

POST-CONFLICT RECONSTRUCTION IN FATA, PAKISTAN

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Abstract

This paper explores the developments in FATA in the aftermath of 9/11 and analyzes factors which paved the way for FATA to become one of the most violent places in the world since 2001. During the “Great Game” the borders of the British India reached the Durand Line while those of the Tsarist Empire extended to Amu River. The Durand Line Border Agreement concluded on November 12th, 1893, between the British India and Afghanistan fixing the boundary line from Wakhan in the north to the Iranian border in the south, which has been inherited by Pakistan, the Successor State of British India. The Federally Administered Tribal Areas (FATA) of Pakistan are located in the east of the Durand Line and comprise of seven Agencies and six FRs (Frontier Regions). The FATA has passed through many ups and down in its checkered history. Political, economic, social and judicial developments in FATA were slow compared to other parts of the Pakistan. Political Agent held enormous powers, Maliki system produced a privileged class, literacy rate remained low, health facilities were poor, infrastructure remained fractured and industrialization developed with snail’s pace. Rampant corruption, pervasive poverty and violence kept the people backward and law and order was kept intact through FCR (Frontier Crimes Regulation). In 1996 Pakistan decided to introduce adult

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franchise in the Tribal Areas for the elections held in 1997. The post 9/11 developments in the region influenced the north western Pakistan, particularly FATA. Despite financial assistance and international support for peace, democracy and development the clash of interests and regional militancy placed the tribal areas in the line of fire. The fallout of Afghanistan`s imbroglio also set FATA ablaze. It has become flash point in the global war against terrorism. Though the region suffered yet it has also given an opportunity to the people of FATA to develop. The paper underpins the measures adopted by the government to restore peace and also explores ways and means to further develop the areas under focus.

Key words: Pakistan, Terrorism, FATA, Afghanistan, Reconstruction, Peace

Introduction

During the “Great Game” the borders of the British India reached the Durand Line while those of the Tsarist Empire extended to Amu River. The Durand Line Border Agreement concluded on November 12th, 1893, between the British India and Afghanistan fixing the boundary line from Wakhan in the north to the Iranian border in the south, which has been inherited by Pakistan, the Successor State of British India. The Federally Administered Tribal Areas (FATA) of Pakistan are located in the east of the Durand Line, which comprises of seven Agencies and six FRs (Frontier Regions). The Federally Administered Tribal Areas (FATA) of Pakistan is a legacy of British India. Pakistan took decision to introduce adult franchise in FATA for the 1997 elections. As per 1997 electoral rolls there were 1.6 million voters in FATA including 0.4 million female votes. In historical context 1997 elections were the first elections in Pakistan Tribal Areas which were held on the basis of universal adult franchise. The post 9/11 international and regional

situation influenced the north western region of Pakistan and particularly FATA to a considerable extent. On the one hand it provided an opportunity to introduce reforms and bring tribal people at far with people in settled districts. On the other hand despite huge funds and international support for the development, poverty alleviation, building democratic institutions, militancy kept the areas backward. The post-conflict transition in FATA is underway and this paper explores the current trends of reconstruction and rehabilitation in FATA in historical context.

Historical perspective

After the treaties of Amritsar and Lahore the British occupied the frontier area (KPK & tribal territory) after the declaration of 29 March 1849. The districts of Peshawar, Kohat and Hazara remained under the Board of Administration for a short period of time but in 1850 they became a regular division under a Commissioner.¹ Khyber Pakhtunkhwa province (former NWFP) was formed in 1901.² At that time the province constituted of five settled districts of Peshawar, Bannu, D. I. Khan, Kohat, and Hazara and five tribal agencies of Malakand (Dir-Swat-Chitral) Khyber, Kurram, North Waziristan, and South Waziristan and was put under the administrative control of a Chief Commissioner reporting to the Governor-General of India.³

Between 1871 and 1876, the British colonial administration implemented FCR (Frontier Crimes Regulations) prescribing special procedures for tribal territories which were different from the laws in force in the settled districts of British India. The FCRs were based on collective responsibility and provided for conflict resolution through a Jirga {council of Maliks (elders)}. It could not overcome the administrative problems in the areas so another step was taken in this

connection. The government in 1901 imposed a new FCR which expanded the power of administrative officers.⁴ The institution of Political Agent came into existence. Each agency was headed by a Political Agent who was given broad powers and endowed with huge funds to get hold of the loyalties of the local influential people. Another development was the institution of *Malik* which was established, to allow administration, for the purpose to control local tribes. Under this system tribal leaders (Mashar, Malik) became intermediaries between members of a tribe and colonial administration and helped in the execution of the policies of the government.⁵

The Frontier Crimes Regulation is a specific law promulgated for the administrative and judicial purpose of a specific unit of the British administration, now the Federally Administered Tribal Areas (FATA) of Pakistan for the purpose of criminal justice and maintenance of law and order, beside resolution of conflicts and disputes among the tribes or persons within a tribe, this regulation was enacted and put in place at the disposal of the Deputy Commissioner/ Political Agent serving under the supervision of the Provincial Government through the Divisional Commissioners. The Political Agents, DCOs (FRs) act on the advice and recommendations of the Council of Elders (The Tribal Jirga). There are 26 districts in KPK (Khyber Pakhtunkhwa) and 6 PATA (Provincially Administered Tribal Areas) districts⁶. The 1973 constitution of Pakistan has vested the administration of PATA districts in the President of the country and the Governor of KP. Pakhtuns are the major ethnic group which is followed by minor ethnic groups like Chitralis, Gujars etc. The main language of the area is Pashto while the provincial capital is Peshawar (Pakhawar)⁷ and to the west of KP province lies FATA.

Administrative division of FATA

FATA (The Federally Administered Tribal Areas) comprised of seven agencies which are extended from north to south, starting from Bajaur to Mohmand, Khyber, Orakzai, Kurram, North Waziristan, and South Waziristan Agency. FATA also consists of 6 small administrative units known as FRs (Frontier Regions), each region is named after the bordering settled district. These small units (FRs) are administered by the neighboring district coordination officer. These small units (Frontier Regions) are F R Bannu, F R D. I. Khan, F R Kohat (Darra Adam Khel), F R LakkiMarwat, F R Peshawar, F R Tank (Jandola).⁸ The FATA has passed through several ups and downs in its checkered history. The colonial rulers tried to control the people of the occupied tribal regions with FCR (Frontier Crimes Regulations) which have given considerable powers to Maliks (local Nobles) so long they were willing to meet the needs of the rulers.⁹

FCR is a law, which has 7 chapters over 61 sections. Prior to 1956 constitution it applied to the whole of KP province. It was abolished in Baluchistan with exception of certain areas when the 1973 constitution was implemented and it ceased to be operative even in those certain areas when the High Court of Quetta announced it un-Islamic. In this point and time FATA is the only area in the country where FCR is still applicable.¹⁰ Political, economic, social and judicial developments in FATA were slow compared to other parts of the country. When Pakistan came into being on 14 August 1947 various regions signed agreements with government and pledged loyalty to the state. The instrument of accession which was signed in 1948 granted the tribal territories a special administrative status and this arrangement was further augmented by thirty instruments of accession which were signed subsequently. When Pakistan came into

being to the tribal agencies of Malakand North Waziristan, South Waziristan, Kurram, and Khyber existed. Then Mohmand Agency was added in 1951 followed by Bajaur and Orakzai Agencies in 1973.¹¹

The Soviet Invasion of Afghanistan and its impact on FATA

The Soviet invasion in 1979 and occupation of Afghanistan until 1989 negatively affected the FATA. Due to economic and humanitarian crisis, millions of Afghan refugees fled across the border into the most undeveloped region of Pakistan.¹² Due to geographical proximity and common border with Afghanistan, FATA were the most immediately affected areas. The whole area had become a war zone and Pakistan had opened its borders to allow Afghan refugees to enter the country. Due to the efforts of International Community to liberate Afghanistan from the Soviet occupation, the Tribal Areas became the training and staging ground of Afghan Mujahideen, who also used the areas for the purpose of providing medical aid to the wounded Afghan fighters. Since war of resistance was the top priority, every thing was subservient to its objectives.¹³ All Tribal Agencies with the exception of Orakzai Agency have touched the Durand Line. They influence developments in Afghanistan and are influenced by the developments on the other side of the Durand Line. Since establishment of the administrative system during the British time, little changes have been brought in the system. The overall environment of the region has changed and there is need to extensively analyze and assess its effectiveness. Since 1978 the Afghan political syndrome has deeply influenced these agencies particularly the influx of huge number of Afghan refugees during the 1980s. When Pakistan was a frontline state against the Soviet occupation of Afghanistan, FATA was hub of to and fro movements of goods and people which changed the human and natural geography of the areas.¹⁴

The region served as a hub for Mujahedeen campaign against the Soviets as weapons, money, fighters and ideology spread. The social fabric of the tribes gradually transformed and the traditional institutions like that of Maliks, PAs (Political Agents) lost its power and charisma. Mujahedeen commanders assumed power and control over resources. In this connection, 1979 was a turning point. Pakistan saw massive influx of refugees, Jihad emerged as basis of Afghan resistance, rise of religious leadership, emerged, and foreigners/Arabs entered the arena. The influence of narco trade, massive weapons, the generation of millions of refugees affected regional political dynamics. Emergence of new power centres, the role of Political Agent no more remain that much effective. The growth of civil society and its acquisition of huge foreign funds also influenced local political developments. The old system was disrupted and the new system is yet to emerge. It influenced the political developments within a short period of time. In international context, slowly and gradually FATA became International political hot spot.

War on terror and its impact on FATA

The events of 9/11 brought big changes particularly in South and Central Asian region. US and its allies with the help of Northern Alliance in Afghanistan defeated the Taliban and through Bonn Accord established democracy in Afghanistan. The Karzai government was established and international community gave full support to the new Afghan government. Pakistan became frontline state in war against global terrorism and fully supported International Community's efforts for the reconstruction and rehabilitation in Afghanistan. After NATO forces arrival in Afghanistan, Pakistan's army moved into FATA. The Militants turned against the state and then the commencement of suicide attacks, targeting communications and female education. Initially the

government took it lightly something local and temporary in nature to be resolved through traditional means. With passage of time it transformed from law and order problem to outright insurgency problem. More than 600 Maliks died in this insurgency. Al-queda, Taleban, Non-Taleban local groups, criminals international spy agencies all fished in the troubled water of FATA. Other factors like collateral damage, Lalmasjid tragedy, Anti US feelings, unaddressed grievances, grinding poverty as 60 percent of its population was living below the national poverty line¹⁵ and lack of justice and low literacy also played its role. Literacy rate is very low in FATA for instance according to 1998 census female literacy rate in Pakistan was 32%, KP 21.10% and in FATA it was only 3% while for male it was 56% in Pakistan, 52% in KP and 29.50% in FATA.¹⁶

Current developments

No man who has read a page of Indian history will ever prophesy about the Frontier. ¹⁷The region was threatened by militancy and insurgency. The causes of this problem are deep and multifaceted. The present day development in Tribal Areas is dependent on regional situation. It is the result of past policies and to a great extent the spill over effect of the developments in Afghanistan. The situation in FATA need correct perspective. Different factors influenced the situation for instance geostrategic location and importance of the region, Energy corridor, Xinjiang, Afghanistan, Iraq, Syria and its proximity to strait of Hurmoz. The system in FATA needed change but was not brought in time. Now any abrupt system change may create doubts in the minds of people living in Tribal areas. Slow and solid steps should be taken to change the system for better. Consensus should be developed before taking a decision to either merge FATA into KP or given it a separate status of a

province. Launching of developmental projects for the socio-economic up-lift of the people will also help to overcome people's feelings of alienation. The history of the area since independence underlines that very few people benefited from the then in vogue system. The game on both sides of the Durand Line has become very complex; it has become a battlefield for the clash of interests of the regional and big powers. Insurgents are getting aid from different sources particularly from those who want to destabilize Pakistan.¹⁸ To counter insurgency, multifaceted strategy is needed, relying only on force will not help in durable resolution of the problem. FATA was calm when Pakistan was frontline line state for the first time, the problem erupted when Pakistan became frontline state for the second time. One of the big factors which paved the way for causing this regional crisis was the fact that USA has neglected Afghanistan after the withdrawal of the Soviet troops from that country. The region and particularly Afghanistan suffered from one of the largest covert operations in history and in that point in time as is clear from Operation Cyclone or Charlie Wilson War. To bring the situation to normal the system needs change slowly and gradually as well as solid socio economic development. Recently European Union has given duty free access to more than 6000 Pakistani products such efforts of the International Community will help Pakistan to restore calm in its domain.¹⁹

The militancy/insurgency in FATA is of international significance. For instance Pakistan was the most talked about country in the 2008 US presidential debate. There is still much talk in media about people's crossing of the border between Pakistan and Afghanistan. Insurgency is protracted kind of phenomenon and can go long way, it may take more than a generation.²⁰ Pakistan is a moderate state.²¹ It is

stated that US is giving \$1billion to Pakistan per year. It is not a new phenomenon, USA is giving aid to Pakistan since 1950`s. It has supported Pakistan in the development of infrastructure, health care, sanitation, education (particularly Fulbright Fellowships), teacher training, and balance of payment.²²

The return of peace and establishment of democracy in the FATA needed long term sustainable socio-economic development involving both the tribesmen and official machinery. Long term success can't be brought by military means only. Peace and democracy could only be established in the FATA while the tribal customs and modern ideas in law and democracy should go hand in hand. Concrete socio-economic and political reforms should be introduced to integrate tribal areas into the main stream. It is time to take solid decisions with consensus about the future political and administrative nature of FATA.²³ Repeated distortion of constitutional rule; destruction of the state institutions, disconnect between the priorities of the state and the interests of the citizen undermined the personal security of its citizens.²⁴The British imperial forces devised the present governance system in Tribal Areas to expand their territorial ambitions. But Pakistan has no such ambition and therefore, this system does not serve its interests. Democratic rule is one important way forward in FATA.²⁵ The Durand Lines 1920 km²⁶ long and is not ethnic, commercial, and Physical but strategic border. People belonging to the same tribe for instance Mumand, Safi, Mohmand, Uthman Wazir live on both sides of the border. It is unlikely to completely seal it. The daily crossings of people at Torkham have increased to about 60000 due to Afghanistan`s reconstruction and rehabilitation. The situation is similar at Chaman, while along the rest of the border no one even bothers to estimate.²⁷

So far regional militancy is concerned it is very complex. Militants are not binding to particular area, have got training and mobility. They receive from vested interests massive funding, sophisticated weaponry, and modern gadgets. In case a militant dies, his family is fully supported; it is given 500,000 and gets 5-8000 pay per month. External security agencies are also involved. External factor kept the water warm but didn't let it boil.²⁸ FATA has its own conventional system in which tribes played a traditional role particularly its elites called Maliks or Masharan (elders).

Another important factor is the production and trafficking of drugs. It is said that 93% of world total opium is produced by Afghanistan²⁹, 14.3% of Afghanistan population is engaged in this opium production³⁰, Agriculture accounts for 53% of Afghanistan's economy³¹, Narco trade needs instability and unstable Afghanistan is a wonderful opportunity. 75% income of the narco trade goes to mafias and 25% to farmers, and also to warlords who are involved in this business.³²This situation in Afghanistan is influencing areas of Pakistan which are near the Pak-Afghan border. Law and order situation in the KP province has deteriorated. To cope with the situation elite police force was established in KP besides the emphasis on policing by the community and nonpolitical committees formation for resolution of the conflict. It was ADB funded pilot project.³³The present order may have many flaws but it is still better. In this context, lessons should be learnt from the situation in Afghanistan and Iraq. In this context KP governor was of the view that at individual level people should play their role to counter the threat to the integrity of the country.³⁴

The conflict in Afghanistan was magnified by external interference and there is no denying the fact that there are local and

ethnic reasons for militancy in certain areas. In spending donors' money for reconstruction and rehabilitation of Afghanistan pervasive corruption has hampered the stabilization of Afghanistan³⁵. The joint efforts of Kabul and Islamabad will prove a great leap forward to establish regional peace and stability. The violence in Afghanistan has not started in 2001 rather it has become brutal when the Soviet invaded the country and its aftermath 1.5 million Afghans were killed.³⁶

The past policies need critical analysis so that to adopt correct measures. The violent aspects of Pakistani society got projection during 1980s with active support of the Western bloc to counter the Soviets in Afghanistan.³⁷ One big cause of insurgency along the Durand Line is the presence of foreign troops in Afghanistan.³⁸ Exploring convergence of Interests between Pakistan and the NATO will help in mutual understanding. Peace without regional cooperation is highly unlikely³⁹. Good governance will help in making the situation better in tribal areas⁴⁰. The Frontier Crimes Regulation (FCR) in FATA is criticized very much but some members of the civil bureaucracy consider it effective and that it was executed with getting people assent and in this system of Jirga is a traditional conflict resolution mechanism, its key to resolve tribal disputes. In Jirga PA (The Political Agent) acts as presiding officer and cases are decided keeping in view FCR which are laws for FATA based on *Rawaj* (tribal traditions). In this mechanism delivery of justice is comparatively quick and effective.⁴¹ An appropriate approach is to extend to FATA the system operating in other parts of Pakistan.

FATA faces serious administrative dysfunction and many challenges are coming up from the militants, insurgents and anti-state elements which armed the proper functioning of the system. The amendments in the FCR require due care so that no vacuum or void is

created to aggravate the situation further.⁴² No doubt tribal Areas were not given due attention in the past but now many developmental projects have been launched to provide better living environment to people.

Things are in Constant Flux

Pakistan considered support of Afghan Mujahideen in its national interests in the 1980s and it adopted this as part of overall national policy in that point in time. The situation in the region has changed after September 11, 2001. In that changed situation Pakistan reevaluated its priorities and policies in the region and it has become part of national policy to synchronize its regional policy with that of International Community particularly regarding war against global terrorism. In the new century Pakistan faced new challenges which required new responses. The government has acted upon new both direct and indirect strategies through which it has curbed militant trends. It is said that as a policy the government used force only when all other tactics and strategies were exhausted.⁴³

Pakistan always wanted to have friendly government on its western border that's why it extended recognition to Islamic Emirate of Afghanistan. During the 1980s, many people from different parts of the world came to this region to advance their political agenda. After the Soviet troops withdrawal many foreigners remained in Afghanistan. For successful survival, it is imperative to adapt to changing circumstances. It is crystal clear that not only time but reality on the ground has also changed recently. Pakistan sent its troops to Tribal Areas to check the movement of people across the border, arrest insurgents, contain the spill over effects of the Afghanistan's insurgency and to help in development projects in the Tribal Areas.⁴⁴ The army conducted operations in those areas of FATA where militants challenged government's writ. Action

was taken against those who obstructed development work and defied government authority. Furthermore, experts purport that government conducted military operations when amicable means of conflict resolution failed.⁴⁵ To improve education, health, infrastructure, communications, industry and irrigation many developmental projects have been launched in the tribal territory. The objective of the measures is to improve the living standard of people.⁴⁶

FATA is part of the federation and its people are true Pakistanis. To remove their sense of deprivation and alienation, developmental works should be launched and bring them at par with settled areas of the country.⁴⁷ Historically speaking the tribal policy was made by Z. A. Bhutto in 1972 to 1977 and since then it is both an enigma and a dilemma. To end the reign of terror in FATA in the light of its national interests, government should formulate policy and should also imply traditional means of conflict of resolution⁴⁸.

The militancy in north western parts of Pakistan was one of the most serious threats to its existence since 1947. The law and order in FATA and KP province is slowly and gradually improving. Pakistan is frontline state for the last three decades. It got three million refugees and now being a frontline state in, “war on terror” it got 1.5 million IDPs. The Malakand IDPs and Waziristan IDPs and their proper rehabilitation was another big economic problem for government because every step in the direction of reconstruction and rehabilitation requires economic resources and weak economies could not afford that nevertheless Pakistan successfully tackled that issue. During the militancy crisis, criminal activities have increased. And the Pakhtun code life was not given that much importance as it used to get.⁴⁹ Due to the crisis people took measures for self-protection. It is estimated that in Khyber Pakhtunkhwa

there are 1.9 million licensed firearms while the unlicensed firearms are 6 times higher than that.⁵⁰ The problem in FATA and Malakand was multi-dimensional. For instance, in former Malakand division, the movement started by Sufi Mohammad was actually reaction to the rampant inefficiency and pervasive corruption in the system encouraged by the success of Taliban in Afghanistan. It is a common view that peace and stability in FATA is closely connected with the presence foreign troops from Afghanistan.

Without an iota doubt, the system of administration in FATA was corrupt carved out specifically for colonial purposes in which the avenues of progress and development were open only to a handful of people. The majority of FATA people remained deprived of the benefits of independence. During the militancy crisis, many Maliks (tribal Leaders) were either killed or compelled to leave tribal areas and in their absence local religious leaders strengthened their position.⁵¹ After September 11 2001 FATA has become international political hot spot. It has become battlefield where one of the most hi-tech wars took place. When NATO/USA invaded Afghanistan under UN mandate northern Alliance supported NATO and Taliban withered away in face of NATO attack.

Between the devil and deep sea situation Pakistan has faced the problem of how to coop with the demand of the “do more” on the one hand and on the other how to keep insurgents at low ebb. This dilemma has turned the situation into a tight rope walk for Pakistan. Developmental projects in the fields of minerals, infrastructure, small scale industries and hydal powers will decrease the suffering of people in FATA. Public and private partnership for joint economic efforts will be a great step towards reducing the deprivation and poverty of local people.⁵²

Conclusion

Constructive critical evaluation of past policies helps to corrective measures. FATA has passed through several ups and downs in its checkered history. Developments whether political or economic, social or judicial were slow compared to other parts of the country. The vicious circle of poverty, ignorance and violence kept people at bay. Political instability in the rest of the region cast its shadow on FATA and militancy made life hard as well. Understanding of the complex history, geography, politics and economy of FATA is key to winning hearts and minds of its people. People of Pakistan have amazing resilience to solve their problems. Development projects particularly in physical infrastructure, hydel power, minerals, and small scale industries will be a great step towards reducing the deprivation of local people. The governance problem was also one of the causes which disturbed the stability of tribal areas and a package of good governance coupled with tribal traditions could solve the problems in the Tribal Area. The return of peace and establishment of democracy in the FATA needed long term sustainable socio-economic development involving both the people of FATA and official machinery. The situation has changed for better recently the need of the hour is reconstruction and rehabilitation, socio-economic and political reforms to integrate tribal areas into the main stream. There is no denying the fact that success of development, political stability, and economic development in other parts of Pakistan will influence developments in FATA in a positive way.

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