets, as a limiting factor in delivering quality education services at the district level.

### ***Perceived performance failures of MNAs and MPAs***

This finding is not surprising given that according to Article 247 of the Constitution of Pakistan, no Act of the Parliament or the Provincial Assembly may apply to the Provincially Administered Tribal Areas (PATAs) unless specifically extended by the Governor of the province, with Presidential consent. In 1956, a Constitutional provision revoked these powers of the Parliament, and vested them with the President, represented by the Governor at the provincial level. Since then, national and provincial legislators elected from the PATAs are severely restricted in their due roles expected of elected representatives in any democratic polity i.e. lawmaking or oversight of the executive. The requirement of federal consent for all policies also impedes decision-making, while restricting the space afforded to political stakeholders in this process. For instance, the peace deal negotiated between the ANP-led coalition provincial government and the Swat Taliban required the promulgation of Regulations which the former had no authority to implement. The draft of the Nizam-e-Adl Regulation was finalized by the province and sent for approval to the President by November 2008, but was signed into law as late as April 2009.<sup>189</sup>



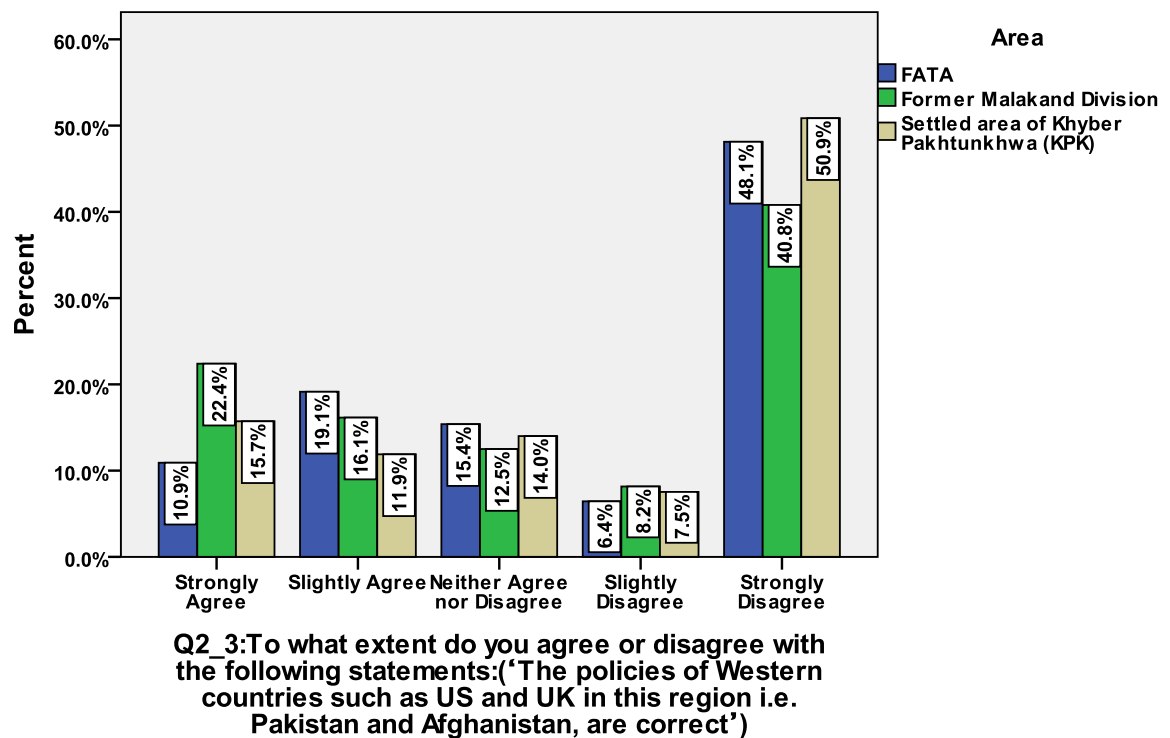
These factors indicate that the dissatisfaction among citizens concerning the performance of MNAs and MPAs reflected in the survey results is not so much a criticism leveled at the lack of will and capacity on the part of the latter, but structural impediments that limit this performance.

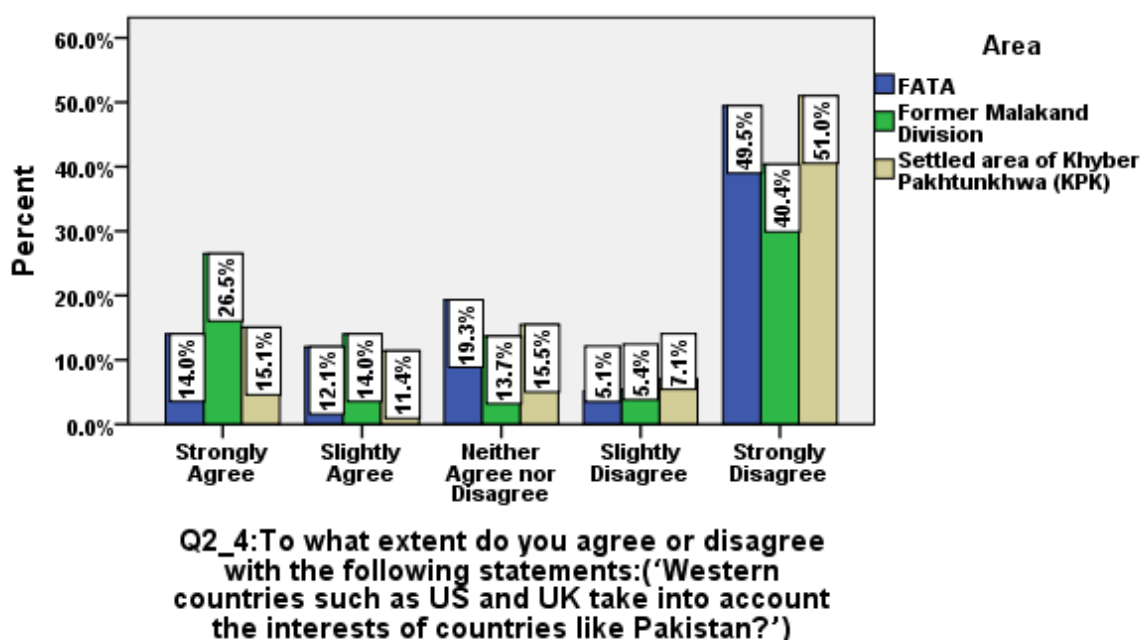
<sup>189</sup> Swat: A Critical Analysis, Sultan-i-Rome, 2009

### *The Role of Exogenous Factors: Anti-Westernism and Tribal Culture*

Independent variables discussed in this section are exogenous in the sense that they do not relate directly to governance and so are external to the conceptual framework under which the Study was undertaken.

First, the Study finds that individuals who disagree with the policies of Western countries (exemplified by the US and UK) in Pakistan and Afghanistan, and considered such nations to exclude the interests of countries like Pakistan were more likely to support militancy. While the statistical analysis relates negative opinions of Western policies to support for militancy in Malakand, the survey results indicate that such opinions are actually less widespread in this region, than in KP settled districts or FATA.





Infact, for both questions, the majority of respondents from Malakand (over 50%) have not opted for the 'Disagree' and 'Strongly Disagree' response, as they have done for FATA and KP. Moreover, while the plurality of responses from Malakand lie in the 'Strongly Disagree' category (40% for both questions), the second peak lies in the 'Strongly Agree' Category which reflects over one-fifth of all responses for both questions from the region. This indicates a strong polarization of opinion on the issue, which is not common to FATA or KP. Also, while the negativity of opinion may be more limited in scale it may well be more intensely felt.

In a separate (but related) question, respondents were asked to rate institutions and groups on a scale of personal preference, which 10 being the most preferred and 0 being the least preferred. 'American and NATO forces' received the lowest mean rating of 0.3 from Malakand, while in FATA and KP, this mean rating was at 0.4, which does indicate a difference in the intensity of Anti-Western sentiment in Malakand, as compared with the other regions.

Another exogenous factor that Malakand does not share with FATA or KP settled districts, is that individuals who felt strongly about the tradition of safeguarding guests who have been sheltered and who felt that the government had been unsuccessful in defending this tradition were more likely to support militancy. A lot has been written on *Pakhtunwali* or the Pakhtun way of life which serves as an honor code guiding behavior at the tribal and individual level. British policy discourse on Frontier governance is replete with discussion on the issue, while even current policies framed by the Pakistan government and international donors for peace-building and development in KP, Malakand and FATA acknowledge this as a factor.<sup>190</sup> One of the traditional values that constitute *Pakhtunwali* is *melmastia*, or hospitality which Barth defines as the offering of food to strangers and friends alike and defending guests.<sup>191</sup> More recently a researcher such as Christine Fair defines it as unconditional hospitality that must

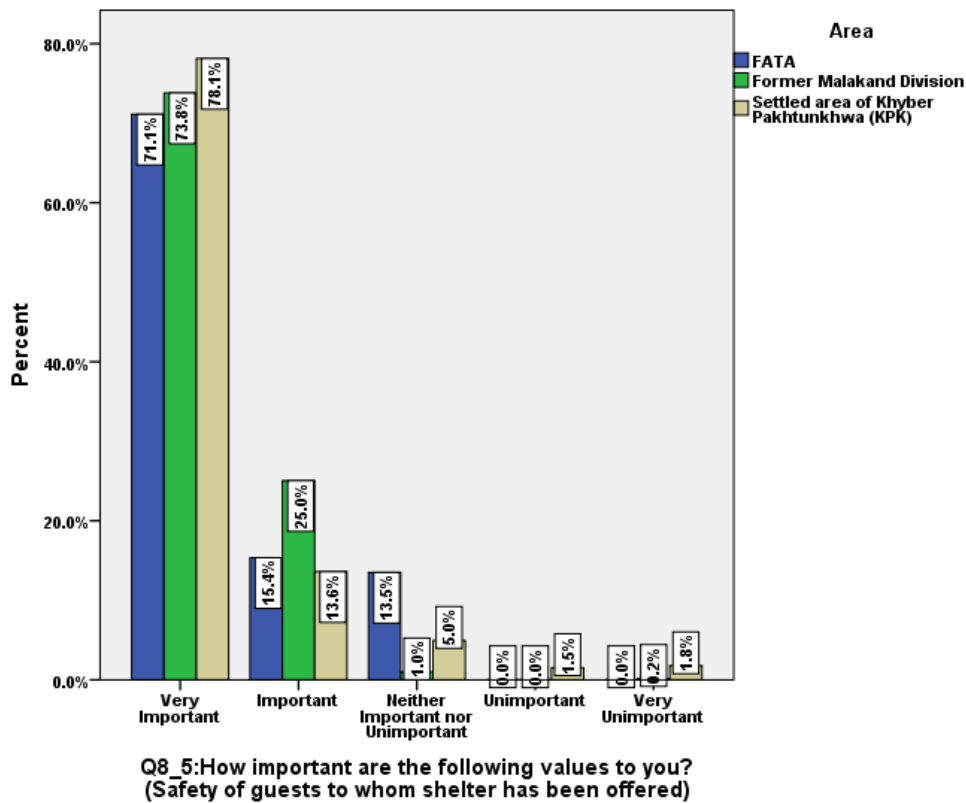
<sup>190</sup>Post Crisis Needs Assessment, 2010

<sup>191</sup>Barth F (1965). Political Leadership among Swat Pathans

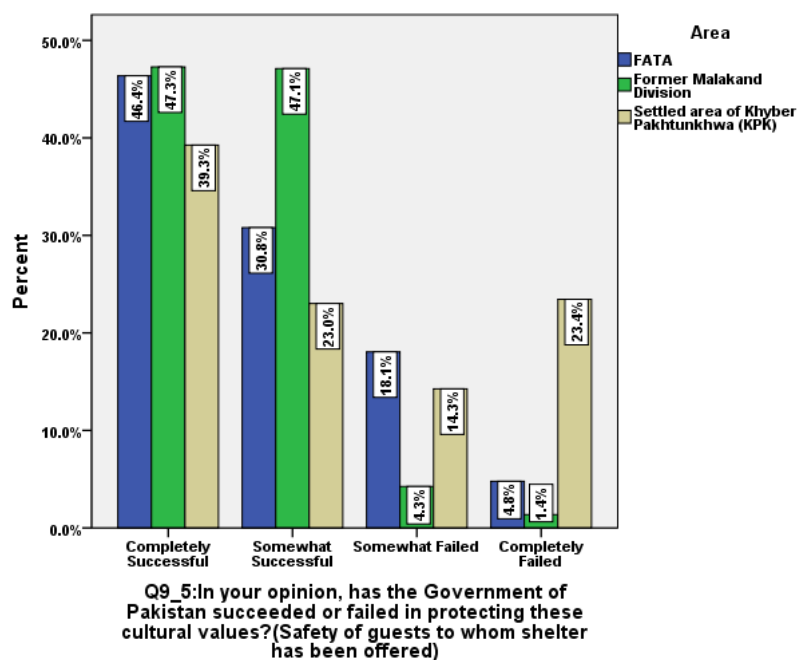
be offered to fellow Muslims whether or not they are *Pakhtuns*. *Melmastia* was long theorized to be a factor which paved the entry of foreign radicals and militants into Pakistani territories during following Soviet withdrawal from Afghanistan in the late 1980s and later subsequent to American operations in Tora Bora in 2001.<sup>192</sup> As indicated by the survey results, *Melmastia appears to be a very important pillar of the value system among citizens in Malakand*.

---

<sup>192</sup> Fortifying Pakistan: The role of US internal security assistance, Chritine Fair, Peter Chalk. 2006



As can be seen, an overwhelming majority of Malakand respondents feel that this value is 'Very Important' while they dominate the 'Important' category in comparison with other regions.





However, for the follow-up question on the degree of success the Government has had in defending this particular tradition, the respondents who felt cited government failure are a smaller minority in Malakand (5.7%) than in KP and FATA. Again, the empirical link with support to militancy may hinge on intensity of opinion, rather than its prevalence among the population at large.

### **6.3 Khyber Pakhtunkhwa Settled Districts Conclusions**

In KP Settled districts, support for militancy is linked to the following factors:

1. Negative role of *Imams* i.e. the more favorable toward extremists the statements made by *Imams* (leaders of congregations in mosques), and the more an individual agrees with such statements, the higher the likelihood that the individual supports militancy in KP
2. Perceived failure of Political Agents and Khasadars to perform due responsibilities i.e. individuals who rated Political Agents and Khasadars poorly with regard to fulfillment of responsibilities were more likely to support militancy
3. Perceived narrow accessibility of ordinary citizens to Khasadars and Political Agents i.e. individuals who rated Khasadars and Political Agents poorly with regard to accessibility for ordinary citizens to these officials, were more likely to support militancy in KP
4. Perceived high levels of difficulty in carrying out basic service delivery transactions with the police, specifically the registration of FIRs and investigation of cases i.e. individuals who felt that obtaining these services from the police would be more difficult are more likely to support militancy in KP
5. Perceived corruption among service delivery officials and elected representatives i.e. individuals who rated the public officials and institutions of the police, prosecution, judiciary, WAPDA, Land Revenue officials (Patwaris and Tehsildars) and Civil Works officials, as well as MNAs and MPAs as highly corrupt, were more likely to support militancy in KP
4. Size of land holding i.e. individuals with larger land holdings are less likely to support militancy or conversely, individuals with smaller land holdings are more likely to support militancy in KP

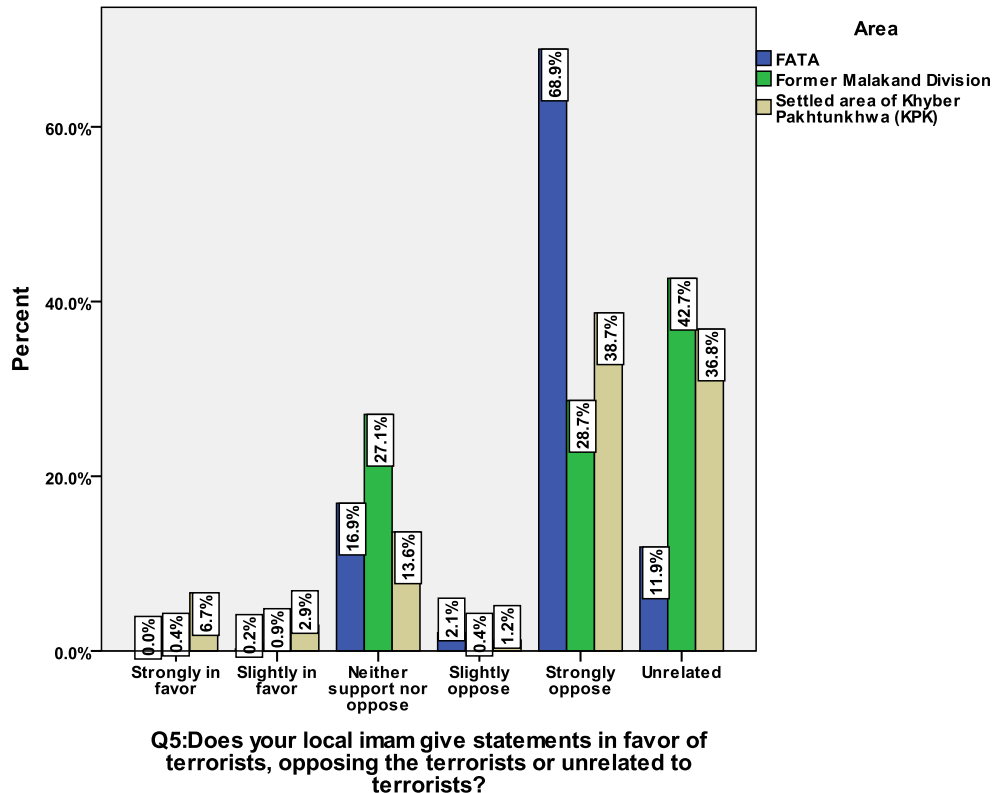
At first glance, radicalization in KP appears to be explained by very different factors than in FATA and Malakand. As in Malakand, service delivery failures in a different region i.e. FATA appear to be driving support for militancy in KP. The role of clerics is also visible, which was not found in either FATA or Malakand. On balance therefore, while in FATA, radicalization appears linked to poor economic policy and lack of political freedom, and in Malakand ideological and cultural factors became important, in KP it is service delivery failure, in terms of corruption and breakdown in transactional sub-routines that appears to be causing resentment and disillusionment which push citizens toward radical beliefs and attitudes. Each of these factors is explored in greater detail below.

#### ***Negative role of Imams***

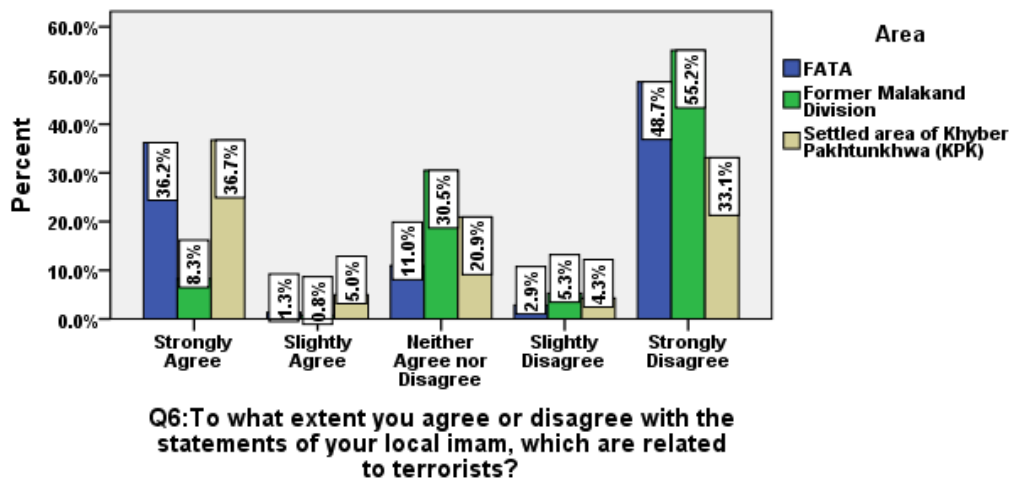
It must be noted at the very outset that religiosity, in terms of adherence to received doctrine, as defined by observance of prayer, fasting, recitation of the Quran, was not correlated with support for militancy, under this Study. Similarly, schooling at *Madrassas* or religious

seminaries also appeared delinked from the dependent variable. These results held true for analysis across all 3 regions. Hence, the statistical significance of the role of local priests in KP cannot be satisfactorily explained in the context of religious extremism. This would be a gross oversimplification, given that: a) these statements though originating from religious leaders are essentially political in content and intent; and b) religious orthodoxy and belief in Islamic dogma could not be linked to support for militancy in any of the 3 regions, a finding echoed by other studies covered in the literature review.

In any case, Imams in KP tend to make statements that favor extremists more so than in the other regions, as depicted in the survey results below.



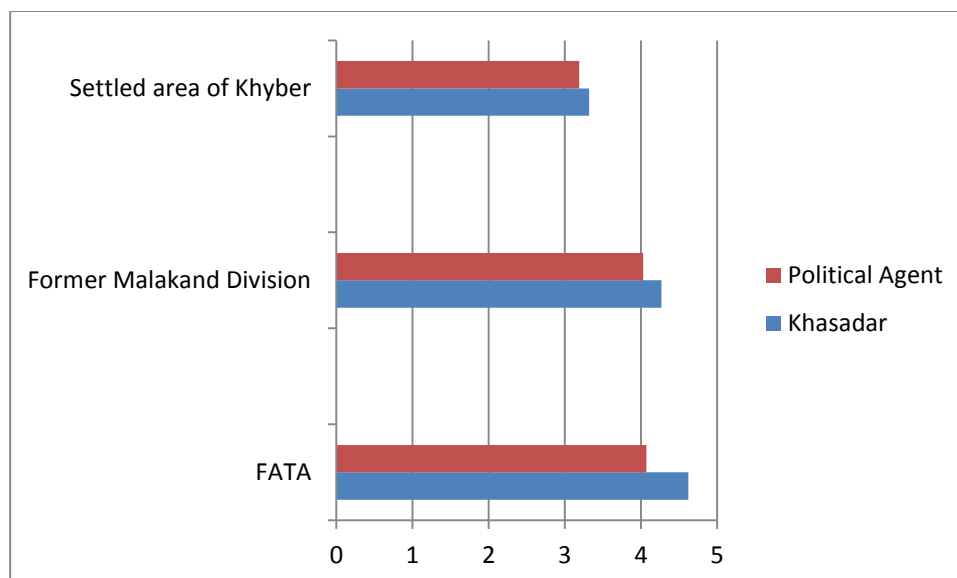
As can be seen, while the majority of respondents in all regions, stated that the Imam's statements were against, unrelated, or neutral in relation to extremists, in the 'Slightly in favor' and 'Strongly in favor' categories, only Imams from KP are represented in any mentionable frequency. More alarming is the finding that a greater proportion of respondents from KP settled districts, than from FATA and Malakand agreed with the statements made by the Imam. KP respondents dominate the 'Strongly Agree' and 'Slightly Agree' categories, in comparison with other regions.



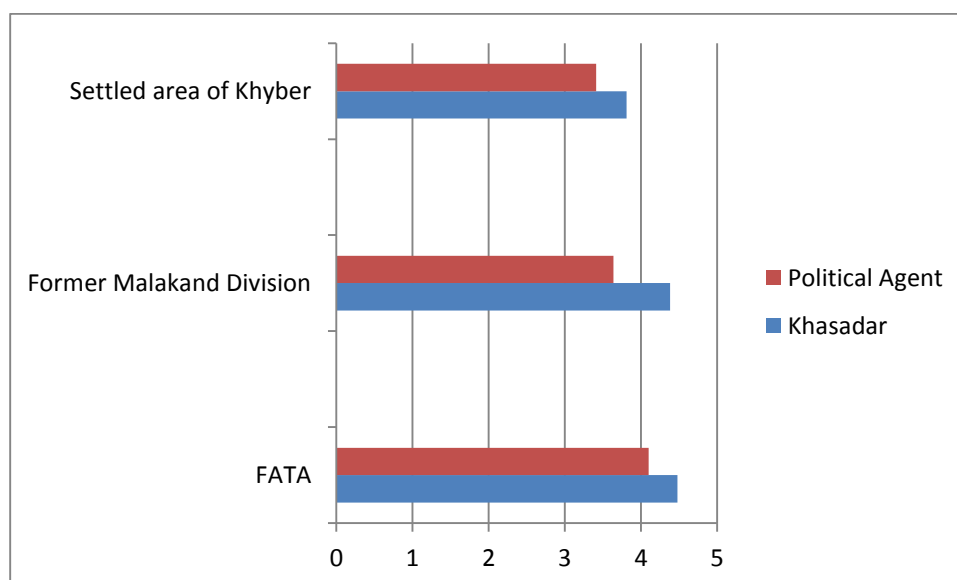
As acknowledged by the PCNA, “*trust in teachings of religious leaders contributed to the considerable and active support mobilized from women (as well as men) by militant groups.*” It must be noted though that the clergy was not always afforded the level of influence they now wield in the social hierarchy of local communities. Their social climb to their current status as opinion-formers was enabled by the erosion of traditional leadership and governance structures that existed in *Pakhtun* society, including tribal leaders, the *Jirga*, and landholders. However, while this trend has been captured by research on FATA and Malakand, similar societal changes have not been detected in KP before this Study. In fact, this trend in KP requires far more research from anthropological and sociological perspectives before greater clarity can emerge.

### ***The perceived role of Political Agents and Khassadars***

As in Malakand, the perceived failure on the part of Political Agents and Khasadars to perform their due responsibilities appears to be driving radicalization in KP settled districts. Unlike Malakand, however, the degree to which these officials are accessible to ordinary citizens is also statistically significant in KP i.e. the more poorly an individual rates Political Agents and Khassadars with regard to their accessibility, the greater the likelihood of his/her support for militancy. Also as in Malakand, it must be noted that Political Agents and Khasadars have no official authority in KP settled districts. However, it is not altogether unexpected that negative perceptions on the performance and accessibility of these officials in FATA are linked to support for militancy in KP settled districts when seen in the context of geographical, economic and ethnic ties that exist between the regional populations, as described in detail in the Conclusions section for Malakand. In fact, these ties may be stronger between KP and FATA, than FATA and Malakand, given that the boundary drawn by the British in the mid-nineteenth century between ‘settled’ districts and ghairilaqa was purely administrative and separated two socially, politically, and economically indistinguishable people. Attempts to enforce this boundary never succeeded beyond the need for military force. It is these ties that are reflected in the statistical analysis, backed by the survey results depicted below.



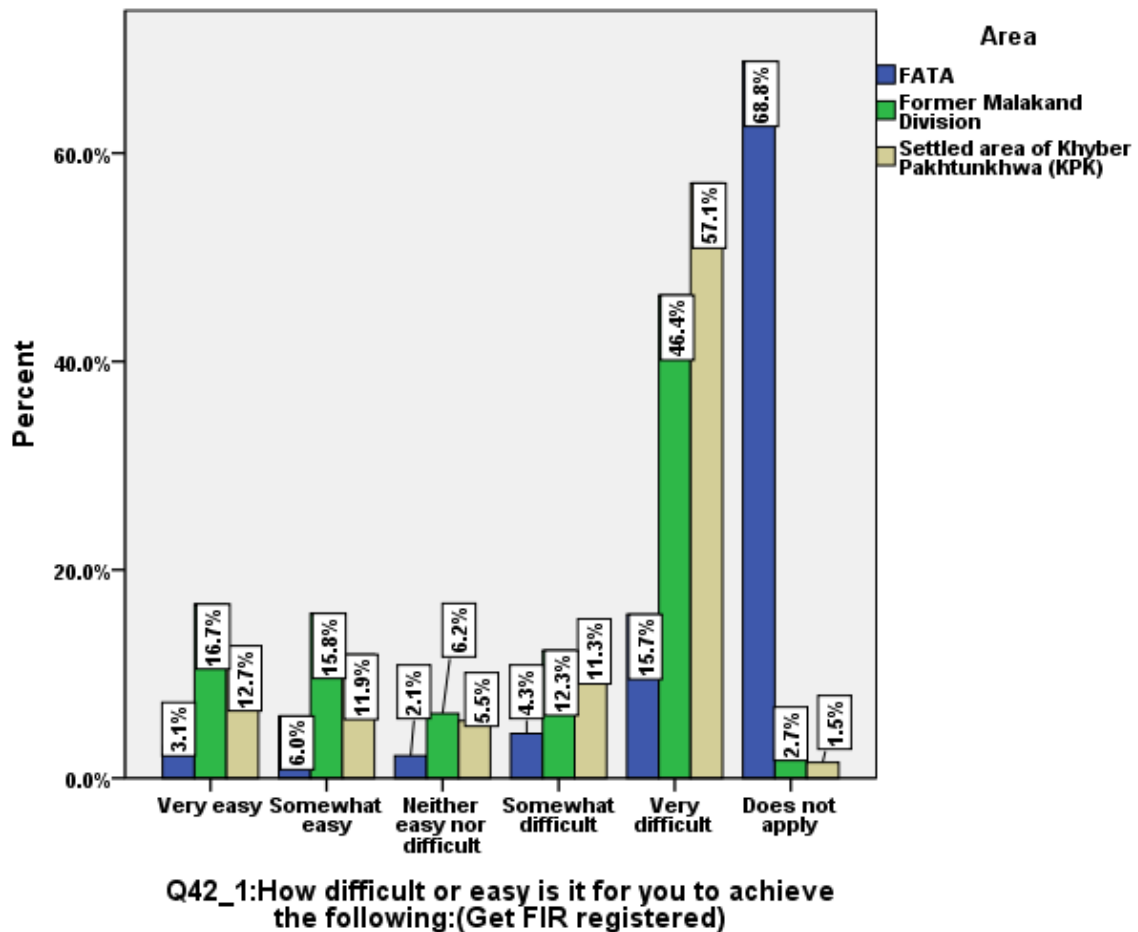
As can be seen, the mean rating for accessibility of Political Agents and Khassadars is lower for respondents from KP settled districts than for respondents from other regions. The same holds true for ratings with regard to perceived performance of due responsibilities by these officials i.e. the ratings are lower in KP than in Malakand and FATA.



### *Service Delivery Failures of the Police: Registration and Investigation of Crime*

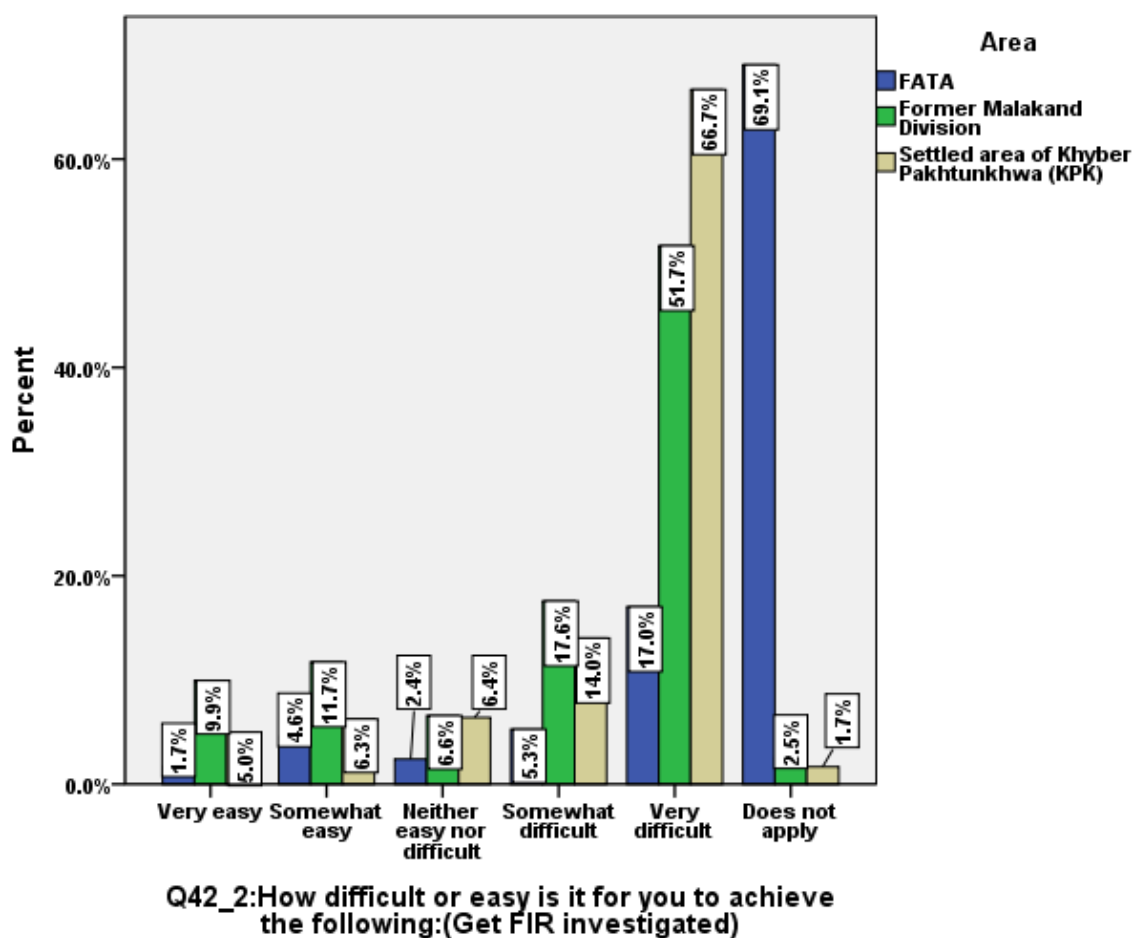
Non-reporting and non-registration of crime are a common problem not only in KP, but across Pakistan, as documented by several studies on police performance. Most recently, a Study conducted by UNDP surveyed 3,669 households in KP to assess perceptions and experiences regarding justice sector service provision among citizens. Respondents who had faced a problem requiring police assistance were asked whether or not an FIR was registered – 21% responded: “No”. Almost one-third of the respondents who did manage to get an FIR registered reported difficulties with the process. Meanwhile for about 48% of respondents,

police investigations lasted from one month to more than a year, with 12% of the respondents claiming that their cases were still under investigation.<sup>193</sup> These results echo the findings of the survey conducted under this Study, as shown below.



As can be seen, 57% of the respondents from KP, more so than in other regions, felt that it would be ‘Very Difficult’ for them to get an FIR registered. In addition, some 67% of the respondents from KP, again a far higher proportion than in Malakand, opined that getting their reported case investigated by the police would prove ‘Very Difficult’.

<sup>193</sup> Voices of the Unheard: Legal Empowerment of the Poor in Pakistan, UNDP, 2012



In the Focus Group Discussions conducted in KP, police officials, especially those at the lower ranks enlisted a host of supply-side difficulties that caused service delivery failures, including those described above. The included:

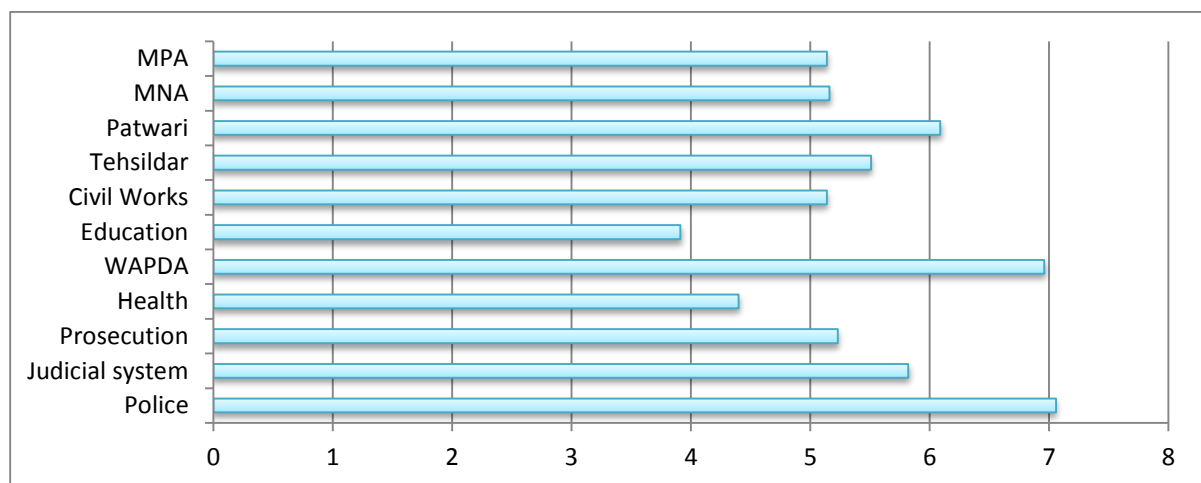
- Inhumane duty hours
- Absence of safety and precautionary measures offered to officers working in unsafe areas
- Absence of coverage of healthcare and other incidental expenses
- Low compensation levels, especially at junior ranks

Police officials also cited the launch of the electronic FIR registration system which made it accessible and convenient for complainants. However, it must be remembered that the FIR is a legal document which remains significant during adjudication and appeals from the lower courts to the superior courts. It remains unclear whether an FIR lodged via a web-page will hold this carry this legal weight. Further, this does not resolve the issue of protracted and difficult investigations which more often than not, fail to result in convictions. The UNDP Study cited above, also cites manpower shortages (with caseloads as high as 30-40 cases per Investigating Officer), poor infrastructure and technical capacity (in terms of forensics), and political interference as factors weighing down conviction rates to 5-10% for Pakistan.<sup>194</sup> Similar constraints are faced by prosecutors, who appear overburdened by caseloads.

<sup>194</sup> Ibid

### *Perceived levels of Corruption*

The perception of high degrees of corruption prevailing among police, prosecution, judiciary, WAPDA, Land Revenue officials (Patwaris and Tehsildars) and Civil Works officials, as well as MNAs and MPAs was linked to higher levels of support for militancy, in KP. These findings are corroborated by the most recent National Corruption Perception Survey 2011 conducted by the Transparency International, which finds police, courts, and land revenue officials as ranked among the most corrupt service providers.<sup>195</sup> An earlier report by TI named KP as the most corrupt province.<sup>196</sup> Most recently, a survey of 600 respondents from KP settled districts in 2013 found that 64% of the citizens who interacted with government departments over the previous year were forced to offer a bribe, while 46% considered provincial government departments to be “*all corrupt*”.<sup>197</sup> These results mirror the findings of the survey conducted under this Study, as shown below.



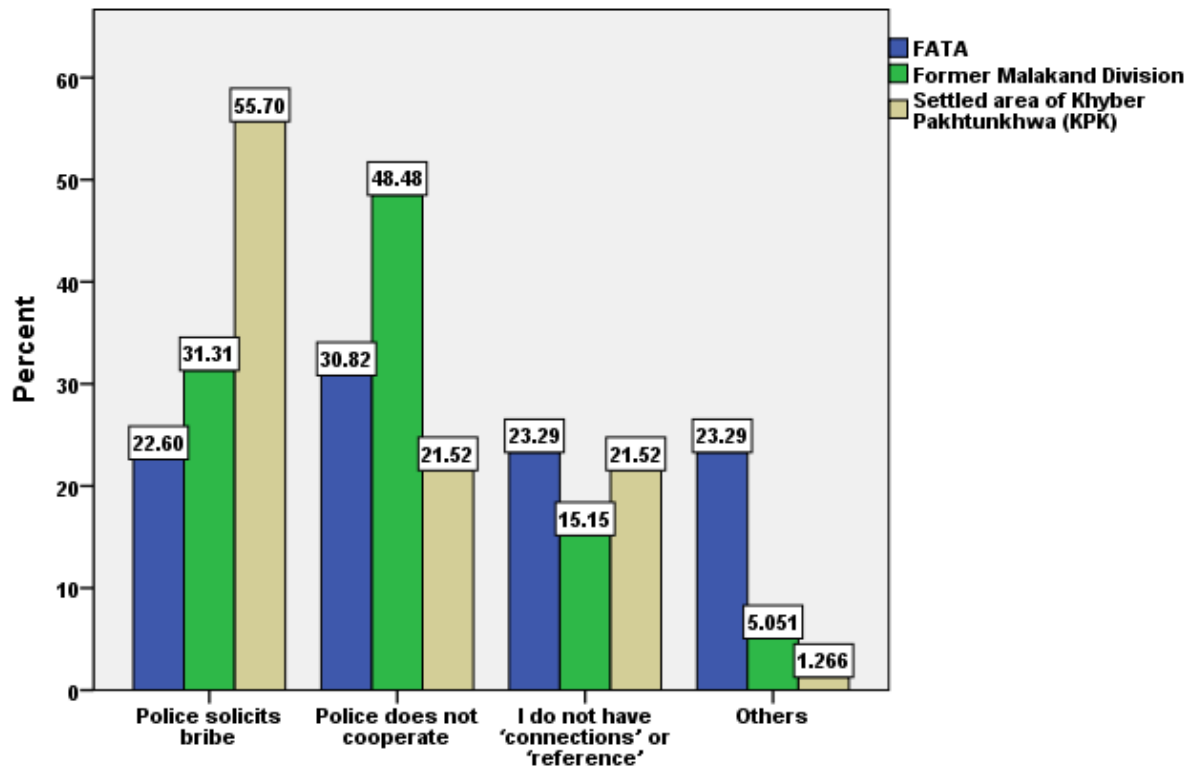
Respondents were asked to rate public officials and institutions with respect to corruption, on a scale of 0-10 with 0 being the least corrupt, 10 being the most corrupt, and 5 being the middle point. Overall, police, WAPDA and Patwari officials were perceived to be the most corrupt. Police officials in KP received the highest rating indicating high levels of perceived corruption. In addition, when respondents were asked if they would go to the police if they faced a problem which required police assistance, 89% of them responded positively. But of the minority who said: “No”, the majority of KP respondents, more so than in other regions, cited police corruption as the reason.

<sup>195</sup><http://www.transparency.org.pk/ncps2011/ncps2011.pdf>

<sup>196</sup><http://tribune.com.pk/story/18179/khyber-pakhtunkhwa-rejects-corruption-report/>

<sup>197</sup>Corruption Perception and Ground Reality Survey, Center for Peace and Development Initiatives, 2013

Q29:If no, then why would you not contact the police?



According to previous research conducted by GINI, contemporary thinking and practice on anticorruption reform increasingly relies on the New Institutional Economics (NIE) approach which offers a multi-dimensional, realistic, and dynamic framework of analysis and action. At the center of this framework is the concept of perverse incentives embedded in formal and informal rules that distort individual / institutional behavior leading to sub-optimal policy outcomes. Without defining and quantifying these perverse incentives in financial and administrative terms, education governance cannot even be fully understood much less reformed. Erstwhile behaviors will resurface after initial reform momentum abated because structural rigidities in compensation mechanisms de-linked from performance, combined with lax administrative controls produce behavior that cannot result in desirable outcomes. Creating new institutions, introducing legislative and constitutional amendments, or reallocating budgetary resources (as past reforms have done with little to no impact) will not yield improvements unless perverse incentives are understood and addressed.<sup>198</sup> The Focus Group Discussions carried out in KP (as well as those with service providers from FATA and Malakand) agreed that incentive structures prevailing across all government departments encouraged venality and non-performance.

### *Land Ownership*

The only driver of radicalization that KP settled districts share with FATA is land ownership patterns i.e. as in FATA, individuals with smaller land holdings are more likely to support

<sup>198</sup>[http://www.ipmn.net/index.php/archives/ipmj-free-archive/doc\\_download/153-ipmn-2012anticorruptionanditsdiscontents2](http://www.ipmn.net/index.php/archives/ipmj-free-archive/doc_download/153-ipmn-2012anticorruptionanditsdiscontents2)



militancy in KP. As found by earlier research efforts, land ownership patterns across Pakistan are highly skewed. According to the Benazir Income Support Program Poverty Scorecard Survey, almost 85% of households of the 4 provinces of Pakistan did not own any land<sup>199</sup>, which meant that ownership was concentrated in the hands of a thin minority. The provincial government in KP has taken numerous steps to address this imbalance. The Inamdari and Jagirdari systems were done away with in 1938, followed by the Tenancy Act 1950 and the Restoration Act 1951<sup>200</sup>.

At the federal level, the West Pakistan Land Reforms Regulation 1959 set a ceiling on land ownership with safeguards for tenancy rights and preventative measures against subdivision. The Land Reform Regulation 1972, and the Law Reforms Act 1977 put in place similar measures to the benefit of tenants. The Supreme Court judgment under the seminal Qazalbash Waqf v Chief Land Commissioner, the Supreme Court rolled back key aspects of the most recent reforms put in place by the Bhutto-led administration. In 1990 an appellate bench of the Federal Shariat Court termed land reforms as un-Islamic, essentially regressing land reform legislation to its pre-Independence ante.<sup>201</sup> A petition to overturn these judgments and to reinstate the reforms of 1972 and 1977 is currently sub-judice in the Supreme Court.<sup>202</sup>

According to a study published in 2012, only 10% of the farms in KP met the threshold of subsistence holdings, while fragmentations of holdings into over 20 pockets of scattered land were common.<sup>203</sup> Another survey conducted by Cambridge University in 2011 related unequal land distribution in KP to ethnic backgrounds.<sup>204</sup>

---

<sup>199</sup> Benazir Income Support Program, 2012

<sup>200</sup> <file:///C:/Users/Administrator/Desktop/151-159-1-PB.pdf>

<sup>201</sup> <http://www.dawn.com/news/570487/land-reforms-in-pakistan-by-afan-khan>

<sup>202</sup> <http://tribune.com.pk/story/622259/imposing-land-reforms-supreme-court-orders-fresh-plea-widens-field-of-respondents/>

<sup>203</sup> <file:///C:/Users/Administrator/Desktop/151-159-1-PB.pdf>

<sup>204</sup> <http://recoup.educ.cam.ac.uk/publications/RECOUPQuantSurveyWorkingPaper39.pdf>

## CHAPTER – VII

# RECOMMENDATIONS

Given that the drivers of radicalization are almost entirely unique across the 3 regions, policy recommendations must similarly be framed in a regional context. The following recommendations (as the conclusions they are based on) are drawn from the literature review, the Focus Groups, and the consultations held with policy stakeholders during Dissemination Seminars. The Study attempts to go beyond one-dimensional technocratic solutions to the problems concluded in the preceding chapter, to present recommendations mindful of political economy factors.

However, a wide range of political ideologies, religious sensitivities, ethno-lingual dimensions, interpretations of history, economic interests, and geostrategic considerations are linked to the research questions being explored here. It is not therefore possible for any single recommendation to garner unanimous consensus among all policy stakeholders, even within the research and academic community. It must be said however, that while stakeholders may disagree on the specifics of the reforms proposed below, the problems they are intended to resolve threaten not only the governance and development of the country, but its very existence. While reform options remain debatable in their policy merits and negotiable in their political implications, the status-quo is no longer a valid option.

### 7.1 FATA Recommendations

While radicalization in FATA appears to be fueled (at least in part) by political and economic misgovernance, it is the former aspect that needs to be addressed, before the latter can be given realistic attention. Recommending fantastical programs to develop markets, encourage investment, strengthen communication and transportation infrastructure, or extend social safety nets will not create jobs, encourage growth, or reduce poverty. They have been tried in the past with less than desirable results. From 1972-80 PKR 1600 million was spent on development projects in FATA.<sup>205</sup> Development funds increased from PKR 1 billion in 2001 to PKR 12.9 billion in 2008. The Sustainable Development Plan 2007-15 pledged USAID funding of USD 750 million for support to agriculture, industry, mining, trade and commerce. USD 300 million alone were funneled into a Livelihoods program reportedly benefiting 11,150 youth, a per capita investment of USD 27,000 per individual. The impact of this massive development windfall is largely invisible. This year again, USAID is preparing to launch a multimillion dollar Economic Stabilization Program to support private enterprise development and farm productivity.

Similarly, the subject of land reforms cannot even be broached realistically within the current political climate. No cadastral surveys, or land settlements have ever been carried out (excepting Kurram Agency<sup>206</sup>) and ownership remains largely collective. Even the more low-hanging fruit of distributing government-owned land in FATA would amount to a visibility initiative, rather than create a dent in the economic reality, and so cannot be sincerely proposed. As recounted in the literature review, winning “*hearts and minds*” requires more than the appearance of change.

---

<sup>205</sup> [http://archiv.ub.uni-heidelberg.de/volltextserver/13063/1/Heidelberg\\_Papers\\_64\\_Ali\\_Shah.pdf](http://archiv.ub.uni-heidelberg.de/volltextserver/13063/1/Heidelberg_Papers_64_Ali_Shah.pdf)

<sup>206</sup> FATA Sustainable Development Plan 2006-15

The political, legal and regulatory environment must first be made conducive to economic development, before poverty can be addressed meaningfully. In the absence of a robust regulatory framework governing natural resource management, FATA's immense reserves of copper, marble, soapstone, etc. cannot be harnessed. Private investment cannot thrive unless because owning land or setting up industry requires contractual agreements with tribes that are not enforced by independent courts but jirgas. Currently, even inheritance law does not apply in FATA. Job creation remains impossible when labor force participants may be arrested and detained arbitrarily, or be denied identity as citizens, which is a birthright. Commerce and trade cannot flourish in the absence of a comprehensive legal framework for state regulation of business. Large public sector investment in infrastructure cannot encourage growth which is sustainable or inclusive, when expenditure remains unaccountable, opaque and institutionally designed to benefit the select few. The *Maliki* system of paying *Muajib/Lungi* to tribal elders by the Political Agent remains in place. Such public spending by the Political Agent remains inscrutable by audit authorities.

Most importantly, a formal economy cannot be constructed unless the vast underground economy built on criminal activity is first dismantled. A vibrant and effective black economy exists in FATA owing to tax evasion and illicit smuggling facilitated by the Afghan Transit Trade (ATT). The World Bank in one of its studies has estimated the overall value of this economy in Pakistan to be over USD 30 billion, which also sustains militant activity.<sup>207</sup>

Therefore, the following measures are proposed to reform the political and administrative systems of governance in FATA. It should be noted that these have previously been proposed by stakeholders from civil society, media, political leadership and the legal fraternity. They stand validated in the light of findings from this report.

### ***Structurally amend the FCR and implement past reforms***

This measure has been recommended by the superior judiciary, (including the Federal Shariat Court<sup>208</sup>), civil society (including organizations such as the Human Rights Commission of Pakistan<sup>209</sup>) and political parties (FATA Reforms Committee composed of representatives of ten major political parties across Pakistan), as well as most recently, by the Government of Baluchistan<sup>210</sup>. Most significantly, the elections manifesto of the ruling party at the Centre i.e. PML-N promises: “*Integration of the Federally and Provincially Administered Tribal Areas into the country's political mainstream, by extending to its people the political rights enjoyed by the citizens of Pakistan,*” as a policy measure to counter militancy and terrorism. It is obvious that this cannot be achieved without FCR Reform.

This is also validated by results from the survey conducted for this Study. A large proportion of respondents supported change (19%) or revocation (32%) to the system of justice dispensation by the jirga. The vast majority of respondents chose change (23%) or annulment (50%) of the policy which concentrates judicial and executive power in the office of the Political Agent. A similar majority (92%) preferred against the status quo with regards to collective punishment. Finally, the majority (64%) of respondents described the Political

<sup>207</sup><http://archives.dailytimes.com.pk/editorial/08-Jul-2011/view-fata-conundrum-umar-riaz>

<sup>208</sup><http://hrqp-web.org/hrqpweb/wp-content/pdf/ff/23.pdf>

<sup>209</sup><http://www.dawn.com/news/32231/hrqp-seeks-repeal-of-fcr>

<sup>210</sup><http://www.dawn.com/news/1080391/alliance-supports-fata-reforms-committee>

Agent system of government i.e. FCR as unsuccessful in meeting the needs of citizens in their area.

Outright repeal of the FCR has also been proposed by more zealous stakeholders who disbelieve in half-measures and assess the FCR as too flawed. However, experts consulted during the Dissemination Seminar, most notably, the Governor, KP cautioned against such an approach, fearing administrative chaos. It also appears that such a recommendation could not hope for implementation, given the severe resistance among bureaucratic and military stakeholders.

However, gradualism has not worked in the past because of implementation paralysis. The reforms recommended by the PCNA in 2010 were signed into law by the President in 2011. Their actual implementation on-ground continues to be non-existent. For instance, the funds disbursed to political agents should be audited by Auditor General of Pakistan and this was also included in the FCR amendments in 2011. But resistance from the Political Agents has yet to be overcome in this regard. Further, the PCNA's audit recommendations do not cover audit of the locally generated funds by political agent, which may be substantial.<sup>211</sup> One oft-quoted argument against political reform in FATA is the absence of taxation in the region, which does not obligate the government to establish commensurate representation. In fact, current indirect taxation on goods entering FATA raises an estimated USD 3-5 million annually.

It must also be noted that the recommendations of the PCNA have been criticized by some of the very team members who drafted them, especially as they relate to reform of the rule of law sector.<sup>212</sup> This calls into question the content of the reform, as well as its implementation. The new FCR reform therefore, needs to be wider in scale, more intense in degree of change, and far more persistent in implementation.

First, Jirga's must be regulated in protected and non-protected areas for greater enforcement of human rights safeguards, as well as support for poor and powerless elements to be able to invoke the Jirga without bearing the traditional 'hospitality' expenses. Recent studies have found that Jirga's are inaccessible, corrupt, and often biased in favor of the more affluent party and lack effective implementation mechanisms.<sup>213</sup> There is also evidence of the violation of human rights by Jirga decisions, such as the practice of *swara* where young girls are forcibly married to settle blood feuds between tribes/families. The following measures should be reflected in Chapter III of the FCR 1901 which deals with the function and structure of the Jirga or Council of Elders:

1. Any cost implications arising from the proceedings of a Jirga should be borne solely by the government and Jirga's should not be allowed to charge fees or receive gifts or food from either of the disputants.
2. *Swara* should be explicitly disallowed as a remedy in the decisions of the Jirga.

---

<sup>211</sup> Khan Raza (2012) "Economic and Financial Woes of FATA" Tigah Journal (Vol-I 2012), Fata Research Centre, Islamabad

<sup>212</sup> Siddique Osama (2013) "Pakistan's Experience with Formal Law: An Alien Justice", Cambridge University Press.

<sup>213</sup> "Voices of the Unheard" 2012 under the Programme Legal Empowerment of the Poor funded by UNDP and implemented by UNOPS

3. Local councilors to be elected under the Local Government Regulation 2012 should be given a role in appointing the Jirga members, and rules must be notified governing the criteria for their selection, tenure and conduct, enforced again by these local councils.

Second, collective responsibility and punishment must be abolished outright. While the FCR Amendments of 2011 exclude women, children under 16 years and the elderly over 65 years of age from collective responsibility punishments detailed in Section 21, this Section should be struck from the FCR altogether. Collective responsibility violates the presumption of innocence which is a universally accepted principle of natural justice. Even the more recent exclusion of women, children and the elderly has not seen full implementation. Women and children still reportedly languish in DI Khan prisons under the collective responsibility clause of the FCR.<sup>214</sup>

### ***Revise the special constitutional status of FATA***

The PCNA conducted in 2010 argued against such drastic steps arguing that even citizens of FATA themselves were unsure about alternatives i.e. integration into KP, or the creation of a separate province of the tribal belt, or some other arrangement under the federation, citing results of a survey conducted by CAMP in 2009. It set a timeframe for deciding upon the status of FATA within 1 year. That year elapsed without any such reform on the horizon. In the last such survey conducted by CAMP in 2012, it must be noted that while citizens remain divided on the options for reform, only a small minority i.e. 11% support the status-quo, which clearly indicates a preference for change.

As a first step, the Frontier Regions, which are tribal areas attached to ‘settled’ districts governed by the Deputy Commissioners of said districts may be integrated into KP. A similar successful experiment with the PATAs lends weight to the validity of this proposal. Kala Dhaka, formerly a tribal area in Mansehra (a ‘settled’ district) was made a separate district of Torghar on April 28, 2011. At the Dissemination Seminar held in Islamabad, on the 17<sup>th</sup> of March, 2014, a senior journalist Mr. Rahimullah Yousafzai (who is playing a key role in the current talks between the Taliban and the Pakistan Government) shared that his consultations with the prominent citizens of the district found them to be mostly content with the current mainstream system of governance.

While this may be taken as anecdotal evidence, it should be considered that no other conceivable measure would redress the grievances of the citizens of FATA against usurpations of their rights. The FCR provides a skeletal legal cover for administrative machinery, with minimal substantive law and procedure for justice provision. It cannot substitute for the Constitution, or the entire universe of substantive and procedural law, passed by federal and provincial governments, (not to mention case law) that ensure (at least in legal terms) the protection of life, property, dignity; freedom of expression, free and fair electoral process i.e. all the rights against which deprivation has been empirically linked to radicalization in this report. This would open up FATA to the legal (criminal, civil and family laws) and constitutional mainstream. It would also allow superior courts, i.e. the Peshawar High Court and Supreme Court to exercise jurisdiction over FATA. The alternative would be to continue ‘cherry-picking’ of laws to be extended to FATA based on

---

<sup>214</sup><http://www.fatareforms.org/international-ngos-seek-repeal-of-civil-power-regulation/>

political expediency, which has to this date left out crucial laws governing the most basic of rights, including citizenship and inheritance.

Following the mainstreaming of the Frontier Regions, a referendum may be held to decide the question of the Agencies in line with the principle of self-determination. The emerging evidence from the FRs may go a long way toward concentrating public opinion in favor of a single position, which would be clearly reflected by votes cast. While the more recent precedents for referendums to decide policy in Pakistan have been military sponsored rubber-stamps under Zia in 1984 and Musharraf in 2002, this should not discredit the process which is a hallmark of liberal democracies the world over. In the context of FATA, it should also be remembered that it is through exactly such a ballot held on 20<sup>th</sup> July, 1947, that 292,000 tribesmen went to the polls to cast votes in favor of union with Pakistan.<sup>215</sup>

### ***Repeal the Action in Aid of Civil Power Regulation of 2011***

The Action in Aid of Civil Power Regulations of 2011 should be repealed for two reasons. First, it threatens fundamental rights thereby fueling support for militancy. Most notably, it violates safeguards enshrined in the United Nation's Universal Declaration of Human Rights 1948, which Pakistan remains a signatory – specifically articles that protect individuals from arbitrary arrest and detention, entitle them to a fair and public trial, and presume them innocent until the conclusion of such trial.<sup>216</sup> It also violates other international obligations that Pakistan has ratified, including International Covenant on Civil and Political Rights (ICCPR) and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). Second, it rolls back the FCR reforms of 2011 which disappoints expectations and creates resentment. These included protection against arbitrary arrest and detention. The Regulation overturns them by allowing the military to detain individuals for vague infractions such as enhancing the resistance of “miscreants”, threatening the “solidarity, integrity or security of Pakistan”. The Regulation also allows detention beyond 24 hours without the approval of competent authorities, and conviction based on deposed statements of military officers.

Most unusual is its retroactive application – though it became law in 2011, it is deemed effective from February 2008 onward. Over 11,00 people previously categorized as ‘missing’ have been transferred to internment centers run by the military, while many are reported to have died in custody.<sup>217</sup> While Chapter IV details a host of measures required for ensuring human rights observance and oversight of internment centers, there is widespread non-compliance. For instance, while the provincial government is obligated to prescribe rules regarding food, health, family visits, etc. for detainees, these have yet to be promulgated.<sup>218</sup>

However, the flip-side of this debate is the utterly inadequate system of civilian justice, in terms of policing, prosecution and incarceration that has failed to protect victims and penalize the perpetrators of terror. Lack of witness protection discourages testimony and leaves cases without evidence. Crime scenes are destroyed in military operations and

---

<sup>215</sup> The Savage Border, Jules Stewart, 2007

<sup>216</sup> Articles 9, 10 and 11 of the Declaration.

<sup>217</sup> <http://www.slideshare.net/fatanews/actions-in-aid-of-civil-power-compiled-recommendations-2013-02-final>

<sup>218</sup> Action in Aid of Civil Power: A Critical Analysis, Dr. Sultan-i-Rome, 2013



forensic capacity to gather, store and analyze what little evidence remains is lacking in human, technical and infrastructure resources.<sup>219</sup> Weaknesses in investigation capacity have resulted in a conviction rate that hovers around 4%<sup>220</sup>, which is below even the meager national par of 5-10%<sup>221</sup>. As admitted by the Home Secretary to the Provincial Cabinet, this conviction rate is “*surprisingly low*”.<sup>222</sup> A number of experts have pointed out that police investigations do not satisfy the most basic standards of scientific inquiry, causing cases to fall apart in courts.<sup>223</sup> Even in high profile cases, such as the murder of the foreign journalist Daniel Pearl, no forensic evidence was brought to bear on the outcome.<sup>224</sup> Accused militants often walk free, even in high-profile cases.<sup>225</sup> In 2012 an Anti-Terrorism Court acquitted Sufi Muhammad of 17-year old charges including an attack on a police station. A year earlier, 3 of his sons facing similar charges were also released.<sup>226</sup> In 2012 militants attacked a prison in Bannu releasing 384 inmates, many of them suspected terrorists.<sup>227</sup> Nearly 200 prisoners were freed in a similar attack on a jail in DI Khan, a year later.<sup>228</sup> This demoralizes law enforcement agencies, encourages militants, and intensifies perceptions of insecurity among ordinary citizens. It must also be remembered that similar laws have been introduced from time to time in conflict areas of regional countries such as Armed Forces Special Powers Act (AFSPA) by the Government of India as well as previous much harsher legislation of “Terrorist and Disruptive Activities Act (TADA)”.

Therefore, while the Study recommends repeal of the Action in Aid of Civil Power Regulations in FATA and PATA, it is also recommended that the civilian justice system be improved in Malakand, KP and FATA when the latter is mainstreamed, as recommended earlier. While specific recommendations pertaining to police reform are discussed later, under the section on the Malakand Division, key proposals for improvement in investigation, prosecution and incarceration are summarized below:

1. At least one more Forensic Science Laboratory needs to be established to serve the Malakand Division and FATA. Currently only one Laboratory in Peshawar serves the forensic investigation needs of the entire province. This should provide state-of-the-art facilities for Finger-prints; Firearms and explosives; Questioned documents; Chemical analysis; and Photography, as well as training in these disciplines for police Investigating Officers.
2. The KP Prosecution Service needs to be strengthened in terms of manpower. Shortages of trained prosecutors is a problem identified in the Focus Group in Swat. Prosecutors also need to maintain open lines of communication and coordination with police investigators to strengthen case preparation. Institutionalized mechanisms such as the

---

<sup>219</sup> Ibid

<sup>220</sup> <http://www.satp.org/satporgtp/countries/pakistan/nwfp/index.html>

<sup>221</sup> International Crisis Group, 2010

<sup>222</sup> South Asia Terrorism Portal. Link: <http://www.satp.org/satporgtp/countries/pakistan/nwfp/index.html>

<sup>223</sup> Learning By Doing: Pakistan’s Army Experience of Counterinsurgency, Shuja Nawaz, 2011

<sup>224</sup> Pakistan: Can the US Secure an Insecure State, RAND, 2010

<sup>225</sup> Security Sector Governance in Pakistan: Progress, But Many Challenges Persist, Christine Fair, 2012

<sup>226,226</sup> <http://www.slideshare.net/fatanews/actions-in-aid-of-civil-power-compiled-recommendations-2013-02-final>

<sup>227</sup> <http://www.dawn.com/news/710704/militants-attack-bannu-jail-400-inmates-escape>

<sup>228</sup> <http://www.dawn.com/news/1032777>

Criminal Justice Coordination Committee contemplated in the Police Order 2002/04 should be used in this regard. Training to improve trial advocacy, especially for terrorism cases should also be provided for improvements in the conviction rate.

3. Given the institutionalized reliance on ocular evidence in the criminal justice system, witness protection programs need to be introduced in KP which offer police protection, new identities, anonymous testimony that conceals current identity, subsidized relocation, and compensation to the witness's heirs in case of death resulting from legal proceedings. The Sindh Witness Protection Act 2013 passed in September last year may be used as a model in this regard.
4. Prison security needs to be improved. Staff failing to adhere to security regulations should be penalized with zero-tolerance. Prisoners should not be allowed access to mobile phones, or to engage in criminal activity such as drug abuse. Prison staff needs to be better trained and equipped to defend against external attacks. Jamming devices and CCTV cameras should be installed in all major facilities.<sup>229</sup>

### ***Hold local government elections***

A host of policy stakeholders including the Governor, KP; all political parties active in FATA (both conservative and liberal); civil society (e.g. the Tribal NGOs Consortium); international donors (e.g. UNDP); even the Post Crisis Needs Assessment have called for local governments in FATA. The strong imbalance between the legislative and the executive can only achieve the right tilt when a locally elected and easily accessible political leadership takes charge of the development agenda. While the law governing local governments in FATA is not currently ideal, reform in this regard may be delayed until the elected councils have served at least one term. Delay in elections also signals non-implementation, which, again, creates resentment, as past experience with local government reform clearly shows.

The FATA Local Government Regulation 2002 was enacted but before elections could be held, in 2004 the Governor, in contradiction to the law, decided that local Councilors would be nominated by tribal elders and *Maliks*, instead of being directly elected by FATA citizens, citing administrative difficulties with implementing the Regulation of 2002. Moreover, these Councils would only serve as advisory bodies, with little control over public spending. The real authority continued to reside in the office of the Political Agent. Despite a meeting of all 421 Councilors held in 2006 to resolve the issue, local councils failed to claim any real role in local governance until they were finally disbanded in 2007.<sup>230</sup> Failure to implement local government legislation once more would permanently discredit devolution reform in FATA.

A democratically elected local government would not only counter radicalization, but also insurgency. Successful counterinsurgency depends not on control of territory, but on the support of the population. Once militant forces are routed, they must be permanently isolated from the local population, which is only possible with the support of the citizenry at large.

---

<sup>229</sup> These recommendations were made by the International Crisis Group in their report: Reforming Pakistan's Prison System, 2011.

<sup>230</sup> <http://www.slideshare.net/fatanews/local-government-in-fata-failures-challenges-prospects-fata-research-centre-april-2014>



According to David Galula (one of the most influential counterinsurgency theorists), this transition from hot operations to stabilization tactics begins with holding free and fair local government elections. The defeat of the insurgent's military machine must be followed by the defeat of their political organization at the grassroots. To achieve this, a new class of democratically elected local leaders must be created to deny the militants political space and weaken their support among the local population.<sup>231</sup> As more recent strategists focusing on Pakistan agree: "*local government needs to be present, legitimate, and effective in pushing back against insurgent advances... [given that]...COIN is 80% political, 20% military.*"<sup>232</sup>

The caveat here is that such elections cannot be held unless militant cells are completely eliminated, in the localities being considered. Hence, the Agencies cleared of militants by the armed forces can be considered for holding local bodies elections under the Local Government Regulation 2012.

### ***Reform of the Policing System***

Security of life and property cannot be ensured unless the inadequate system of *khasadars* and levies is improved along modern lines of policing and public safety. The survey conducted under this Study found that over 84% of the citizens of FATA have never contacted these officials, while 38% of those who did, reported dissatisfaction over the responsive action.

Various institutional deficiencies are responsible for this poor perceived performance among the local citizens. First, recruitment of *khasadars* is hereditary rather than meritocratic and based on a quota system for drawing them from respective tribes i.e. *Nikat*. They cannot depend on the government for living quarters, arms and ammunition, training, or pension following lifetimes of service, or compensation to heirs in case of death. Levies which perform essentially the same functions as the *Khasadars* for maintaining law and order. Though Levies tend to be better trained, organized (hierarchical service structure) equipped and compensated by the government, on the whole, both forces lack the skills, infrastructure and incentives to perform their policing functions with any degree of success. According to a 2009 US Government report on training provided to FATA levies, they received "*only cursory training, light-arms (bolt-action rifles), and summer uniforms*" from the government and even this training provided by the Frontier Corps focused only on developing skills for kinetic operations (shooting, drills, ambushes, etc.), rather than detection, investigation and penalization of crime and public safety. Even this training had not been provided since 2005.<sup>233</sup>

The Focus Group Discussions with FATA officials revealed that *Khasadars* served mainly as messengers to coordinate between the tribes and the government and among the tribes themselves to resolve disputes which mostly centered around land. FIRs were registered and investigated by the Political Tehsildar (essentially a land revenue official) rather than *Khasadars* or Levies. Where Levies are engaged, responsibilities for investigation were restricted to the Commandant, the senior-most Levies official at the Agency level who reports to the Political Agent.

---

<sup>231</sup>Counterinsurgency Theory and Practice, David Galula, 1964

<sup>232</sup> Applying Counterinsurgency Principles in Pakistan's Frontier, Joshua T. White, Brookings, 2009

<sup>233</sup>

Reforms for these irregular police forces have been in the offing for over a decade, but have yet to materialize on-ground. As early as 2003, a reform proposal to absorb them into the Frontier Constabulary with upgraded training, facilities and remuneration was shelved for lack of funds.<sup>234</sup> Later, the Levy Force Regulation 2010 provisioned proper recruitment, training and accountability for the Levies. In 2010, the PCNA did not present specific actionable as it does for other areas, but outlined a broad-brush vision of Levies becoming a “*well-established, well-equipped and professional modern force in FATA*” while the *Khassadars would be phased out over time*.” In 2012 the Levy Force Regulation was passed, along with Service Rules framed governing eligibility for recruitment, training, promotions, reward and penalty mechanisms, compensation for injury and death, health and other benefits, and monitoring and evaluation mechanisms.<sup>235</sup>

The Study recommends adequate resourcing to be ensured for Levies, in terms of:

1. Infrastructure (communications, arms and ammunition, protective gear, vehicles and barracks); and
2. Skill-sets (pre-service and in-service training for investigation as well as watch-and-ward services, in addition to basic human rights). The Service Rules mention a planned Levies Training Center and the the government had planned to build one in Khyber Agency as early as 2007 with US support, but the project was shelved. It should be revived to fulfill capacity gaps.

The financial burden of these initiatives may be staggered over multiple budget cycles. These phases should coincide with the legal and constitutional mainstreaming of FATA, recommended earlier. Sequencing should also coincide with the gradual absorption of khassadars into the Levies. This absorption should be based, again, on professional requirements rather than tribal quotas to ensure that loyalty to the job trumps tribal kinship.

Further, the Levies hierarchy in each Agency should be placed under serving police officers from ‘settled’ KP. Where the goal is to professionalize the Levies to mirror a modern police force, it cannot be achieved unless the local leadership is sourced externally. As suggested by the PCNA, a “*professional civilian law enforcement official*” should eventually take charge at the Agency level. Moreover, this official should report to an independent police hierarchy at the provincial and federal level, (whether FATA is created a separate province or merged with KP), rather than the Political Agent. Independent oversight should come not from the bureaucracy, but the Chairpersons of Agency Councils. While these reforms may appear radical in their outlook, evidence of their probable success may be found in the experience of Baluchistan. The Police Order 2002 brought about very similar reforms to the province where around 90% of the area was policed by levies, yielding marked improvement in police performance and perceptions of public safety.<sup>236</sup>

Moreover, administrative control of the Levies should be devolved from the Ministry of SAFRON to the Law and Order Department of the FATA Secretariat. These measures may

---

<sup>234</sup> PESHAWAR: Plan to merge Khasadars, levies into FC hits snags, Dawn, 2003

<sup>235</sup> [http://www.theleaders.com/2013/08/federal-levies-force-service-rules-2012\\_27.html](http://www.theleaders.com/2013/08/federal-levies-force-service-rules-2012_27.html)

<sup>236</sup> Multiple Social Audit cycles supported by UNDP have found improvement in public perceptions of policing services in Balochistan over time. Another recent UNDP-UNOPS study: “Voices of the Unheard: Legal Empowerment of the Poor in Pakistan, 2013” draws similar conclusions.

initially be introduced in the FRs (already governed under the Deputy Commissioners of adjoining districts) and then in the Agencies.

Finally, Levies should take a more proactive role in investigation of crime, with the responsibility for FIR registration and investigation resting with specialized Levies officials rather than the land revenue administration. With regard to watch-and-ward, their scope of responsibility should be expanded to cover local communities rather than exclusively guarding government facilities and public infrastructure.

## **7.2 Malakand Recommendations**

### ***Hold Local Government Elections in PATA and ensure implementation of KPLGA 2013***

The extension of the KP Local Government Act 2013 to the PATAs was approved by the President in December 2013, but took effect in March 2014, when the Governor gave the order through a notification issued by the Home and Tribal Affairs Department. The law mirrors key elements of the LGO 2001, in terms of the supremacy of elected representatives over district bureaucracy, responsibility over key service delivery areas (including education and health), fiscal autonomy (authority to levy taxes such as the Urban Immoveable Property Tax and raise own revenue) as well as a dispute resolution mechanism set up by elected representatives. Given that nostalgia for the devolution reforms that were rolled back in 2009 have been linked to support for militancy, the KP LGA 2013 represents the best available option for re-establishing decentralized local governance and democracy in PATA, therefore rendering it invaluable in the fight against militancy.

The KP LGA 2013 law provides for three tiers, namely district, tehsil and village councils that would be elected. Over 4,000 village councils would be established<sup>237</sup> in the province with elections at the village level held on non-party basis to safe guard the natural system of the villages and empower people at the grass-roots level. Additionally, the provincial government will allocate about 30% of Annual Development Program (ADP) funds to local bodies<sup>238</sup>. This empowerment and strengthening of local institutions and governances process is critical for curbing radicalization as well as countering insurgency. As explained above, insurgency manifests politically, at the grassroots level, where it undermines the legitimacy and efficacy of state institutions. Literature on the subject suggests that strengthening local government institutions enhances a state's ability to reach deeply into society and develop the capacity to reshape it.

Similar to the LGO 2001, the KP LGA 2013 also includes provisions for dispute resolution mechanisms set up by elected representatives<sup>239</sup>. However, these have only been mentioned very briefly in Articles 28 and 29 of the KP LGA 2013. No clear framework has yet been

---

<sup>237</sup><http://www.dawn.com/news/1053375/lg-bill-sails-through-kp-assembly>

<sup>238</sup><http://tribune.com.pk/story/625231/k-p-assembly-passes-local-government-bill-finally/>

<sup>239</sup> KP LGA 2013: Chapter VII, 28(c); 29(b) <

<http://www.khyberpakhtunkhwa.gov.pk/cms/downloads/kp.gov.pk-downlaods-%20aeae5e9b4d9c0c6a0c4dbf8263ec7deb.pdf>>

defined for the implementation of these articles, save that the it is the function of the Village Councils to constitute panels of conciliators and chaired by the Village Council Nazim. However, the District Government Rules 2013 notified by the provincial government assign this responsibility to the Community and Social Welfare Department at the district level.<sup>240</sup>

Conversely, the LGO 2001 provided five articles<sup>241</sup> detailing the process of an official Jirga, *Musalihati Jarga*. The five articles provided a detailed framework for the appointment of members to the council as well as the process of referring cases to the *Musalihati Jarga*. In order for the vision of the KP LGA 2013 to successfully take its roots, steps need to be taken to provide a comprehensive framework detailing the implementation process of its alternate dispute resolution mechanisms, as were provided in the LGO 2001. It is imperative to strengthen the ADR set up in Malakand for its ability to provide average citizens with quick and affordable justice, the absences of which creates a vacuum often exploited by unsavory elements such as the Taliban.

Moreover, while the law has been passed, its implementation remains uncertain. For instance, it remains unclear how far the schedule of devolution of powers governing different functions has been adhered to, which is planned for 3 quarterly phases over a period of nine months. The central functions of “Human Resource Management, Planning, Development, Finance and Budgeting functions” are planned for devolution only in the last phase, which essentially means that for at least 3 quarters, local governments will be completely dependent on the province for core functions intrinsic to their autonomy. It may be concluded that for the better part of a year, local governments will continue to be a political non-entity. Phased implementation could also become an official pretext for delay in devolution of functions, as was experienced in the implementation of the LGO 2001.<sup>242</sup>

Delay in holding local government elections in KP does not bode well in this regard. Following months of wrangling over the legislation, electoral rules, delimitation of constituencies, the latest holdup appears to be the condition of biometric polling attached by the KP government, which according to the Election Commission may require up to 5 months for procurement, transportation and installation.<sup>243</sup> Given that the KP government is ‘fire-fighting’ multiple crises, most importantly an ongoing insurgency, it is conceivable that the issue may be set on the backburner once current momentum is lost.

### *Repeal the Nizam-e-Adl Regulation 2009*

---

<sup>240</sup> <http://lgkp.gov.pk/wp-content/uploads/2014/03/2.-A-printable-version-of-the-Khyber-Pakhtunkhwa-District-Government-Rules-of-Business-2013.pdf>

<sup>241</sup> NWFP LGO 2001: Chapter XI, “MUSALIHATIJARGA”

<[http://dtce.org.pk/DTCE/Data/Resources/NWFP\\_Local\\_Government\\_Ordinance\\_2001.pdf](http://dtce.org.pk/DTCE/Data/Resources/NWFP_Local_Government_Ordinance_2001.pdf) >

<sup>242</sup> [http://www.pakp.gov.pk/UserFiles/Schedules%20LGA,%202013%20Cabinet%20approved%20FR\(2\).pdf](http://www.pakp.gov.pk/UserFiles/Schedules%20LGA,%202013%20Cabinet%20approved%20FR(2).pdf)

<sup>243</sup> <http://tribune.com.pk/story/683730/local-bodies-elections-k-p-govt-seems-unprepared-to-meet-april-30-deadline/>

In addition, the Nizam-e-Adl Regulation 2009 needs to be abolished given that it not only preserves the unconstitutional concentration of judicial and executive power<sup>244</sup>, but also because it fails in terms of the speed, accessibility, simplicity, and affordability of justice services that respondents remember from the era of princely states. The Nizam-e-Adl was a quick-fix to avoid bloodshed when the TNSM first swept across Swat. It was not even to the Council of Islamic Ideology for doctrinal vetting as is the norm for legislation in Pakistan.<sup>245</sup> Furthermore, the Nizam-e-Adl institutionalizes human rights abuses; deprives women of their freedom and rights; discriminates against religious minorities; and establishes a culture of rushed, cursory justice.<sup>246</sup> The PCNA recommends a review to test its Constitutional legitimacy, stopping short even of endorsing structural amendments. However, it is not the degree of alignment (or lack thereof) with the Constitution or Islamic law that is driving frustration with the Regulation among citizens seeking justice – it is the failure to deliver quick and cheap justice for all. This was confirmed in discussions with justice sector representatives in the Focus Group in Swat.

Contrarily, scholars gathered at the Dissemination Seminar, Peshawar, 4<sup>th</sup> April 2014 warned that sudden reform may precipitate a crisis, much like the 1994 repeal of the PATA Regulations. However, the Study finds that in light of the foregoing discussion on this issue, such arguments may be equating coincidence to causality at best, and at worst, elevating the ‘red herring’ to the status of root cause. In either case, given that the Study finds support for militancy linked to opposition, rather than support for the Regulation of 2009, it is inconceivable that the repeal should invite backlash from the population at large. To further manage fallout, committed justice sector reforms need to be undertaken to improve access to justice in Malakand. The Study recommends the following measures:

1. A system-wide expansion of human and infrastructure resources is required to cope with the overwhelming volume of litigation which results in a ratio of 300 cases per judge in KP subordinate courts. The number of sanctioned and filled posts for judges need to be increased along with associated infrastructure facilities.
2. The KP Judicial Academy needs to be supported in its efforts for in-service training for judges on case-flow management, delay reduction techniques and court administration. The pilot exercise conducted by the ADB Access to Justice Program was successful in reducing pendency in 10 districts and should be explored in this regard.
3. To reduce caseloads court-annexed mediation (as contemplated by the Small Claims and Minor Offences Courts Ordinance 2002), wider use of probation laws (extended to PATAs), and zero-tolerance detection and penalization of false and frivolous litigation should be pursued.

---

<sup>244</sup> As per Section 19(2).

<sup>245</sup> Council of Islamic Ideology (2008-09) Annual Report of the Council of Islamic Ideology

<sup>246</sup> See International Crisis Group: PAKISTAN: NO END TO HUMANITARIAN CRISES <<http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/237-pakistan-no-end-to-humanitarian-crisis.pdf>>; See also (Kamal 2010) <[http://www.ncsw.gov.pk/prod\\_images/pub/NIZAM-E-ADL.pdf](http://www.ncsw.gov.pk/prod_images/pub/NIZAM-E-ADL.pdf)>

4. The coverage of legal aid provision by Legal Aid Committees of District Bar Associations under the Legal Practitioners and Bar Councils Act 1973, and the District Legal Empowerment Committees notified by the Law and Justice Commission need to be provided financial support. The Legal Aid Rules 1999 framed by the Pakistan Bar Council need to be revised to incentivize lawyers to take on pro-bono and low-bono cases by tying such assistance to the advancement of lawyers in the Bar Council hierarchy.
5. Measures prioritized by the National Judicial Policy, computerization of data for monitoring by High Court Inspection Teams, installation of CCTV cameras and complaint boxes in district courts, and establishment of anticorruption cells in High Courts need to be implemented. The discretion of Ministerial staff such as Naib Courts, Readers and process servers needs to be curtailed and they should be regularly rotated. For increased transparency, subordinate courts should also publicize annual reports along with superior courts, detailing case decisions, procurement, budgets, expenditure, appointments and other information.

### ***Revise the special constitutional status of PATA***

The results of the survey indicated dissatisfaction with the performance of past MNAs and MPAs among respondents in Malakand. MNAs and MPAs received the lowest rating for performance of all the listed government officials and departments in Malakand. However, these results point toward structural impediments that limit their performance resulting from the constitutional status of the PATAs, according to Article 247 of the Constitution of Pakistan, which severely restricts elected national and provincial legislators in their roles. Furthermore, decision-making is impeded by the requirement of federal consent for all policies.

In light of these constraints, the study recommends a revision of the special constitutional status of the PATAs. The Study recommends the legal and constitutional mainstreaming of the PATAs, as proposed for the FATAs, but for different reasons. This would provide the space required for political stakeholders to make laws and ensure their implementation, responsibilities against which they are perceived to be failing. It is this perception that the Study has linked to support for militancy. Unless MNAs and MPAs are able to legislate and oversee the executive, improving their performance will remain a structural impossibility. Most importantly, the current system erodes the legitimacy of the provincial government in its dealings with militant groups (a problem faced by both the MMA and ANP led governments), which will become increasingly important going forward.

The PCNA recognizes the need for constitutional and political reform in PATA, stating that “*the need for fundamental reforms to ensure that all Pakistani citizens benefit from equal*

*rights and protection under Pakistani and international law is of paramount importance*<sup>247</sup>, But its analysis and recommendations in this respect focus almost exclusively on FATA. It is unclear why revisiting the status of FATA (albeit deferred) is considered an option, but the same is not even tabled for the PATAs. From both the policy and the political standpoints, the latter remains more palatable than the former, simply because there is precedence - the successful mainstreaming of Kala Dhaka strengthens the case, as described earlier. The new district was reported to have been created to protect other parts of KP from militancy, as militants had been known to use the tribal area as a base for terrorist activities in Mansehra and other districts of Hazara division. Kala Dhaka was renamed Tor Ghar and its tribal status was changed to a settled district in accordance with the wishes of local tribes<sup>248</sup>.

### ***Broaden access to education***

The study found high levels of illiteracy prevailing across the Malakand division. These findings are worrisome due to their potential impact on support for militancy in the region. In recent years, Malakand districts have not performed well against various indicators of literacy and quality of education. The educational infrastructure of the Malakand division has been crippled by perpetual Taliban threats and violence directed at schools, especially girls' schools, and by natural disasters such as the earthquake of 2005 and the several floods in recent years. Additionally, a number of supply-side shortcomings resulting in poor education service delivery were identified during the focus group discussions held in Swat, which included the absence of government operated institutionalized teacher training programs, centralization of management authority, poor performance management and incentive structures and an inadequate budget.

In a policy environment where education funds are disbursed for infrastructure development, other elements critical to the development of quality education, such as curriculum development and teacher training, remain neglected. Alif Ailaan's district survey finds AJK schools provide the highest quality of education, but score lowest on indicators for infrastructure availability<sup>249</sup>. The common denominator among failed reform efforts of the past as well as the current demands for reform is that they focus on resource availability rather than resource utilization i.e. they ignore the governance of the education sector. This study proposes to improve the quality of education service delivery in order to reverse the cycle of illiteracy and dampen its effect on the amplification of radicalization for the coming generations.

Furthermore, perverse incentives in the educational sector stemming from within the educational hierarchy create de-motivating factors impeding reforms in a sector where there is less difference between the pay scale of public school teachers and Executive District

---

<sup>247</sup> PCNA 2010 <

[http://www.pcna.gov.pk/images/documents/downloads/PCNA\\_Final\\_Report\\_sep\\_2011.pdf](http://www.pcna.gov.pk/images/documents/downloads/PCNA_Final_Report_sep_2011.pdf)>

<sup>248</sup><http://jang.com.pk/thenews/mar2011-weekly/nos-13-03-2011/pol1.htm#8>

<sup>249</sup>(Alif Ailaan & SDPI, 2013)

Officers (EDO). Without defining and quantifying these perverse incentives in financial, administrative and institutional culture terms, education governance cannot even be fully understood much less reformed. Most importantly, policies run aground in the implementation phase, because implementation level personnel including teachers, head teachers, District Education Officers (DEOs), Executive District Officers (EDOs), Director Public Instructions (DPIs), etc. are never consulted on reform that rests on immediate and radical changes in their behavior – changes that run counter to the perverse incentives they are enjoying. The Study recommends implementing the following measures:

- a. Institutionalized pre-service and in-service teacher training programs with graduation from these programs linked to career advancement.
- b. Improved performance-management mechanisms with financial (and other) rewards provided in exchange for objectively assessed target achievement. The High Improver's Program was initiated in 2010/11 by the School Education Department, Government of Punjab. The program awards cash bonuses to school teachers in lieu of improved performance against enrollment, survival and exam scores in 600 schools in 3 pilot districts. This pilot may be studied for adaptation to the Malakand context.<sup>250</sup>
- c. Decentralization of personnel management authority from administrative tiers at the executive district, district, and deputy district levels to institutional levels i.e. head teachers and principals with direct supervisory roles over teaching staff. A plethora of recent studies find evidence linking increased school autonomy, within the framework of school-based management reform, to enhanced learning outcomes in developing countries across Asia, Latin America, and Africa. They underscore the importance of: *“local decision-making on matters concerned with personnel, professionalism, monitoring of outcomes, and the building of community support.”*<sup>251</sup>
- d. Reform efforts should involve the consultation all stakeholders in the process of policy formulation and implementation.

### ***Enhance aid effectiveness and develop strategic communication programming***

While the foreign policy implications of ‘Anti-Westernism’ and responsive diplomatic actions by the federal government lie outside the purview of this report, the Study has focused on the most locally visible and tangible aspect of Western policies in Malakand i.e. international aid. Aid effectiveness needs to be enhanced and aid needs to be directed to those areas where governance failure is most likely causing radicalization i.e. justice sector.

While programmes, such as the “Strengthening Rule of Law in Malakand” executed by the UNDP are a step in the right direction, this is not enough. An implementation review of the

---

<sup>250</sup> <http://www.pesrp.edu.pk/pages/Improvers-Programme>

<sup>251</sup> See for instance: Caldwell & Hayward, 1998; Caldwell & Spinks, 1998; Fullan & Watson, 2000; Ouchi & Segal, 2003; Volansky & Friedman, 2003.



investment under the PCNA from 2010-13 reveals that “*some sectors were heavily funded in excess of PCNA recommendations, others were significantly underfunded.*” For improvements in governance, a paltry \$8.6 million were spent against a recommended \$31.4 million with a 29%/71% split between government and donor funding. Most inexplicably, the law sector received only \$6.13 million in funding – far less than the \$45 million recommended by the PCNA. Conversely, infrastructure received a full \$100 million more than its recommended share. After taking almost a year to complete with the full consensus of the provincial and federal governments, EU, UNDP, ADB and the World Bank behind it, international aid under the PCNA has diverged from well-defined spending priorities. This would not help in the transition toward a more positive outlook of Western policies in Malakand.

The Study cannot propose any state policy to readjust tribal value systems. As chronicled by the literature review, a century of failed social reengineering by the British warns against such projects on the Frontier. However, the Study does propose the initiation of a broad-based, localized, strategic communication program designed to present a coherent narrative explaining state policy. Unlike the current status, communication must be consistent in its content across political, administrative, military and civil society stakeholders, which may limit blowback from those state policies which align poorly with tribal culture. The PCNA has recommended the same measure, and in the Dissemination Seminar conducted in Karachi, 2<sup>nd</sup> of April, 2014 this recommendation received the strongest unanimous endorsement from the panel of experts constituted for the event.

The state needs to progress from the more simplistic approaches to communication, such as the now dated sender-receiver paradigm to more complex and strategies, such as the model of ‘pragmatic complexity’ that is now gaining ground in communication theory<sup>252</sup>. Such models account for the layered complexities which characterize the true nature of communication and are thus more naturally suited to effective communication strategies compared to antiquated practices which involve constant repetition of the same message.

Some principles of effective communication strategies based on the pragmatic complexity model include firstly, deemphasizing control and embracing complexity<sup>253</sup>. In order to succeed, the state has to alter the paradigm of how it has communicated in the past. In this new information age, it is important for the state to realize that it is in a continuing relationship with its public, the success of which is dependent upon both parties understanding that relationship and each other’s complete worldview. The challenge lies not only in crafting a persuasive message, but more importantly in understanding the reality which the intended audience has crafted for itself.

---

<sup>252</sup>(Corman, Trethewey & Goodall 2007) <<http://csc.asu.edu/wp-content/uploads/pdf/114.pdf>>

<sup>253</sup> Ibid

Second, consider disruptive moves<sup>254</sup>. A key example of such a disruptive move, which the study has already recommended above, involves a revision of the special constitutional status of the PATAs. The legal and constitutional mainstreaming of the PATAs would provide the space required for political stakeholders to make laws and ensure their implementation, responsibilities against which they are perceived to be failing. This would enable elected officials in the region to improve their perceived performance (which was found to be linked to support for militancy), thus allowing a communication strategy applied by the state to be analyzed through a more favorable and receptive public lens.

Third, replace repetition with variation. For instance, the Taliban in Afghanistan adopted the use of ‘night letters’ or ‘*shabnamah*’ posted to the walls of mosques and government buildings. Relying solely on the educated to carry these messages forth to illiterate villagers, the letters were successful in slowing government services and halting reconstruction projects. Crafted using ‘poetic diatribes’ appealing to the ‘moral reasoning’ of its audience, tied in with clear, stern threats and intertwined with popular folklore and religious rhetoric; the *shabnamah* was regarded as ‘eloquent and impressive’ even by US information and psychological operations (PYSOP) officers<sup>255</sup>. These messages promulgated by the Taliban were fluid. They varied around a central theme, and were continually remolded following careful observation of the desired and actual effect of the messages, which stayed abreast of the geo-political developments in the region.

These lessons should be applied to strategic communication programming by the state to deconstruct, discredit and de-emphasize the rhetoric emanating from militant strongholds. Messages also need to be consistent across military, political, administrative and civil society stakeholders to gain traction in terms of public understanding and opinion.

## 7.3 KP Settled Districts Recommendations

### *Strengthen anticorruption institutions and reform incentive structures*

Rather than adding to the elaborate network of laws and institutions intended to detect, deter and penalize public sector corruption, the Study recommends improved performance of existing anticorruption institutions and better enforcement of relevant laws, including:

1. Legislative oversight bodies such as the Public Accounts Committees,
2. Executive oversight mechanisms such as the Chief Minister’s Inspection Team,
3. Independent bodies such as the newly legislated Accountability Commission in KP,
4. Audit bodies such as the KP Auditor General,
5. Internal regulatory mechanisms such as the Establishment and Administration Department (formerly S&GAD), among others.
6. Recently passed legislation including the Right to Information Act 2013 should also be prioritized powers for implementation and enforcement.

---

<sup>254</sup> (Corman, Trethewey & Goodall 2007)

<sup>255</sup>[http://www.nps.edu/programs/ccs/Docs/Pubs/Small\\_Wars\\_%20Pub.pdf](http://www.nps.edu/programs/ccs/Docs/Pubs/Small_Wars_%20Pub.pdf)

According to previous research conducted by GINI, such anticorruption bodies are often incapacitated by lack of administrative capacity, restricted financial autonomy, limited legal authority, and paucity of financial resources.<sup>256</sup> More specifically, in each area, GINI recommends the following key measures for reform:

Improved Financial Autonomy:

- Guaranteeing the required budget (charged expenditure)
- Providing unfettered power to expend budgetary resources,
- Providing the authority to re-appropriate between expenditure heads,
- Providing the authority to provide pay structure and package,
- Providing the authority to make expenditures/purchases within the overall budget,
- Providing the authority for setting of fees and other charges and incentives.

Strengthened administrative independence:

- Instituting a clear bi-partisan parliamentary appointment procedure of the head of the institution for a specific tenure with removal. only through a quasi-judicial process in the same manner as the removal of a judge of a high court,
- Separating the administrations of each organization from the executive branch of government and declare them as a specialized service cadre for the respective mandate of the organizations as well as each other (such as separating audit and accounts services) and each organization to be responsible for the management of its own service
- Declaring all categories of public accountability organizational services as premier service cadres, providing each organization with specialized training and career advancement,
- Providing for strong internal administration accountability and vigilance in systems and procedures having strict compliance to targets and fulfillment of the legal mandate,
- Providing statutory, mandatory disclosure and transparency requirements, including application of information communications technology to all appropriate processes and procedures and any failures on this count be treated as a criminal offence.

Clarified legal mandate:

- Statutory requirements for vision, mission, and objectives,
- Laying down reporting authority for clearly articulated plans, stating time frames, budget requirements, targets, and reporting requirements,
- Statutory requirements of punishments resulting from non-performance of the mandates or reluctance to fulfill targets must be set as grounds for mandatory demotions, loss of promotion prospects, blockage of salary increases and ultimate removal and prosecution,
- Clearly delineate jurisdictions of the mandate of each accountability organization as compared to others so as to remove overlapping mandates,
- Empower the organizations with remedial authority in case of non-compliance of validly passed orders by others, including the power to arrest, remand to custody and prosecute.

---

<sup>256</sup>[http://giniweb.net/public\\_accountability/Public%20Accountability%20Institutions%20in%20Pakistan%20and%20Thier%20Macro%20Economic%20Impacts.pdf](http://giniweb.net/public_accountability/Public%20Accountability%20Institutions%20in%20Pakistan%20and%20Thier%20Macro%20Economic%20Impacts.pdf)

- Remove protections for all categories of public servants.

In addition, the levels of awareness among general citizens regarding their function, purpose and procedures to access their services need to be raised. According to a 2013 survey of KP settled districts, 94% of the respondents had never interacted with these bodies while 5% had no knowledge of their existence.<sup>257</sup> Broad-based IEC programs need to be launched to raise awareness, concerning knowledge and understanding of anticorruption laws and institutions, their rights in this regard, and how to access redress mechanisms.

Given that corruption was perceived as pervasive across the board, the issue appears to be systemic, endemic and syndicated to the point of becoming the system rather than the exception. This particular type of corruption cannot respond to more lawyering and policing tactics – a more systemic approach is recommended. A systemic reform for curbing corruption and improving performance, validated by local government officials in all FGDs, was revisiting incentive structures within civil service systems to assess the reward and penalty mechanisms (including advancement, basic pay, allowances, increments, appointments, postings, transfers) and linking them to objectively measured performance across the different hierarchies and inter-departmental linkages.

In particular, the conventional understanding of the relationship between monetary incentives and corruption must be reassessed. Using the fresh disciplinary perspective offered by New Institutional Economics, GINI surveyed 6000 public servants in 30 randomly chosen districts across all 4 provinces of Pakistan in an attempt to model moral hazard profiles of local government officials which created a commensurate space for and incentivized corrupt behavior. Disparity of income versus the rising cost of living expenditures emerged as the most significant incentive for corruption. Low probability of apprehension/punishment accountability institutions was also a major incentive for corrupt behavior. While detractors would point to the cost of public salary reform – such cost must be weighed with the direct and indirect economic costs of corruption – which as revealed by this Study includes the growth of radicalization and support to militancy in ‘settled’ districts of KP.

The Study would recommend a public expenditure review of district level recurrent (salary and non-salary) budgets for key service delivery areas (such as health and education), followed by a survey of civil servants employed by district departments for similar modeling of moral hazard profiles that could make informed recommendations for public salary reform which counters corruption and improves performance.

### ***Counter pro-extremist propaganda by clerics***

Given the obvious politico-religious sensitivities surrounding the issue of Imams, no structural reforms can be feasibly proposed in the current implementation environment. The National Internal Security Policy 2014-18 does take cognizance of the issue and prioritizes a “review of the regulatory capacity of the State to monitor, evaluate and prevent the misuse of existing laws under which mosques and madrassas are functioning.” The Study would endorse such a review but cannot see how any concrete policy recommendations emerging

---

<sup>257</sup>Corruption Perception and Ground Reality Survey, Center for Peace and Development Initiatives, 2013

from this exercise could be realistically implemented. Structural changes introduced at the policy level would serve to antagonize the clergy in masse which would only strengthen support for militants. The government cannot be expected to expend precious political capital in confrontation with both the religious right as well as the militants, in the midst of an ongoing insurgency. However, less visible transactional level measures may be more appropriate.

First, the KP government may provide tacit encouragement to district government for extending the duration and scope of measures that are routinely put in place to control hate-crime and protect inter-faith harmony by local district governments in Pakistan during *Moharram*. This is a sacred month according to the Islamic calendar for those subscribing to the *Shiite* sect, which heightens the risk of sectarian strife across the country. For instance, in November, 2013 during Moharram, the Deputy Commissioner, Peshawar imposed Section 144 of the Criminal Procedure Code 1898, prohibiting hate literature and banning the use of loudspeakers in mosques except for the call to prayers on Friday. Similar restrictions extended to Kohat and DI Khan districts.<sup>258</sup> Such measures may help to monitor and regulate the sermons of Imams. If extrapolated to the population, the survey results suggest Imams sermonizing in favor of militants are likely to be a small minority which means that applied selectively and judiciously, the fallout from such measures could well be contained.

In addition, there are models for engagement with local *imams* and *khateeb*s to build their support for progressive development outcomes. The National Research and Development Foundation has built a grass-roots network of over 7,000 clerics who were able to achieve a significant reduction in polio vaccination refusal cases across FATA and KP from 2009-12 with the support of the government and UNICEF.<sup>259</sup> The UNDP supported Gender Justice Project was able to bring about partnerships between NGOs and local clerics in Charsadda district to promote and protect inheritance rights for women using relevant Islamic injunctions to create moral pressure on male relatives.<sup>260</sup> These models exemplify engagement strategies which can win over the clergy without indulging in controversial policy reforms that would in any case be impossible to implement, even if consensus over their content was miraculously achieved.

### ***Distribute government owned land and strengthen land rights regimes***

With regard to unequal land distribution, structural reforms are obviated by the earlier judgments of the Supreme Court, which unless overturned in response to the petition filed by Supreme Court Advocate Abid Hassan Minto, militates against any legislation on the issue. However, barring such structural reforms, state land can be distributed by the government to individuals certified as poor and vulnerable. These include beneficiaries of the Benazir Income Support Program (BISP) as well as the Watan Card holders (disaster affectees) considering the frequency of natural disasters that have struck the region in recent years. In addition, the following measures can be taken to reduce the transaction costs associated with land acquisition and enhance property rights:

- a. Computerization of land records is already ongoing in KP. It must be ensured that input data is accurate and developed databases are freely accessible to ensure

---

<sup>258</sup><http://tribune.com.pk/story/627520/muharram-security-section-144-imposed-in-many-parts-of-pakistan/>

<sup>259</sup><http://www.dawn.com/news/1082309>

<sup>260</sup><http://www.pk.undp.org/content/dam/pakistan/docs/WomenEmpowerment/UNDP-PK-WOMEN-travelogue-of-Gender%20Justice%20Program.pdf>

transparency, otherwise the information asymmetry that establishes the monopoly of the revenue officials would prevail.

- b. Contextualized replication of the Indian passbook model should be explored. The KP government was considering this reform in 2012.<sup>261</sup> State governments in India issue passbooks to all landowners that serve as authoritative certifications of legal ownership, family members (possible heirs), income, residence, and details of any transfers made which are entered by both buyers and sellers thus reducing the role of the land revenue administration.<sup>262</sup>
- c. Improve legal literacy of land rights governed by inheritance laws, ownership laws, as well as legal procedures for land acquisition, transfer and use. Aside from the affordability barrier, there is also an informational barrier that relegates the poor and vulnerable to landlessness. Broad-based IEC campaigns can and should demystify legal rights and procedures to address this issue, particularly for women.

### ***Enact police reform to improve performance and integrity***

7. To improve police performance and integrity, the Study proposes the following measures:

- a. Strengthen the Criminal Justice Coordination Committee mechanism provisioned in the Police Order 2002/04, to plug coordination gaps in the criminal justice value chain i.e. police, prosecution, judiciary, prisons, and probation and parole authorities.
- b. Activate and strengthen the Citizen Police Liaison Committees and the District Police Safety and Police Complaints Commissions, as contemplated in the Police Order 2002/04 which facilitate citizen oversight of police function, allow citizen participation in public safety roles, and provide alternative grievance redress against violation of rights, for instance the non-registration and non-investigation of crimes
- c. Infrastructure refurbishment for upgrading facilities such as transport, weapons, forensic laboratories, police stations and outposts, etc. to improve both ‘watch-and-ward’ as well as investigation capacity.
- d. E-governance reforms to reduce the discretion of the police station staff i.e. the SHO and *Muharrarin* FIR registration through automated entry of complainants who then must be served before they leave the station.
- e. Sanctioned strength for Investigation Officers needs to be enhanced. While the KP citizen-police ratio is over 300 which is positive by regional standards, the investigation branch is highly undermanned.<sup>263</sup>
- f. International experiences with human resource management should be explored. For instance, an MIT Study conducted Randomized Controlled Trials with Rajasthan Police to assess the impact on public perception of various reforms – 2 reforms were found to be statistically significant in this regard<sup>264</sup>.
  - i. Rationalization of duty hours – police station staff were given a weekly holiday and were allowed to rotate duties according to a roster.

---

<sup>261</sup><http://www.dawn.com/news/727675/to-end-monopoly-of-patwaris-kp-to-replicate-indian-land-settlement-model-2>

<sup>262</sup>[http://www.undp.org/content/dam/india/docs/land\\_rights\\_ownership\\_in\\_orissa.pdf](http://www.undp.org/content/dam/india/docs/land_rights_ownership_in_orissa.pdf)

<sup>263</sup><http://www.usip.org/sites/default/files/resources/sr266.pdf>

<sup>264</sup><http://economics.mit.edu/files/7581>

- ii. Training through regular departmental institutions – police staff were trained in investigation skills as well as ‘soft skills’ including communication, mediation, stress management, motivation, team building, leadership, etc.

## **REFERENCES**

- Abadie, A. (2006). Poverty, Political Freedom, and the Roots of Terrorism. National Bureau of Economic Research.
- Abbas, S. (2007). Probing the Jihadi Mindset. National Book Foundation. Islamabad.
- Abdul-Wahab, S.A., Bakheit, C.S. and Al- Alawi, S.M. (2005). "Principal component and multiple regression analysis in modelling of ground-level ozone and factors affecting its concentrations", *Environmental Modelling & Software*, 20: (10), 1263–1271.
- Abou Zahab, M. (2008). "Changing patterns of social and political life among the tribal Pashtuns in Pakistan." Unpublished paper.
- Acharya, A., Bukhari, A.A., & Sulaiman, S. (2009). "Making Money in the Mayhem: Funding Taliban Insurrection in the Tribal Areas of Pakistan." *Studies in Conflict and Terrorism* 32.2.
- Aftab, S. (2008). Poverty and Militancy. *Pips Journal of Conflict and Peace Studies*, 1(1), pp. 65-86.
- Ali, A. (2012). Violent Extremism: Changing the Social Values. *Tigah: A Journal of Peace and Development*, FATA Research Centre, 1(1), pp. 1 – 27.
- Allen, C. (2005). The Hidden Roots of Wahhabism in British India. *World Policy Journal*. pp. 87-94.
- Allport, G.W., & Ross, J. (1989). Personal religious orientation and prejudice. *Journal of Personality and Social Psychology*, 5, pp. 432-443.
- Amnesty International.(2010). "As If Hell Fell On Me."
- Armanios, F. (2003). Islamic Religious Schools, Madrasas: Background. Congressional Research Service, The Library of Congress.
- Asteriou, D. and Hall, S.G. (2007). "Applied Econometrics: A Modern Approach using EViews and Microfit", Palgrave Macmillan.
- Atran, S. (2003). Genesis of Suicide Terrorism. *Science*, 299(5612), pp. 1534-1539.
- Atran, S. (2010). Talking to the Enemy: Faith, Brotherhood, and the (Un)Making of Terrorists.
- Azam, J.P., & Thelen, V. (2008). The roles of foreign aid and education in the war on terror. *Public Choice*, Springer, 135(3), pp. 375-397.



- Barth, F., & Jahanzeb, M. (1985). *The Last Wali of Swat*. Norwegian University Press, 1985.
- Basuchoudhary, A., & Shughart, W. F. (2007). "On the Ethnic Origins of Terrorism." Unpublished Manuscript.
- Belsley, D. A., Kuh, E. & Welsch, R. E. (1980). "Regression Diagnostics: Identifying Influential Data and Sources of Collinearity", New York: Wiley.
- Block, M.K., & Heineke, J.M. (1975). "A Labor Theoretic Analysis of the Criminal choice," *American Economic Review*, 65(3), 314-325.
- Blomberg, S.B., & Hess, G.D. (2005). *The Lexus and the Olive Branch: Globalization, Democratization and Terrorism*.
- Boggs, R. (2012). "Pakistan's Pashtun Challenge: Moving from Confrontation to Integration." *Strategic Analysis* 36.2: 206-216.
- Borum, R. (2011). Radicalization into Violent Extremism II: A Review of Conceptual Models and Empirical Research. *Journal of Strategic Security*, 4(4), pp. 37-62.
- Brusco, M.J and Stephanie, S. (2005), "Branch and Bound Applications in Combinational data analysis", Springer New York, pp. 187-202
- Bravo, A. B. S., & Dias, C. M. M. (2006). An empirical analysis of terrorism: Deprivation, Islamism and geopolitical factors. *Defense and Peace Economics*, 17(4), pp. 329-341.
- Burgoon, B. (2006). On welfare and terror: Social welfare policies and political economic roots of terrorism. *Journal of Conflict Resolution*, 4, pp. 176-203.
- Bush, G.W. (2002). Remarks by the President at the United Nations Financing for Development Conference. White House Press Release, March 22, 2002, <http://www.whitehouse.gov/news/releases/2002/03/20020322-1.html>.
- Cathell, J. H. (2009). "Human Geography in the Afghanistan - Pakistan Region: Undermining the Taliban Using Traditional Pashtun Social Structures." Diss. US Naval War College, Joint Military Operations Dept.
- Caroe, O.K. (1983). *The Pathans, 550 B.C.-A.D. 1957*. Oxford University Press.
- Cousineau, D., Chartier, S. (2010). "Outliers Detection and Treatment: A Review", *International Journal of Psychological Research*, 3:1, 58, 67.
- The Change Institute. (2008). *Studies into violent Racicalisation; Lot 2: The beliefs ideologies and narratives*.
- Chaudry, K. (2013). *The Issue of Communal Property*. Published in the Express Tribune, June 3<sup>rd</sup>, 2013.

- Clingingsmith, D., Khawaja, A.I., & Kremer, M.R. (2009). Estimating the impact of the Hajj: Religion and tolerance in Islam's global gathering. *Quarterly Journal of Economics*, 124(3), pp. 1133-1170.
- Coll, S. (2004). *Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden, from the Soviet Invasion to September 10, 2001*. New York: Penguin.
- Collett, N. (2006). *The Butcher of Amritsar: General Reginald Dyer*. Bloomsbury Academic.
- DataFlow. (2009). *Most Wanted Terrorist*. Karachi: Data Flow Research Department.
- Daszykowski, M., Kaczmarek, K., Vander, H.Y., and Walczak, B. (2007). "Robust Statistics in Data Analysis: A Review of Basic Concepts", *Chemo metrics and intelligent laboratory systems*, 85, 203-219.
- Deininger, K., & Castagnini, R. (2006). Incidence and Impact of Land Conflict in Uganda. *Journal of Behavior & Organization*, 6(3), pp. 321-345.
- DiStefano, C., Zhu, M., and Mindrila, D. (2009). "Understanding and Using Factor Scores: Considerations for the Applied Researcher", *Practical Assessment, Research and Evaluation*.
- Drakos, K., & Gofas, E. (2006). In Search of the Average Transnational Terrorist Attack Venue: Defence and Peace Economics. *Taylor Francis Journals*, 17(2), pp. 73-93.
- Dreher, A., & Gassebner, M. (2008). Does Political Proximity to the U.S. Cause Terror? *Economics Letters* 99(1): 27-29.
- Elliot, M. R. and Stettler, N. (2007). "Using a Mixture Model for Multiple Imputation in the Presence of Outliers: The Healthy for life Project", *Applied Statistics*, 56, 63-78.
- Enders, W., & Hoover, G.A. (2012). "The Nonlinear Relationship between Terrorism and Poverty," *American Economic Review*, American Economic Association, vol. 102(3), pages 267-72, May.
- Eubank, W. L. & Weinberg, L. B. (1998). Terrorism and democracy: What recent events disclose. *Terrorism and Political Violence* 10(1), pp. 108-118.
- Eyerman, J. (1998) Terrorism and democratic states: Soft targets or accessible systems. *International Interactions*, 24(2), pp. 151-170.
- Fair, C.C., Blair, G., Malhotra, N., & Shapiro, J.N. (2011). *Poverty and Support for Militant Politics: Evidence from Pakistan*.
- Fair, C.C., Malhotra, N., & Shapiro, J.N. (2009). *The Roots of Militancy: Explaining Support for Political Violence in Pakistan*.
- Fair, C.C., Malhotra, N., & Shapiro, J.N. (2010). *Islam, Militancy, and Politics in Pakistan: Insights From a National Sample*. *Terrorism and Political Violence*, 22(4).

- Fair, C.C., Malhotra, N., & Shapiro, J.N. (2011). Democratic Values and Support for Militancy: Evidence from a National Survey of Pakistan.
- Fata Research Centre. (2012). Extremism and Radicalization: Social, Political, Cultural and Economic Landscape of FATA.
- Feldmann, A.E., & Perälä, M. (2004). Reassessing the causes of nongovernmental terrorism in Latin America. *Latin American Politics and Society*, 46(2), 101-132.
- Feyyaz, M. (2011). Political Economy of Tehrik-i-Taliban Swat. *Conflict and Peace Studies*, 4(3).
- Fleischer, J. (2011). Governance and Militancy in Pakistan's Swat Valley. Center for Strategic & International Studies, Washington D.C.
- Galula, D. (1964). *Counterinsurgency Warfare; Theory and Practice*. New York: Frederick A. Praeger Publishers.
- Gassebner, M., & Luechinger, S. (2011). "Lock, Stock, and Barrel: A Comprehensive Assessment of the Determinants of Terror," *Public Choice*, 149, 235-61.
- Ghani, O.A. (2011). Governance challenges in KP & FATA. Retrieved at <http://www.pkarticleshub.com/2011/01/10/governance-challenges-in-kp-fata/>
- Goldstein, K.B. (2005). Unemployment, inequality and terrorism: Another look at the relationship between economics and terrorism. *Undergraduate Economic Review*, 1(1), Article 6.
- Gordon, J., et al. (2006). *The Challenge of Insurgency*, draft document, RAND Corporation.
- Government of Pakistan. (2009). *Cost of Conflict in FATA*. Planning and Development Department, FATA Secretariat.
- Government of Pakistan. (2011). *Framework for Economic Growth*.
- Gujarati, D. (2004). "Basic Econometrics, Fourth Edition", The McGraw-Hill Companies
- Graham, C.A.L. (1957). *The History of the Indian Mountain Artillery*. Gale and Polden LTD, Aldershot, Hampshire.
- Greene, W. H. (1993). "Econometric Analysis", 2nd edn. New York: Macmillan.
- Grover, C., & Grover, R. (2012). *Property Rights and Land Governance*.
- Gul, I. (2010). *The Most Dangerous Place*. New York: Viking Adult.
- Gurr, T.R. (1970). *Why Men Rebel*. Princeton, NJ: Princeton University Press.

- Haroon, S. (2007). *Frontier of Faith: Islam in the Indo-Afghan Borderland*. Columbia University Press.
- Horgan, J. (2007). Understanding terrorist motivation: A Socio-psychological perspective. In Ranstorp, M., *Mapping terrorism research: State of the art, gaps and future direction*, London: Routledge.
- Hussain, K. (2011). *Modes and Scale of Conflict in Pakistan's Sway Valley (1989-2008)*. Pak Institute for Peace Studies.
- Hussain, S.I. (2012). Conflict Management at the Grassroots in FATA. *Tigah: A Journal of Peace and Development*, FATA Research Centre, 1(1), pp.133 - 154.
- Inaba, K. (2004). Conversion to new religious movements; Reassessment of Lofland/Skonovd conversion motifs and Lofland/Stark conversion process. *Human Sciences Research*, 11(2), pp. 33-47.
- International Crisis Group. (2006). "Pakistan's Tribal Areas: Appeasing the Militants" ICG Asia Reports, No. 125
- International Crisis Group. (2009). *Pakistan: Countering Militancy in FATA*. Asia Report, No. 178.
- Jamal, A. (2009). *Shadow War: The Untold Story of Jihad in Kashmir*. Brooklyn: Melville House.
- Javaid, O. (2012). *Socio-Economic Contributions of Madresa in Pakistan*.
- Jensen, E. (2010). *Rule of Law and Peace-Building: A Modest Proposal*. Retrieved at <http://asiafoundation.org/in-asia/2010/06/25/rule-of-law-and-peace-building-a-modest-proposal/>
- Jeffers, J.N.R. (1967). "Two case studies in the application of principal component analysis", *Applied Statistics*, 16, 225-236.
- Johnson, T., & Mason, M. (2008). "No Sign until the Burst of Fire." *International Security* 32.4: 41-77
- Johnson, R. (2009). *The 1897 Revolt and Tirah Valley Operations from the Pashtun Perspective*. Tribal Analysis Center, Williamsburg, VA.
- Jones, S.G. (2007). *Pakistan's Dangerous Game*. *Survival*, 49(1), pp. 15-32.
- Juergensmeyer, M. (2000). *Terror in the Mind of God: The Global Rise of Religious Violence*. Berkeley: University of California Press.

- Kemp, R. (2008). Religious Extremism and Militancy in the Pashtun Areas of Afghanistan and Pakistan. *Bologna Center Journal of International Affairs*, 11, Spring 2008.
- Kendall, M.G. (1957). "A course in multivariate Analysis", London, Griffin.
- Kurrild-Klitgaard, P., Justesen, M., & Klemmensen, R. (2006). The political economy of freedom, democracy and transnational terrorism. *Public Choice* 128(1), pp. 289-315.
- Krueger, A.B., & Maleckova, J. (2003). Education, Poverty and Terrorism: Is There a Causal Connection? *Journal of Economic Perspectives*, 17(4), pp. 119-144.
- Krueger, A. B., & Laitin, D. D. (2008). Kto Kogo?: A cross-country study of the origins and targets of terrorism. Unpublished Paper.
- Laurel, R. (1992). *The Politics of Harmony: Land Dispute Strategies in Swaziland*. Cambridge University Press.
- Lam, K.C., Tau, T., M.C.K. (2010). "A Material supplier selection model for property developers using fuzzy principal component analysis", *Automation in Construction*, 19, 608-618.
- Li, Quan. 2005. Does democracy promote or reduce transnational terrorist incidents? *Journal of Conflict Resolution*, 49(2), pp. 278-97.
- Li, Q., & Schaub, D. (2004). Economic Globalization and Transnational Terrorism: A Pooled Time-Series Analysis. *Journal of Conflict Resolution*, 48(2), pp. 230-258.
- Liebl, V. (2007). "Pashtuns, Tribalism, Leadership, Islam and Taliban." *Small Wars and Insurgencies* 18.3: 493-512
- Lipsett, C.H. (2011). Lord Curzon in India: 1898-1903 (1903). Digitized Afghanistan Materials in English from the Arthur Paul Afghanistan Collection. Paper 260.
- Lorenzo, F.D. (2012). International Property Rights Index: 2013 Report. The property Rights Alliance. <http://www.propertyrightsalliance.org/>.
- MacDonald, R.J. (1930). Report Of The Indian Statutory Commission Vol 1: Survey. Indian Statutory Commission Volume I. His Majestys Stationary Office (1930).
- Mallam, L. (2011). *Thirty Years on the North-West Frontier Recollections of a Frontiersman*. Oxford University Press Karachi.
- Maimon, O., and Rokach, L. (2010). "Data Mining and Knowledge Discovery Handbook", Springerlink + Business Media.
- Marin, J.M. and Robert, C.P. (2007), "Bayesian Core: A Practical Approach to Computational Bayesian Statistics", Springer New York, pp. 47-84

- Marsden, M., & Lopkins, B.D. (2012). *Fragments of the Afghan Frontier*. Oxford University Press.
- McCauley, C., & Mosalenko, S. (2008). *Mechanisms of Political Radicalization: Pathways towards terrorism, Terrorism and Political Violence*. 20(3).
- McGregor, J. (1997). *Staking Their Claims: Land Disputes in Southern Mozambique*. LTC Paper 158. University of Wisconsin-Madison.
- Medvedev, D. (2011). Opening address to the World Economic Forum in Davos. Kremlin Press Release, January 26, 2011, <http://eng.kremlin.ru/news/1684>
- Mesquita, E.B. (2008). *The Political Economy of Terrorism: A Selective Overview of Recent Work*.
- Miguel, E., Satyanath, S., & Sergenti, E. (2004). "Economic Shocks and Civil Conflict: An Instrumental Variables Approach." *Journal of Political Economy* 112(4): 725-753.
- Mousseau, M., & Mousseau, D. (2005). *The Socioeconomy of Insurgency and Terror*. Paper presented at the annual meeting of the American Political Science Association, Marriott Wardman Park, Omni Shoreham, Washington Hilton, Washington, DC.
- Muller, E.N. (1985). "Income Inequality, Regime Repressiveness, and Political Violence." *American Sociological Review* 50(1): 47-61.
- Muroi, C., & Baumann, R. (2009). "The Non-Linear Effect of Wealth on Crime," Working Papers 0907, College of the Holy Cross, Department of Economics.
- Nasr, V.R. (2000). "International Politics, Domestic Imperatives, and Identity Mobilization: Sectarianism in Pakistan, 1979-1998." *Comparative Politics* 32(2): 171-190.
- Nawaz, S. (2009). "FATA – A Most Dangerous Place." Center for Strategic and International Studies .
- Nichols, R. (2013). *The Frontier Crimes Regulation: A History in Documents*. Karachi, Pakistan :Oxford University Press
- Obhrai, R.B.D.C. (1938). *Evolution of the North-West Frontier Province*. London Book Co (India).
- O'Brien, R.M. (2007). "A Caution Regarding Rules of Thumb for Variance Inflation Factors", *Quality and Quantity*, 41, 673-690.
- Ozbay, Bilge, Keskin, Gulsen Aydin, Dogruparnak, Senay Cetin, Ayberk, Savas. (2011). "Multivariate methods for ground-level ozone modeling", *Atmospheric research*, doi .10.1016/j .atmosres.2011.06.005.
- Pakistan Institute for Peace Studies. (2008). *Pakistan Security Report 2008*.

- PET, Center for Terroranalyse (CTA). (2009). 'Radikalisering og terror.'
- Peter, H. (2005). *Institutions in Transition: Land Ownership, Property Rights, and Social Conflict in China*. University of Groningen, Centre for Development Studies. Oxford University Press
- Perlez, J., & Shah, Z.S. (2009). Taliban Exploit Class Rifts in Pakistan. *The New York Times*. Retrieved at <<http://www.nytimes.com/>>
- Piazza, J. A. (2006). Rooted in poverty? Terrorism, poor economic development, and social cleavages. *Terrorism and Political Violence* 18(1), pp. 159-177.
- Piazza, J.A. (2011). Poverty, Minority Economic Discrimination and Domestic Terrorism. *Journal of Peace Research*, 48(3), pp. 339-353.
- Qazi, S.(2011). "Rebels of the frontier: origins, organization, and recruitment of the Pakistani Taliban." *Small Wars and Insurgencies* 22.4: 574-602
- Omrani, B. (2009). The Durand Line: History and Problems of The Afghan-Pakistan Border. *Asian Affairs*, 40(2).
- Sageman, M. (2004) *Understanding terror networks*. Philadelphia: University of Pennsylvania Press.
- Salman, A. (2010). Religious Ideology and Lethality: Does religious sect have an effect on the lethality of a terrorist organization? *Criterion*, (5)3.
- Sareen, S. (2011). "Socio-Economic Underpinning of Jihadism in Pakistan." *Strategic Analysis* 35.1
- Savage, S. (2011). Four Lessons from the Study of Fundamentalism and Psychology of Religion. *Journal of Strategic Security*, 4(4), pp. 131-150.
- S. Wang and F. Xiao. (2004). "AHU sensor fault diagnosis using principal component analysis method", *Energy and Buildings*, 36:(2), 147–160.
- Shaheed Bhutto Foundation. (2009). *Summary Report: Mainstreaming FATA*.
- Shinwari, N. (2008). *Understanding FATA: Attitudes Towards Governance, Religion and Society in Pakistan's Federally Administrated Tribal Areas*. Published by the Community Appraisal and Motivation Program (CAMP). <http://www.understandingfata.org>.
- Sigelman, L., & Simpson, M. (1977). "A Cross-National Test of the Linkage between Economic Inequality and Political Violence." *The Journal of Conflict Resolution* 21(1): 105-128.
- Silber, M.D., & Bhatt, A. (2007). *Radicalization in the West: The Homegrown Threat*. The New York City Police Department.

- Singh, A.K. (2010). Understanding 'Jihadism' in Pakistan. Observer Research Foundation.
- Sligo, G. (2012). An Historical Analysis of the 'Incessant Disputes in the Tribal Areas' (of the North-West Frontier) against the British (and the British Indian Army) from 1893 to 1939. Retrieved at <http://www.defence.gov.au/>
- Sousa, S.I.V., Martins, F.G., Alvim-Ferraz, M.C.M. and Pereira, M.C. (2007). "Multiple linear regression and artificial neural networks based on principal components to predict ozone concentrations", *Environmental Modelling & Software*, 22, 97–103.
- South Asia Terrorism Portal. (2013). FATA Assessment 2013. Retrieved at <http://www.satp.org/satporgtp/countries/pakistan/Waziristan/index.html>
- South Asia Terrorism Portal. (2013). Tehreek-e-Nafaz-e-Shariat-e-Mohammadi (Movement for the Enforcement of Islamic Laws). Retrieved at <http://www.satp.org/satporgtp/countries/pakistan/terroristoutfits/TNSM.htm>
- Stewart, J. (2007). *The Savage Border: The History of the North-West Frontier*. Sutton Publishing, 2007
- Sultan-I-Rome. (Undated). Land Ownership in Swat: Historical and Contemporary Perspective. <http://www.valleyswat.net/>
- Sultan-I-Rome. (2009). *Swat: A Critical Analysis*. Institute of Peace and Conflict Studies.
- Swami, P. (2008). "The Well-Tempered Jihad: the politics and practice of post-2002 Islamist terrorism in India." *Contemporary South Asia* 16(3): 303.
- Taarnby, M. (2005) *Recruitment of Islamist Terrorists in Europe: Trends and Perspectives*, Aarhus: Centre for Cultural Research, University of Aarhus.
- Tabachnick, B.G. and Fidell, L.S. (2008). "Using Multivariate Statistics", 5<sup>th</sup> Edition, Pearson.
- Tavares, J. (2004). The open society assesses its enemies: Shocks, disasters and terrorist attacks. *Journal of Monetary Economics*, 51(5), pp. 1039-1070.
- Testas, A.(2004). 'Determinants of terrorism in the Muslim world: An empirical cross-sectional analysis', *Terrorism and Political Violence*, vol. 16, no. 2, pp. 253-273.
- Tribal Analysis Center. (2009). *Hindustani Fanatics, India's Pashtuns, and Deobandism – Connections*. Tribal Analysis Center, Williamsburg, VA.
- The Economist. (2010). Economic focus: Exploding misconceptions. *The Economist*, December 18, 2010, 130.
- Tribal Analysis Center. (2009). *Hindustani Fanatics, India's Pashtuns, and Deobandism – Connections*.



- Unruh, J.D. (2001). Postwar land dispute resolution: land tenure and the peace process in Mozambique. *International Journal of World Peace*. 18: 3-30
- Veldhuis, T., & Staun, J. (2009). *Islamist Radicalization: A Root Cause Model*. Netherlands Institute of International Relations, Clingendael.
- Vrooman, S. (2005). *A Counterinsurgency Campaign Plan Concept: The Galula Compass*. School of Advanced Military Studies, United States Army Command and General Staff College.
- Wade, S. J., & Reiter, D. (2007). Does Democracy Matter? Regime Type and Suicide Terrorism. *Journal of Conflict Resolution*, 51(2), pp. 329-348.
- Wehrmann, B. (2008). *Land Conflicts: A Practical Guide to Dealing with Land Disputes*.
- Winthrop, R., & Graff, C. (2010). *Beyond Madrasah: Assessing the Links between Education and Militancy in Pakistan*. Brookings: Center for Universal Education.
- Wooldridge, J. (2008). "Introductory Econometrics: A modern Approach, Fourth Edition", Cengage Learning.
- Wylly, H.C. (1912). *From the Black Mountain to Waziristan: Being an Account of the Border Countries and the More Turbulent of the Tribes Controlled by the North-west Frontier Province, and of Our Military Relations with Them in the Past*. The University of Michigan.
- Wulff, D. (1997). *Psychology of Religion: Classic and Contemporary*.
- Yusuf, M. (2008). *Prospects of Youth Radicalization in Pakistan: Implications on U.S. Policy*.
- Zaman, M.Q. (1998). Sectarianism in Pakistan: The Radicalization of Shi'i and Sunni Identities. *Modern Asian Studies*, 32(3), pp. 689-716.