

# PERSPECTIVES ON TERRORISM

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## **The Ideological Battle: Insight from Pakistan**

By Shazadi Beg

**O**n a cloudless day in a large field in Aurakzai Tribal Agency, six thousand heavily armed militants gather. Sixty gunmen wearing suicide jackets in case of attack guard the perimeter of the field.[1] The leader of the group is Maulana Hakimullah, a deputy leader of the Terik-i-Taliban Pakistan (TPP) headed by Baituallah Mehsud. The latter is now the most prominent Taliban leader in Pakistan's tribal belt, and a prime suspect in the murder of Benazir Bhutto. The date is 9 May 2008.

Maulana Hakimullah excites the crowd consisting of men and boys aged 13 to 75 by telling them that the Americans are killing innocent Afghans. He asks, "Are we to stand by and let it happen?" to the roar of, "No" from the crowd.[2] He tells them that the next target will be them. After a rabble-rousing speech, he asks who wants to perform jihad in Afghanistan. The entire audience say they do. He tells them that they have no planes or artillery weapons, in fact very little firepower. He tells them that they only really have their bodies to make into live bombs.

Maulana Hakimullah then asks the crowd who wants to become a shahid (martyr). Around 40% of the group, aged between 13 and 25, shout "we do". He tells them that they will receive honour in this life and the next. He tells them that they will receive religious education and training in weapons in South Waziristan. He praises the Mehsud tribe for their focus and commitment to the cause as compared to the Aurakzai tribe.

No mention of money is made, but all know of the unspoken rule that the families of suicide bombers will be paid. Maulana Hakimullah tells the crowd that there have been kidnappings by militants that are spoiling and polluting both their image and their jihad. He says criminal elements must be eliminated.

The new recruits are told that if they cannot reach their target they must blow themselves up rather than be captured alive. He tells them that their mission will still qualify as martyrdom if that was their intention when they set out on the mission. Insults are shouted against Musharraf for siding with the Americans in the war to liberate Islam. They are told they must not trust anything said by the political leaders because all are handicapped by the external pressures on them.

The meeting was not publicised in the Pakistani press. It is unclear whether the army knew of it. This is not the first time that armed militants gathered in a field in Pakistan's tribal areas. Maulana Faqir Mohammed was shown addressing the cameras with hundreds of fighters when the government of Prime Minister Gilani announced that it was ready to have dialogue with tribesmen. [3] Deobandi religious gatherings in Raiwind, outside Lahore, annually see a gathering of around 1 million men, many of whom are on the government's most wanted list. [4]

The meeting on 9<sup>th</sup> May demonstrated that the strength of the militants lies in human capital. Both Pakistan and the West must understand that neither military operations nor even intelligence gathering will defeat global terrorism. Rather, it will be the ability to break the chain of recruitment. Well-structured interventions, striking at the core of the militants' ideology, can significantly impact on both the supply and demand sides of suicide bombers.

The presence of al-Qaeda, the Taliban, and sectarian groups in the tribal areas of Pakistan the country's strategic geographical location close to Afghanistan, Iran and the Central Asian narcotics corridor arguably makes it the most dangerous place in the world. There remain serious concerns over the flow of weapons and the Talibanisation of parts of the tribal belt and the settled areas.

Militants recruited in the tribal belt tend to be under the age of 30; many are teenagers living in areas of abject poverty. Their destitution makes them believe that they have nothing to live for, but everything to die for. The Salafi ideology that indoctrinates most recruits advocates a Puritan version of Islam and espouses the creation of a worldwide Caliphate. The conflicts in Iraq and Afghanistan, as well as the injustices meted out to Muslims in places like Palestine, Abu Ghraib and Guantanamo, also play significant roles in the process of radicalisation. [5]

The abundance of idle manpower in an area where unemployment is running at 50% works in favour of militant groups, which are known to pay recruits more than the Afghan national Army pays its regular soldiers. Unemployed teenagers are easier to indoctrinate because they are often unable to read a literal interpretation of the Quran in Urdu or Pashtu. Many are illiterate and make a commitment to religion without the ability to make rational or informed choices for themselves. Indoctrination takes place both inside madrassas, as well as in the local community. This process is eased by the fact that some militant madrassas remain unregistered, refuse to disclose the source of donations, and continue to teach the Deobandi school of Islam. [6]

The motivations for suicide bombers is a belief in martyrdom and its posthumous rewards, funds for the family, the notion of "badla" or revenge in the Pastunwali code of conduct, and the reward of being part of the liberation of Islam. Young men are made to feel empowered by being given weapons. Increasingly public beheadings, including one by a boy of 12, [7] of those perceived to be American spies has worked both to instil fear into local populations and recruit boys into a profession equated with manhood.

Letters and videos left behind by suicide bombers indicate that they have been made to believe that the killing of fellow Muslims is acceptable as jihad if they have been deemed kufrs (unbelievers). The last letter written by Abid Hunzala to his wife Fatima on 8.9.07 reads :

“Dear Fatima

Allah has given us life and I am sacrificing my life for the promotion of Allah’s religion. The world of kufr is trying to wipe out Islam. One million Muslims have been killed in Iraq. The Islamic government of Afghanistan has been ousted. Muslims are being killed in every part of the world. And in Pakistan which was created in the name of Islam, true Muslims are being killed, detained or being handed over to infidel America. What did the people of Lal Majid do to deserve being brutally killed and bathed in blood? In this situation Islam is seeking sacrifice... I know this will grieve you as God has blessed us with a child after 10 years of marriage... I advise you to make my son a Hafiz e Quran and send him on jihad when he grows up. This is the path of sahabah and is the only way of salvation and promotion of Islam...”

Abid Hunzala bombed a Pakistan Air Force bus in Sargodha in November of 2007 during a suicide mission intended specifically to kill Air force personnel. [8]

In many parts of the Muslim world, there is clear recognition that indoctrination is happening behind closed doors. Only dialogue can prevent this. In countries such as Yemen, Indonesia, and Saudi Arabia there are re-education or rehabilitation programmes to “turn around” the militant mindset away from violent extremism. Some of the programs have used former militants as the most effective means of communication. At the centre of the debate has been the new work of the Egyptian Sayed Imam Abdulaziz al-Sharif (Dr Fadl), “Tarshid al-amal al-jihad wa al-alam (Rationalizing the Jihadi Action in Egypt and the World). In this work, he re-assesses the Salafi jihadi ideology that he himself propagated in the 1980’s and 1990’s. [9]

Sayed Imam’s defection poses a grave threat to al-Qaeda. The recent fundamentally important work comes from a man considered to stand at the heart of the jihadi ideology, and whose previous work promoting jihad contributed in no small measure to global terrorism. Yet his defection has not affected Pakistan. Poverty and illiteracy has worked to prevent Sayed Imam’s re-assessment of jihad from reaching militant rural communities. Pakistan has no formal disengagement or rehabilitation program despite the fact that it now has the largest and fastest growing number of militants recruited anywhere in the world. The reformation of Islam that we are living through must open up the debate on radical Islam in Pakistan as it is beginning to be done in the rest of the world.

Pakistan’s answer to addressing the issue of militancy has been in the form of Peace Agreements with the tribesmen. The Agreements promote the cessation of hostilities and the ousting of foreign militants. Compensation is often paid by the government for loss of life and demolition of homes. Over the years agreements have broken down several times with allegations of breaches on both sides. The West has criticised the Peace Agreements as providing a breathing space to militants to re-group and re-arm. Sections of the Pakistan army have been accused of secretly supporting some militant groups both because of anti American feeling (a recent poll by a Washington think tank found that

more than half the country thinks that the USA is more of a threat than al-Qaeda[10] and for services rendered in the past, for example in Kashmir.

The freeing of Sufi Mohammed of Swat recently was criticised by many outside Pakistan. The Peace Agreement signed in May of 2008 with the TNSM under the leadership of Maulana Sufi Mohammad in Swat, saw the controversial prisoner exchanges, where militants had far greater numbers released than kidnapped security personnel. Questions were also raised as to whether militants should be “rewarded” for abductions. Militants also laid down a condition that they should not be prevented from promoting Sharia law through radio stations. Since Swat is not part of the Tribal belt, the government claims that different considerations apply. It states that Maulana Sufi Mohammed has been persuaded that there is nothing in the Constitution of Pakistan which is contrary to Sharia.[11] As a result of accepting this, he is now under threat from other militants and is being protected by the authorities. Militants have long realised that their strength lies in reaching people through their brand of Islam.

The bombing of Damadola village in Bajaur by US drones on May 14<sup>th</sup>, 2008 [12] was widely seen as an attempt to derail the signing of a strategically important Peace Agreement. The bombing in Bajaur in November 2006 in which 82 young students were killed outright while asleep in their beds was also seen as an attempt to derail a Peace Agreement which was to be signed the day the bombing took place. With every American bombing the influence of the Taliban increases resulting in more recruitment into militancy.

The recent attack earlier this month by NATO and the US on paramilitary soldiers of the Frontier Corp has led to anger within the Army, which described it as “cowardly and unprovoked”. It has resulted in more anti American feeling in the country. It has been viewed as deliberate, a “testing of the water” for a future all out assault on tribal areas. The most significant fallout has been further recruitment for the Taliban. It has also succeeded in pushing the Taliban into the arms of al-Qaeda. The attack was quickly followed by a confident Karzai threatening to attack Taliban safe havens inside Pakistan! To make matters worse, British forces in Afghanistan have now begun to use one of the most controversial and deadly missiles known as Hellfire AGM – 114N against the Taliban. This thermobaric weapon “creates a pressure wave which sucks the air out of victims, shreds their internal organs and crushes their bodies”.[13] This brutal weapon makes it virtually impossible for any civilians in the target building to survive. The more brutal methods of warfare employed and the more innocent blood spilled, the more jihadis are willing to take ‘jihad of the sword’ (jihad al Asghar) into Afghanistan and beyond.

What was the objective of going into Afghanistan in the first place? If it was to punish the Taliban for hosting Bin Laden and to prevent Afghanistan from becoming a safe haven for al-Qaeda, seven years on the question remains have we succeeded? A long-term strategy continues to be sacrificed for short term gains. No insurgency has been won without the support of the people. Though Peace Agreements have been criticised the importance of dialogue in tribal jirgas and Pashtunwali code of conduct must be



recognised in a region of ancient history. How many Taliban can be killed when they are part of and sometimes indistinguishable from the indigenous civilian population? Moreover, making the tribal maliks (more than 300 have been killed) insignificant succeeds in filling the vacuum with the power of the militant mullah.

The ceasefires provide opportunities for socio-economic reforms. In North Waziristan, the Peace Agreement concluded 2 months ago, was signed by 300 tribesmen. For the first time in 10 years the Pakistani government could go into villages to distribute books to boys' schools. [14] Only promised development will take away some of the influence of the militants. Conflicts in Kashmir and against the Soviets in Afghanistan left behind damaged infrastructures. These have been exploited by battle hardened youths raised on a diet of weapons, war and the glorification of jihad, the seeds of which were planted by the Saudis, the Americans and the Pakistan Army in a tripartite partnership to defeat the Soviets in Afghanistan. Military dominance and corrupt civilian administrations further retarded institution building.

The CIA has repeatedly stated that if there is an attack on the US mainland it will inevitably lead to Pakistan's tribal areas. [15] Any attack by the US in a "surge" to dismantle al-Qaeda and Taliban safe havens will be catastrophic in unleashing a new breed of jihadis. It is also likely to have unintended consequences in fracturing the Army as an institution and promoting a dangerous fallout in Western capitals.

Pakistan continues to be bribed with dollars, which has only resulted in a strengthened Taliban. Islamabad recognises that it must restore respect for tribal autonomy. This is the only incentive for the Pashtuns to reject al-Qaeda and the Taliban. Across the border, Southern Afghanistan, considered the hub of insurgency and narcotics, is unlikely to be secured by the Allies against some of the most ferocious fighters in the world. The lack of coordination between NATO members partly results from different objectives by different countries. With some countries reluctant to engage in offensive strikes for fear of repercussions in their own countries; clearly not everyone is pulling in the same direction. [16] NATO is also aware that the British are not averse to talking to the Taliban and Karzai is cutting deals with provincial commanders for control of territory outside Kabul and forge alliances with local militants. In this game of realpolitik some NATO members cannot be blamed for wondering what are their soldiers dying for?

In the meantime recruitment in Pakistan's tribal belt goes on unabated with a recent discovery of a "suicide nursery" in South Waziristan for 9-12 year olds. [17] The Mehsud area of Spinkai remains deserted since people fled a military operation known as "zalzala". Computers, videos and literature were seized from a house. Some videos show young boys carrying out an execution, a classroom of 10-12 year olds wearing white headbands with verses of the Quran on their foreheads and training in how to make and detonate IEDs.

Training for these young recruits is said to be organised by Qari Hussain, who in turn is protected by Baitullah Mehsud. Last August he was involved in the kidnapping of 260 soldiers. [18] He is affiliated with the banned sectarian group Sipah-i-Sahaba, and is a

graduate of a Karachi madrassa. Qari Hussain specialises in indoctrinating children into violent extremism in the name of Islam. There is little challenge to his creation of “martyrdom cults”.

The boys in his training camp are not permitted to debate sacred texts. No one tells them that jihad of the sword is only permitted in limited circumstances in defensive actions where a Muslim is turned out from his home or prohibited from practising his religion or where he is fighting oppression. [19] Pre-conditions for jihad preclude the performance of jihad by children or the use of funds obtained through ill gotten gains.

There is increasing evidence that some teenagers coerced into jihad are seeking help to prevent themselves from being “stranded” in jihad. Recently, suicide jackets from those who had second thoughts were found in a dried up river along the Pakistan/Afghanistan border. [20] This cry for help is being unheard by the authorities who continue to be sidetracked by Peace Agreements, pressure from the US to do more, and a debilitating turf war between the ISI and other law enforcement agencies, which accuse the former of pandering to their “favourite” militants. [21] In the meantime the “Punjabi Taliban”, with leadership in Harkatul mujahideen and Jaish-i-Mohammad, have linked up with other militant groups to take in the length and breadth of the country. Southern Punjab is now considered the “factory” that increasingly churns out IEDs and suicide jackets.

Pakistan’s slide into violent extremism cannot be stemmed until religious ideology is challenged directly and credibly. Collective and individual disengagement from terrorism will only succeed if there is societal support for the opening up of the jihadi debate and a well-structured system of rehabilitation for those in detention and on the cusp. Suicide attacks especially must be shown to be the acts of psychological warfare that they are, indiscriminate violence that kills and maims, traumatising entire communities and perpetuating a fear of crowded places. A nuclear Pakistan is the decisive battleground where the end game will be played out. After the monumental mistakes made in Iraq and Afghanistan, we can no longer afford to get it wrong.

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## Notes

[1] An eye witness account relayed to interviewee who was interviewed on 12.5.08 in Rawalpindi. He wishes to remain anonymous.

[2] Article in The Times in London on 22.6.08

[3] Faqir Mohammed was shown on Geo TV on 25.3.08 shortly after the swearing in of Prime Minister Gilani.

[4] Interview with senior FIA official on 11.5.08 Islamabad.

[5] Interview with Malik of the Khyber Agency in November 2006.

[6] A radical and austere school of Islamic teaching emanating historically from India but now closely aligned with the Taliban.

[7] Dawn newspaper 28.8.07

[8] Interview with senior FIA official on 11.5.08 Islamabad

[9] “The Rebellion Within” – The New Yorker 2.6.08 by Lawrence Wright.

[10] “Pakistani Public Opinion on Democracy, Islamist Militancy, and Relations with the U.S.” Joint Study with World Public Opinion.org and the United States Institute of Peace February, 2008.

[11] Interview with senior Army Commander stationed in Peshawar on 13.6.08

[12] The Daily Times. 14.5.08

[13] The Times newspaper London 22.6.08



- [14] Interview with the Governor of NWFP, Owais Ghani, 14.5.05
- [15] CIA: Clear and Present Danger in Remote Region. Director Michael Hayden says Afghan/Pakistan border is still Al Qaeda Home base. 30.3.08 CBS News Interactive (wbztv.com)
- [16] Col @ Saffet Akkaya- Middle Eastern University Ankara
- [17] Dawn newspaper 19.5.08
- [18] Dawn newspaper 29.8.07
- [19] Quran Surah Al-Baqarah, Ch 2 verses 190,191 and 193. Surah Nisaa, Ch 4 verses 74 and 75.
- [20] Interview with Governor NWFP, Owais Ghani 14.5.08
- [21] Interview with senior official of Frontier Constabulary 12.5.08

## UN Terrorist Designation System Needs Reform

Victor D. Comras

### Introduction/Background

The European Court of Justice is now grappling with a serious conundrum. It has to decide whether to uphold the application of UN mandated “sanctions measures” against those designated as terrorists and terrorist financiers by the UN Al-Qaida and Taliban Sanctions Committee,[1] even when such action does not conform to the standards of the European Convention on Human Rights and Fundamental Freedoms.[2] This is the issue presented in *Yassin Abdullah Kadi v Council of the European Union and Commission of the European Communities*. [3] In this case Yassin Kadi, who was designated as a terrorism financier by the UN Al-Qaida and Taliban Sanctions Committee in October, 2001,[4] is seeking to void EU directives requiring that his assets be frozen. Kadi maintains that the EU order freezing his assets violates his “right to property,” and his “right to a fair hearing” as guaranteed by the European Convention of Human Rights and Fundamental Freedoms.[5] This follows, he claims, from the failure of the United Nations, and/or the European Union, to provide an adequate forum or procedures for him to be heard, or to allow for judicial review of his designation. And he has won the support of the EU Advocate General, Miguel Poiares Maduro, for this position.[6]

This case represents one of several judicial and political challenges now questioning the legal effect of designation and the equity and fairness of the procedures employed by the UN Al-Qaida and Taliban Sanctions Committee in making designations or considering petitions for delisting. According to the UN Al-Qaida Committee’s own Monitoring Team, there are more than 15 major lawsuits underway, in at least seven countries, now challenging UN designations.[7] This includes cases in the United States, Belgium, Italy, Netherlands, Pakistan, Switzerland, and Turkey. Most recently the United Kingdom High Court,[8] in April 2008, overturned as *ultra vires* a UK freezing order against 5 individuals designated by the UN Al-Qaida and Taliban Sanctions Committee. That case is likely now to require new legislation in the United Kingdom to remedy the court’s enumerated defects. Political challenges are also being debated in the European Parliament, the Council of Europe, and national parliaments around the world.[9] And voices are being raised within the United Nations calling for current 1267 Committee designation procedures to be reformed.[10] This controversy has already led many governments, never eager to participate in the designation process, to refrain from submitting names to the 1267 Committee; and now threatens to seriously undercut designation as a primary weapon and methodology in the war against terrorism financing.

### The Designation Process

UN designation involves the identification and listing of individuals or entities against which specific restrictive measures are applied. Designation was initially envisioned as a

positive measure to help narrow the unintended consequences of broad based economic and trade embargoes. The idea was “to target” those specific “groups of persons responsible for the breaches of the peace or the threats to international peace and security, while ideally leaving other parts of the population and international trade relations unaffected.”[11] This seemed to make imminent sense when the targeted individuals and entities were state actors; but with terrorism, the targeted entities are often non-state actors, and include private individuals, businesses, charities, and other nonprofit organizations.

The UN Al-Qaida and Taliban Sanctions Committee (which has the same membership as the Security Council) maintains a so-called “Consolidated List” of designated individuals and entities associated with al-Qaeda and the Taliban. All countries are obligated under UN Law to impose specified sanctions against those designated on this list. In the absence of a universally agreed definition of terrorism, the list has become critically important as a means of identifying those persons and entities that the international community agrees are terrorists or material supporters of terrorism. Those named include al-Qaeda and Taliban leaders and activists, as well as individuals and groups providing them material support. But, it is on those providing support to al-Qaeda and the Taliban that this list has its greatest impact. Known terrorist activists, when located, are usually arrested or captured, but this has not been the case with respect to those that have engaged in financing terrorism. And when it comes to dealing with these terrorism financiers, the UN list often provides the only legal authority many countries have to take action against them.[12]

The “Consolidated List” of designated individuals and entities maintained by the 1267 Committee was first established pursuant to UNSC resolution 1267 (1999) following the bombing of the US embassies in Nairobi, Kenya, and Dar-es-Salaam, Tanzania, and the refusal of Afghanistan’s then-ruling Taliban to turn over Osama bin Laden and other al-Qaeda leaders for trial. That resolution originally directed, *inter alia*, that all countries:

“Freeze funds and other financial resources, including funds derived or generated from property owned or controlled directly or indirectly by the Taliban, or by any undertaking owned or controlled by the Taliban, **as designated by the Committee** ..., and ensure that neither they nor any other funds or financial resources so designated are made available, by their nationals or by any persons within their territory, to or for the benefit of the Taliban or any undertaking owned or controlled, directly or indirectly by the Taliban ...”(emphasis added)

These measures were further extended in resolutions 1333 and 1390 to cover “Usama bin Laden and individuals and entities associated with him ... including those in the Al-Qaida organization...” These resolutions also empowered the Al-Qaida and Taliban Sanctions Committee to designate individuals and entities associated with al-Qaeda, and instructed the Committee “to maintain an updated list, based on the information provided by States and regional organizations, of the individuals and entities designated as being associated with Usama bin Laden, including those in the Al-Qaida organization.”[13]

Subsequent UN resolutions strengthened further these designation procedures, “stress[ing] to all Member States the importance of submitting to the Committee the names and identifying information, to the extent possible, of and about members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them so that the Committee can consider adding new names and details to the list.”[14] Nevertheless, the Resolution also recognized that countries might wish to withhold such information if “to do so would compromise investigations or enforcement actions.”

Designations are made by the members of the Security Council under consensus procedures and upon presentation by member countries of information concerning the individuals and entities proposed to be designated. Any Security Council member can hold up, and/or prevent, the requested designation. Likewise, any member country can block the removal of such designation.

### **Controversy and Complaints**

The premise that individuals and entities can be designated by the Security Council, and thereby stigmatized or penalized, has, over time, proved increasingly disturbing to civil rights advocates around the world. The open-ended freezing of assets takes on a punitive character, which is particularly disturbing given the lack of transparency, procedural protections, and judicial oversight to assure accuracy, fairness, and due process. Those [15] supporting the designation process argue, however, such designations are a very necessary tool for combating terrorism. The designation process is directed at inhibiting the mobility of terrorists and the flow of funds that supports terrorism. Identification of those to be designated, they say, entails sensitive intelligence sources and methods, which does not lend itself to international judicial consideration, review or oversight. Few countries would be willing to present candidates for designation, or supply such intelligence information, if judicial review was likely.

The vast majority of those named on the list have been submitted by the United States, although some other countries occasionally joined with the United States in making the request. Still, relatively few countries have answered the Security Council’s call to submit names or additional information with regard to those already listed. This reluctance, evident from the outset, has stiffened since, resulting in an incomplete and outdated list which fails to adequately identify or reflect the known al-Qaeda and Taliban membership in its present form, as well as those providing material assistance to them. Rather, countries now seem to prefer to use their own national means and/or to work through bilateral channels to deal with these terrorists and their supporters. The results have been spotty at best, leaving many known terrorism financiers free to continue their funding activities unfettered by the UN sanctions measures.

In its first report to the Security Council, dated May 15, 2002,[16] the UN’s Al-Qaida Monitoring Group noted substantial dissatisfaction with the designation process and the Consolidated List itself. This included complaints with regard to inaccuracies and the insufficiency of identifying information contained in the list, as well as concerns with the

methodology used in putting the list together. Of particular concern was the lack of transparency and information sharing to bolster the rationale for such listing. In September 2006, the re-constituted Al-Qaida Monitoring Team reported[17] that “activity with respect to the fairness and transparency of listing and delisting procedures has reached a crescendo.... with the distribution of a variety of relevant papers and a flurry of debate.”

In 2006, Germany, Sweden, and Switzerland convened a private group of experts to review the Committee’s listing and delisting procedure. The resulting report called for the establishment of new detailed criteria for, and biennial review of, designations, and the establishment of a “focal point” within the UN Secretariat to handle delisting requests. It also recommended the establishment of a delisting procedure that would include mechanisms to review, consider, and make recommendations concerning delisting petitions.[18] Similar calls were made by the Council of Europe’s Committee of Legal Advisors on International Law.[19] The Legal Counsel of the United Nations also told the Security Council that those designated should, at a minimum, be given a right to be heard and to have their designation impartially reviewed. They should also be given access to knowledgeable assistance or representation for this purpose.[20]

Responding to this criticism, the Security Council in resolution 1730 (2006) established new procedures to consider delisting requests. But these measures fell well short of the steps recommended. There was a strong reluctance on the part of several countries, including the United States, to subject national judgments on delisting to third party review. The resolution did establish a Focal Point in the Secretariat to receive delisting requests, but limited its function to forwarding the requests to appropriate governments, and following up with these governments to determine if the request should be reviewed by the full committee. The principle of requiring consensus for delisting was retained, meaning that any one committee member country could block such delisting. Advocate General Maduro dismisses this system as insufficient to meet established international standards of fairness and due process. “There is no obligation,” he complains, “on the Sanctions Committee actually to take the views of the petitioner into account. Moreover, the delisting procedure does not provide even minimal access to the information on which the decision was based to include the petitioner in the list. In fact, access to such information is denied regardless of any substantiated claim as to the need to protect its confidentiality.”

### **Doing What Needs To Be Done**

It now seems clear that whatever the outcome of the Kadi case, further reform will be necessary to maintain and improve the effectiveness of the UN designation system. Such reform must take into account the importance of impeding terrorist mobility and funding; the sensitivities of intelligence gathering, which is essential to this process; the right of those designated to be heard in their defense; and the need for independent oversight to guard against abuse.

The first step in reforming the current designation system must be to put in place improved procedures, guidelines and standards for accurately identifying and listing those organizations, actors and supporters that manage, run and maintain al-Qaeda and the Taliban. While including all al-Qaeda and Taliban foot-soldiers would be impracticable, targeting key personnel and entities, including those providing resources and funding to them, is essential. The current procedures seriously fail in this regard. A way must also be found to reduce the political and intelligence sensitivities often associated with presenting names to the Al-Qaida and Taliban Committee for designation. One way to handle this problem might be to empower an independent monitoring group, such as the one initially established under UN Security Council Resolutions 1267, 1330, and 1390, to propose names (along with supporting justifications) to the committee. INTERPOL and other international enforcement agencies might also be enlisted in this process. This would provide additional insulation to governments sensitive about themselves initiating the designation process.

Special care must also be given to assuring that adequate information is presented to justify designation. While only a very few individuals have been erroneously or mistakenly designated (and they have since been delisted), the absence of transparency, and of independent or third party review procedures, has cast doubts concerning the legitimacy of the designation process. This problem must be addressed. Perhaps, the American experience can serve as a model in this respect.

The United States maintains several different designation lists which are administered in conjunction with various US sanctions programs. Designations are made pursuant to specific powers granted by Congress to the President, who, in turn has delegated them to various members of his cabinet. Designation is considered an executive administrative action, and is subject to judicial review and restraints. The standard for judicial review in such cases relates to whether the action is based on “reasonable cause.” This standard may not rise to the high standard required for criminal convictions, but it assures that designation is not carried out in an arbitrary or capricious manner. Likewise, UN guidelines also ought to ensure that there is sufficient information present, and shared with member countries, to demonstrate at least a sufficient “reason to believe” that those designated fall within the Security Council Resolution’s purview as members or associates of al-Qaeda and the Taliban. Once such information has already been shared among the members of the Security Council, there does not seem to be any strong reason not to provide it, at least in some redacted form, to those designated.

The Focal Point concept, which now provides little more than postmen services, should be allowed to take on an expanded expert/advocacy role – that is, to also serve as a panel empowered to consider substantiating or rebutting information provided by a petitioner seeking delisting. If the panel finds some merit in the petition, it might then invite the interested countries, including those that had requested the designation, to respond. The sufficiency of the responses received from the Committee or its member countries would then determine whether the panel was satisfied that a reasonable basis existed for the designation, or it might then decide to espouse the petitioner’s case directly before the Al-Qaida and Taliban Sanctions Committee. In such cases the Committee would be



called upon to make a final determination, establishing as much of a public record as it could agree upon. While this arrangement might not satisfy all concerns, it would provide all parties more assurance, than is now the case, that due considerations are being paid to all the evidence in determining if there is a reasonable basis for designation.

Renewed confidence in the UN Al-Qaida and Taliban Sanctions Committee procedures could only result in a win-win situation for all. Such renewed regard for the list would certainly help reinforce its utility and effectiveness as a tool against terrorism and terrorism financing.

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## Notes

[1] UN Security Council Resolution 1390 (2002), and successor resolutions, provides, in part that all countries (a) Freeze without delay the funds and other financial assets or economic resources of {designated} individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory"

[2] The provisions of UN Security Council Resolutions adopted pursuant to Chapter VII of the UN Charter are binding on all countries and impose an obligation on all countries to carry out the directives therein. However, such directives are not self executing, and it is up to each country to assure that its laws conform to these obligations. Article 103 of the UN Charter provides: 'In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.' It is generally recognised that this obligation extends to binding Security Council decisions. See the Order of 14 April 1992 of the International Court of Justice in *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom)*, *Provisional Measures*, Order of 14 April 1992, *I.C.J. Reports 1992*, p. 3, at paragraph 39.

[3] Appeal of an initial decision by the European Court of First Instance ruling against Kadi.

[4] According to the US Treasury Department Yasin al Qadia (aka Yassin Kadi) was directly implicated in funding Al Qaeda, and his "Blessed Relief" charity was linked to funding those responsible for bombing the US embassies in Kenya and Tanzania.

[5] Protocol One, Article 1 to the European Convention provides that: "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law." Protocol One, Article 6 provides: "In the determination of his civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."

[6] In his Opinion the Advocate General argues that there is no basis in Community law for according *supra-constitutional status* to measures adopted by the EU Commission that are necessary for the implementation of resolutions adopted by the Security Council.

[7] See Annex II to UN Doc S/2005/572 at

<http://daccessdds.un.org/doc/UNDOC/GEN/N05/407/94/PDF/N0540794.pdf?OpenElement>

[8] See Winer, Jonathan; UK Court invalidates Terrorist Freezing Regime as Unconstitutional, at [http://counterterrorismblog.org/2008/04/uk\\_court\\_invalidates\\_terrorist.php](http://counterterrorismblog.org/2008/04/uk_court_invalidates_terrorist.php)

[9] See, for example, "European Rights Watchdog Slams EU, UN Terrorism Blacklists, Deutsche Welle World, January 24, 2008 at <http://www.dw-world.de/dw/article/0,2144,3087767,00.html>

[10] Several UN Member Countries, including Germany, Switzerland, Sweden and Liechtenstein have submitted proposals calling for reform of the UN Al Qaeda Committee's Designation and De-listing Procedures. See, for example, Statement by Liechtenstein Ambassador Christian Wenaweser before the Security Council on 14 November 2007 at <http://www.liechtenstein.li/en/pdf-fl-aussenstelle-newyork-dokumente-counterterrorism-scbriefing-2007-11-14.pdf>

[11] See Targeted Financial Sanctions, A Manual For Design and Implementation, Contributions From the Interlaken Process, P vi, at <http://www.watsoninstitute.org/tfs/TFS.pdf>

[12] Many countries have in place special legislation authorizing the implementation of UN Chapter VII sanctions measures in order to avoid having to seek the judicial action normally required to freeze assets in their countries.

[13] See UN Security Council Resolutions Related to the Al Qaeda and Taliban Sanctions Committee at <http://www.un.org/sc/committees/1267/resolutions.shtml>

[14] See UN Security Council Resolution 1455 (2003) Para 4

[15] Ibid.

[16] UN Doc S/2002/541 at <http://daccessdds.un.org/doc/UNDOC/GEN/N02/366/13/IMG/N0236613.pdf?OpenElement>

[17] UN Doc S/2006/750 at <http://daccessdds.un.org/doc/UNDOC/GEN/N06/529/76/PDF/N0652976.pdf?OpenElement>. The report, Strengthening Targeted Sanctions Through Clear and Fair Procedures, was published under the auspices of the Watson Institute and can be found at [http://watsoninstitute.org/pub/Strengthening\\_Targeted\\_Sanctions.pdf](http://watsoninstitute.org/pub/Strengthening_Targeted_Sanctions.pdf)

[18] The report, Strengthening Targeted Sanctions Through Clear and Fair Procedures, was published under the auspices of the Watson Institute and can be found at [http://watsoninstitute.org/pub/Strengthening\\_Targeted\\_Sanctions.pdf](http://watsoninstitute.org/pub/Strengthening_Targeted_Sanctions.pdf)

[19] Iain Cameron, The European Convention on Human Rights, Due Process and United Nations Security Council Counter-Terrorism Sanctions, located at [www.coe.int/t/e/legal\\_affairs/legal\\_cooperation/public\\_international\\_law/Texts\\_&\\_Documents/2006/I.%20Cameron%20Report%2006.pdf](http://www.coe.int/t/e/legal_affairs/legal_cooperation/public_international_law/Texts_&_Documents/2006/I.%20Cameron%20Report%2006.pdf).

[20] See Bardo Fassbender, Targeted Sanctions and Due Process, 20 March 2006, located at [www.un.org/law/counsel/info.htm](http://www.un.org/law/counsel/info.htm).

## **Dealing with FATA: Strategic Shortfalls and Recommendations**

By Faryal Leghari

**T**he strategic significance of the Federally Administered Tribal Areas (FATA) of Pakistan stems from its perceived pivotal role in the stabilization of security in neighboring Afghanistan and the war against terrorism. The region is believed to be a “safe haven” used by the al-Qaeda high command for planning future terrorist acts against the US and the rest of the world. In addition, it has been the backyard for the Taliban insurgency in Afghanistan and a training ground for terrorists, especially suicide bombers. Recently, Michael Chertoff, the US Secretary for Homeland Security, is reported to have categorically stated that “(al-Qaeda) are using their platform in the frontier areas of Pakistan to train operatives.[1]

In addition Admiral Michael Mullen, chairman of the US Joint Chiefs of Staff, has stated that any future terror attack against US interests would most likely be carried out by Islamic militants based in Pakistan's restive tribal belt bordering Afghanistan. Addressing a press conference he said that tribal groups with ties to Al-Qaeda in Pakistan's FATA area represent the worst security threat to the United States. He said, “I believe fundamentally if the United States is going to get hit, it is going to come out of the planning of the leadership in the FATA” specifically that of al-Qaeda.[2] Admiral Mullen’s statement underlined the concern about the FATA region being used as the staging area for attacks against United States.

This paper aims to address the concerns about the FATA region, the impact of the indigenous Pakistan Taliban, and their role in aiding the Taliban insurgency in Afghanistan. It also seeks to understand the nature of the insurgency and the involvement of different actors in the area. The purpose is not to dismiss security concerns as fabricated and/or exaggerated, but to remember that the unrest in FATA is not only due to the Taliban but also to various other factors. The principal causes are the socio-economic deprivation of the people of the area and the failure to reintegrate the mujahideen fighters from the Afghan jihad back into mainstream society. Further, this piece draws attention to the fact that the instability in Pakistan’s FATA region is the result of conflict and insecurity emanating from neighboring Afghanistan, and not vice versa. Lastly, this study will conclude with recommendations regarding shortcomings in current strategies being employed to deal with unrest in the region, as well as chalking out a development plan that promises to mitigate regional insecurity by seeking the involvement of the Islamic states.

FATA, comprising seven semi-autonomous agencies and six settled frontier regions, has historically posed a governance nightmare for successive regimes. Militant tribes inhabit

the FATA, and the rugged terrain of the region is ideal for guerrilla warfare. FATA's 400 km long border with Afghanistan is porous with multiple unchecked crossing points. The close tribal links between the people on both sides of the border have made it virtually impossible to monitor cross border movement. Pakistan's proposals to fence and mine the border have met with strong resistance from the Afghan government which fears that any such tacit agreement would be tantamount to accepting the contentious Durand Line as an officially recognized border.[3]

The prospects of a change in the security situation in the FATA region remain bleak, with overtures to engage the militant groups being met with skepticism and drawing sharp criticism in Washington. In fact, as a result of US pressure, efforts to initiate a dialogue have been shelved at present. This, in particular, relates to the negotiations with the Baitullah Mehsud led Tehrik-i-Taliban Pakistan (TTP), an umbrella organization that includes different militant groups. The key TTP objectives include: enforcing the sharia, uniting against NATO forces in Afghanistan and carrying out "defensive jihad against the Pakistan army." [4] Mehsud has been categorical in declaring his intent to continue the jihad against the international forces in Afghanistan. This prompted the United States to voice its concern to Islamabad about the ongoing negotiations with the TTP. In an interview given to journalists in May 2008, Mehsud expressed his doubts about the future of any deal with the Pakistani government, stating that any such peace agreement is doomed unless the government changes its policies, stops being subservient to the US, and reasserts its sovereignty.

To make matters worse, in an incident on June 10, a US air attack on a paramilitary check-post killed 11 Pakistani soldiers, including an officer, in the Mohmand Agency. Pakistan reacted angrily even as the US maintained that it had informed them of the air strike conducted to counter an ambush attack on Afghan/coalition forces on the Afghan side near the border. A strongly-worded reaction from the Pakistani army described the attack as "completely unprovoked and cowardly" and "blamed the coalition forces for the violent act and said that the incident had hit at the very basis of cooperation and sacrifice with which Pakistani soldiers are supporting the coalition in the war against terror," adding that "such acts of aggression do not serve the common cause of fighting terrorism." The army emphasized that, "A strong protest has been launched by the Pakistan Army, and we reserve the right to protect our citizens and soldiers against aggression." [5] This attack is expected to have a detrimental effect on the confidence of the Pakistani Army as it relates to the need to cooperate with the Americans in the ongoing war against terrorism.

### **Military Operations in FATA**

Pakistan first deployed its military in the FATA region in 2002 in an effort to expel foreign fighters, mostly those belonging to al-Qaeda and other affiliated organizations, as well as to counter the growing threat posed by local militants. The military operations in the region evolved over three distinct phases. In the first phase, the operations were focused on dismantling the al-Qaeda and Taliban networks. The second phase focused on

the selective scouting of the Taliban, and the third stage dating from 2005 to the present (2008) has consisted of large military operations.

At present the total strength of the Pakistani armed forces deployed along the Afghan border is 100,000 soldiers, with two division-sized forces in Waziristan, despite the lull in military operations. The operations conducted by the armed forces in 2007-2008 included 38 surgical air strikes by the Pakistan Air Force/Army, and 25 ground operations that resulted in 930 militants being killed, of which 508 were foreigners.[6] The withdrawal of the armed forces and removal of all military checkpoints in FATA as demanded by the TTP is highly unlikely. There were rumors of relocation and withdrawal in some areas but the officials have refuted these. At present, Bajaur, North and South Waziristan, and Mohmand – to some extent – continue to be the most troubled of the seven agencies comprising FATA.

### **Nature of the Insurgency in FATA and the Key Players**

In trying to comprehend the evolution of the current situation, it is important to understand the imbalance in the power structures in the FATA region. Prior to 1979 and the Soviet invasion of Afghanistan, the power structure in the region had only two elements – the tribes and the Pakistani government. These two powerful elements co-existed peacefully and the governance of the region was designed around them. It was only after the Soviet withdrawal from Afghanistan and the subsequent hasty departure of the international community from the scene that militant organizations, including jihadist militants of different nationalities, emerged. The traditional power structure was threatened by this violent third element, which led to a power struggle that erupted after the US-led attacks on the Taliban in October 2001. To date, this new element in the power structure has not adapted to nor been accepted by the traditional power setup in the region. In fact, the heavily financed and armed militants outmatched the tribal chiefs who stood up to them. They have killed approximately 120 tribal elders on charges of being spies of the Pakistani government and/or the Americans. It was only when it became clear that these militants had outmatched the Frontier Corps that the army was called in to control the situation.

The main reasons that have led to the emergence of this region as a flashpoint of extremism, terrorism and violent insurgency can be traced to the days of the liberation of Afghanistan and includes several failures on part of Islamabad and the international community. These include:

- 1) The failure to reintegrate the mujahideen (after the Afghan Jihad and ouster of Soviets);
- 2) The failure to provide the people of the region with desperately needed socio-economic resources, including basic facilities in health, education and communications [7]; and
- 3) The failure to initiate reforms both at the political and administrative level in the FATA region.

The cumulative effect of these factors provided a fertile ground for the emergence of several players/groups that had clearly defined stakes in exploiting the situation.

Any effort to tackle the insurgency requires an understanding of the key local players, their strategic objectives and their linkages to other organizations or groups with vested interests.

**Currently we can discern four categories of militants in the tribal areas:**

1) The jihadists, who are called “purists”, and whose chief purpose is to fight jihad. For them, there is no difference between the Soviets and the United States/NATO, as they are all perceived as occupiers of an Islamic state. These people are believed to have no desire to indulge in anti-state or criminal activity. It is understood that these “purists” will cross over into Afghanistan to fight jihad. The particular nature of the regional terrain is conducive to their activities and their cross-border incursions are expected to continue.

2) The indigenous Pakistani Taliban, who have regrouped under Baitullah Mehsud’s Tehrik-i-Taliban, and like-minded smaller organizations and groups. The TTP’s emergence as an independent entity with a sophisticated organizational structure and operational capability was formally announced in December 2007. The group had been active in the FATA region, principally in the South Waziristan, Mohmand, and Bajaur Agencies for some years. The TTP has successfully engaged the Pakistan armed forces and currently supports Taliban operations in Afghanistan against NATO forces. This has resulted in other smaller militant groups, like Lashkar-i-Islam, joining them either as associated partners or as followers. Mehsud’s organization, which is reported to be 5,000 strong, has attracted many disbanded terrorist groups that are not confined to the FATA region. In fact, the TTP’s reach now extends to the settled areas of the NWFP, including the districts of Swat, Malakand, Bannu, Tank, Lakki Marwat, D.I.Khan, Kohistan and Buner.[8]

3) The criminal groups who have assumed the mantle jihad in order to exploit the situation to the benefit of their criminal activities.

4) The “shadow” group whose identity is yet to be determined. This group is believed to be involved in attempts to reignite conflict when the situation calms down and some headway is being made in efforts to bring peace.

The multi-layered nature of the insurgency demands a similar approach in dealing with the actors involved. There is a need to strengthen the regional security forces including the police, the khassadars and the levies: [9] as an integrated force, they could deal effectively with the criminal elements and the smaller militant groups. In order to ensure the implementation of the strategy to deal with the insurgency, it is crucial to harness the support of the tribes. In fact, the government, by exploiting differences between the Uzbek militants and the Waziri tribes, waged a successful operation in March 2007 that resulted in the killing and expulsion of more than 300 Uzbeks from the area.



**Failings of the US Strategy towards FATA**

It seems that the US has failed in its “winning the hearts and minds” strategy; in fact, it has not even bothered to operate in this context in the FATA region. Conducting air strikes, dismissing civilian (and now military) casualties as “collateral damage”, and then expecting local people to be grateful for development aid seems presumptuous. While development funds are badly needed in the impoverished and radicalized region, the truth is that the tribesmen view any development aid from western quarters as blood money. There is evident hostility towards western aid, a fact exploited by the militants who have termed it *haram* and have vowed to wage all efforts to sabotage any such projects. As a result of the huge socio-economic deficit – a problem that can be partly considered a failure of the Pakistani government and partly of the international community that abandoned the region after the ouster of the Soviets from Afghanistan – the region has tilted towards extremism and terrorism. The conflict in Afghanistan became the cause for the consequent radicalization, terrorism, weapons proliferation and narcotics trafficking.

As if the missile attacks from an unmanned predator aircraft, which caused civilian casualties were not enough – it is now rumored that the Pentagon has planned ground operations in the tribal areas. It is beyond comprehension that Washington seems to have entirely disregarded realities on the ground. Instead, they reveal signs of panic by erring in their policy-making. Their rhetoric about successes in Iraq and control of the situation in Afghanistan is in contradiction to reality, and it seems that the policy makers in Washington are scrambling to take any measure that might indicate some semblance of control over the situation in these two countries.

In order to deter cross-border incursions by al-Qaeda and the Taliban, and to gain logistic support from Pakistan, the US should focus on increasing troops on the Afghan border. The villages that have sprung on the Afghan side of the border have been largely ignored by the coalition and Afghan security forces and are believed to also provide sanctuary and logistical support to the Taliban and others. Besides, the refugee problem (Pakistan hosted about 4 million Afghan refugees, of which about 2 million are still to be repatriated) needs to be addressed on an immediate basis.

The US and its allies should also focus on strengthening the institutional structures in Afghanistan and make concerted efforts to root out criminal and corrupt elements within the establishment. The Afghan Army and police trained by the international forces are expected to share more of the burden of the ISAF at some point later in 2008. However, this is not expected to have much of an impact on controlling the Taliban insurgency, as this is in actuality a nationalist movement. Rampant corruption at various levels within the system, ineffective central governance, and the disillusionment of the Afghan people with the establishment are also contributing factors.

The linkages between narcotics production and the insurgency are often discussed but have yet to be fully addressed. There is strong evidence that narcotics serve as the crucial financial supply-line for the Taliban and al-Qaeda. A hard-hitting strategy for narcotics eradication complemented by a viable alternative livelihood plan for the opium farmers is the need of the hour. In addition, the vested interests of international organized criminal

groups, specifically the narco-mafia, in an unstable Afghanistan and Pakistan cannot be ignored.[10]

As for the Pakistani perception of the “War on Terror”, the truth of the matter is that the Pakistani people, in general, do not consider it their war; they feel they have been dragged into it. Despite being subjected to a wave of suicide attacks and the spread of Talibanization, they feel these are reactions to the government’s support of US policies. Instead of aggravating an already volatile situation by staging ground operations to hunt down al-Qaeda, the US should place the onus on the Pakistani military and beef up the regional security forces with technical training and intelligence support. Any air strikes to hit “high value targets” must be conducted only by the Pakistani armed forces, and these should be kinetic strikes with minimal civilian casualties. Pakistani intelligence services are already in close collaboration with the US and other allies, where intelligence information is shared with about 50 countries on a daily basis. This intelligence cooperation could be enhanced with added focus on the development of human intelligence in the area (FATA and other identified sensitive areas in Pakistan) aided by technical surveillance.

In reaction to the constant haranguing from Western sources regarding the role of the ISI and elements in the armed forces in helping the Taliban, Pakistan has recently issued a strong denial of such activities. It has taken particular exception to the report issued by the RAND Corporation entitled “Counter Insurgency in Afghanistan” which claims that there are Taliban sanctuaries inside Pakistan and that elements within the Inter Services Intelligence (ISI) and Frontier Corps (FC) are providing arms and financial assistance to Taliban. Pakistan has also categorically denied that any of its officials or troops is helping insurgents and has rejected the report’s allegations. A statement issued by the Pakistani military denounced the report, stating that it, “is misleading, factually incorrect and based on propaganda to create doubts and suspicion in the minds of (the) target audience about Pakistan’s role in supporting the coalition forces in Afghanistan.”[11]

As far as Pakistan is concerned, efforts to catch some of the key al-Qaeda planners and operators have met with considerable success in the past. However, the struggle promises to be a long one, for the organization has now grown into a movement. The strategy in the War on Terror should be to avoid the high-handed approach and the use of language that has generated hatred and extremism against the West in the past. It is naïve to expect that the unilateral use of force could lead to the eradication of terrorism. Recommendations have been made at the international level to address the root causes of grievances and injustices (perceived or real) that lead to radicalization and extremism. However, the growing spread of radicalization not only among the so-called madrassah trained youth but also among the educated classes portends that the problem will not be an easy one to resolve. In fact, there is a clear lack of strategy as well as a lack of commitment to implement and sustain plans geared towards resolving the region’s problems; the lack of understanding of the people, their culture and beliefs is another major problem.

On the other hand, as part of a comprehensive strategy, the US has planned to contribute over \$2 billion, with a special development package worth \$750 million including the

establishment of Reconstruction Opportunity Zones (ROZs) in the FATA region. The US has also drawn up a Security Development Plan estimated to cost \$400 million for enhancing the capability of the Frontier Corps, thus improving security in the region.[12] These are commendable initiatives and are expected to yield dividends for the local people. However, as seen in the past, the implementation of such projects has faced obstacles, with a major portion of the funds going towards consultants' fees in western capitals and very little trickling down to benefit the locals. Afghanistan is facing the same problem where reconstruction funds amount to a meager \$7-8 billion compared to military costs of \$80 billion. Implementation of such projects can be made acceptable to the people by involving Muslim countries that can play instrumental roles; this will be discussed below in more detail.

### **Pakistan's Strategy towards FATA: Suggested Amendments**

The effort to use military deployment as a means of political negotiation and a facilitator of economic development has been absent from the strategy to deal with the situation in the tribal areas. A political strategy, drawn up in consultation with tribal elders, to spread awareness among the local tribes could clear up any misconceptions and mistrust created by the militants. At this point the *presence* of military forces in the region as a means to apply sustained pressure to deter any sabotage attempts is important.

Historical facts show that the unilateral use of the force has never been an answer to resolve the FATA's problems. Though a military presence in the FATA eventually became a necessity, this has had an adverse effect on the administrative set-up as the authority of the political agent has been eroded.[13] Taking punitive action against the tribes, including blockades and mass arrests, will not work and will likely lead to a worsened situation. In fact, the militants have welcomed blockades of the area as it deprives the locals of the area of their basic economic needs.

In order to rectify the present situation, there should be a graduated response. Political and administrative reforms need to be introduced with the possible merger of the region into the NWFP. (The government has proposed renaming the province, from NWFP, to 'Pukhtookhwa' as a first step in addressing the perceived neglect of the region). Until such time, the authority of the political agent must be restored.

As for negotiations with militants and peace agreements, the government needs to show resolve in standing by its objectives of not tolerating any type of activity against the state apparatus or violence against its citizens. Pakistan has expressed its inability to control incursions into Afghanistan on its own. It is only fair that Pakistan and Afghanistan should share the responsibility to stop such incursions. Further, NATO must act upon the government's proposals to the ISAF command to post extra troops and check movements on the Afghan side of the border. While curtailment of the use of force against groups like the TTP is not a likely option in the foreseeable future, there should be a continuous effort to keep channels of communication and dialogue open with such groups.

### **Socio-economic Development in the FATA Region**

The provincial government in the NWFP plans to initiate a \$4 billion development fund for the Frontier province including the FATA region. This is in addition to the \$2 billion Sustainable Development Fund (SDP) for the FATA region that could not be implemented due to a lack of resources and funds.

A key factor in the implementation of any development work in the region is consolidating and strengthening local support. It is important to reach an effective agreement with the tribes in the FATA region in order to implement development projects. This in turn will have far reaching implications, as the tribes will realize the benefits of these projects for their areas.

A comprehensive regional development plan encompassing training and provision of jobs, infrastructure, education, health, agriculture and trade development is urgently required. However, for immediate impact, providing jobs to the people from the area either locally or internationally is vital.

Any future development plans for the FATA should include the Islamic states, principally the GCC states, as integral partners with a leading role. This would be immensely beneficial in two ways. Firstly, it would counter the widespread hostility in the area towards western aid and the fears of a broader ‘design’ to subvert the people of the area from their religion and beliefs. Secondly, the locals, who would perceive these projects as an Islamic initiative, would resist sabotage attempts by militants. The projects would also address the concern about unemployed youth being drawn into extremism, as they would aim to provide jobs to young people. [14] Much of the large youth population (approximately 15 percent in Waziristan alone) could also be provided jobs in the Gulf States with strict monitoring from the Pakistani side. Understandably the Gulf States would have security concerns as well, which would need to be addressed by Pakistan.

In fact, the export of labor from these areas to the GCC States would add to employment opportunities. The local tribes can be apportioned a quota that could be flexible and based on performance and good behavior. Providing training opportunities in remote areas could facilitate the recruitment of locals for un-skilled and semi-skilled labor. Mobile training teams would travel throughout FATA with tribal support in order create awareness among the local population about opportunities. The Political Agent and the tribal elders could also be involved in the process in order to facilitate the endeavor in addition to propagating the initiative regionally.

The existing recruitment centers in the Frontier Province and other parts of the country could be utilized for providing further training in various fields to those who have had some basic education and other technical training. It is expected that there will be a larger turnout for labor recruitment in the construction and services sector. This would be mutually beneficial for the FATA area and Pakistan as well as the Gulf States due to booming construction and real estate development in the Gulf. [15]

A key area in dire need of resources is the transportation infrastructure, specifically roads. Any development in the roads network would have an immediate impact on the people’s lives and make the region more accessible. This would also boost trade and

commerce in the region. Home to 3.96 million people, FATA suffers from a lack of development in the education, health, energy and agricultural sectors. The literacy rate for FATA is a mere 17.42 percent, according to a 1998 census, compared to 43.92 percent for the rest of Pakistan. The female literacy rate at three percent is the lowest in the country. [16]

Similarly, the health sector also demonstrates poor indicators. The total number of hospitals in the entire FATA region is 33, with a further 301 dispensaries. Sadly, there is only one doctor for a population of 6,970. [17]

The agriculture sector has also been neglected due to a lack of resources. Addressing the issues of water scarcity, land reclamation and forestry development, the introduction of tunnel farming for off-season vegetables and fruits, and livestock farming could give a boost to overall development in the region. Similarly, the mining of coal, marble and other important minerals is a potential goldmine waiting to be tapped. The region also badly needs energy for village electrification and irrigation purposes. Additionally, tapping sources of hydroelectric power and solar energy is another area that could be explored.

### **Conclusion**

Pakistan's military cooperation with the US and coalition forces in Afghanistan is likely to continue despite the June 10 air strikes that have elicited a sharp reaction and created tension. However, the air strikes by US aircraft and coalition forces must be curtailed in the larger interest of winning this war. As stated earlier, it is advisable that Pakistani forces carry out any air strikes on targets inside Pakistan. The criticism of Pakistan's efforts being aired in Washington has caused confusion leading to a debate in the country on whether or not the current situation is part of an induced destabilization process aimed at denuclearizing the country.

In any case, a genuine effort to completely root out extremism requires that the West revise its strategy. It is also mandatory that the internal dynamics of the FATA region be incorporated in any strategy that seeks to deal with the conflict situation.

Pakistan should step up efforts to implement political, administrative and judicial reforms in keeping with tribal traditions. There must be a concerted effort to dispel the feeling among the people that they are not part of the mainstream in the country. More importantly, the government should address their frustration and sense of socio-economic deprivation. As stated earlier, the use of military force should only serve as a supporting tool for implementing the political and economic strategies discussed above. However, it would also help to thwart the militants' goal of exploiting the situation and recruiting people for extremist activities.

It is hoped that the international community, including the US, the EU, and especially the GCC states, will reach out to extend cooperation for the development of the FATA region. It should be kept in mind however, that there is no short cut to achieve the final objective. While measures implemented on an immediate basis could generate results

and change perceptions, a multifaceted strategy that would work on different levels would need a long-term commitment and sustained resources. This is the responsibility the international community must commit to; for Afghanistan's example is a stark reminder of how an unattended situation can disintegrate into chaos.

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## Notes:

[1] BBC World News, June 1, 2008.

[http://news.bbc.co.uk/2/hi/south\\_asia/7429699.stm](http://news.bbc.co.uk/2/hi/south_asia/7429699.stm)

[2] Geo Television Network, June 11, 2008.

<http://www.geo.tv/6-11-2008/19148.htm>

[3] The Pak government, in the face of belligerent Afghan posturing about sending its forces to hunt down Taliban leaders like Mehsud and Mualvi Umer (there was an ambiguity about which "Umer" Karzai referred to, there is the Taliban leader Mullah Umer (Afghan) and then there is Maulvi Umer who is the spokesman of the TTP (Mehsud's); had also propositioned NATO to increase vigilance on the Afghan side of the border. Border monitoring has to be a collective responsibility in this case and must be shared equally between Pakistan, Afghanistan and the International Coalition Forces.

[4] Daily Times, December 16, 2007.

[5] The News, June 12, 2008.

[6] Information obtained from interviews with some high level Intelligence Officers in Islamabad, May 17, 2008. Identity cannot be disclosed as per prior understanding.

[7] This socio-economic deprivation has led to rise in extremism and radicalization. As a result the Taliban and other militant organizations have been able to recruit much of the younger population as well as many of the returnees of the Afghan jihad.

[8] The News, December 16, 2007.

[9] The establishment of Federal Levies and Khassadrs in FATA and (tribal areas in Balochistan) was introduced by the British and has to date been maintained in order to exercise an effective control over the tribal people and for the maintenance of law and order in the tribal areas. The political agent holds the control of the federal levies and khassadars and runs the day to day affairs of policing the agency. Levies are the community police. They perform all functions that the regular police are supposed to do. Total strength of Federal Levies in FATA is 6785. Khassadar position is hereditary and incumbents carry their own weapons for the duty. Total strength of Khassadars working in NWFP & FATA is 17597.

[10] It is believed that the Taliban in Afghanistan are being paid heavily by the organized crime groups running the narcotic trafficking network to allow safe passage of drug consignments to pass into Pakistan and Iran for trafficking to other destinations. The al Qaeda is also believed to be using narco money as a financial supply-line. The narcotics production and trafficking is now directly linked to the financing of the Taliban insurgency and the terrorist funding for al Qaeda and other associated groups. The international community needs to address this on an urgent basis.

[11] The News, June 12, 2008

[12] Shuja Nawaz, "Rethinking the War in Pakistan's Borderlands," The Huffington Post, March 13, 2008.

[http://www.huffingtonpost.com/shuja-nawaz/rethinking-the-war-in-pak\\_b\\_91407.html](http://www.huffingtonpost.com/shuja-nawaz/rethinking-the-war-in-pak_b_91407.html)

[13] The Political Agent referred to here is the administrator appointed by the Governor of the NWF province and is in charge of running the administration of the agency. This setup has been implemented since the days of British Colonial rule has carried on successfully to date. Ironically with the increased military presence of the Pakistan Army, the role and authority of the Political Agent is now reduced to a nominal stature.

[14] Some quarters assert that the GCC states do not fully respect labor rights and question the increased export of Pakistan labor force to the Gulf. Recent press reports also brought to light several incidents where protests over unpaid wages and proper accommodation were staged by the work force especially in the construction sector. This served as an eye opener causing some of these host states to review the problems and address the violations. Many of these workers who were found guilty of inciting and indulging in violence were deported as well. It is not correct to assume that there are no transgressions in the labor sector by private or semi private or even government owned companies but there is marked improvement and more openness about such issues. In fact several of the GCC states are on a self improvement drive.

[15] In view of anti trafficking laws and labor reforms being implemented due to international concerns for expatriate labor communities in GCC states, and a desire to improve their image, many of the GCC states have seriously started to take measures to improve abuses within the labor sector. It is not expected to assume a model status but things have improved significantly over the years. It is also true as proved by a study conducted by Gallup Pakistan that Pakistan labor force prefer the Gulf as a work destination due to closeness to home, perceived higher monetary returns and ideological reasons.

[16] Directorate of Education FATA, NWFP, Pakistan Education Survey, 2004-05, Census Report of FATA, 1998.

[17] Statistics provided by the FATA Secretariat, Year 2006.



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