MERIA

THE WAZIRISTAN ACCORD

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The Waziristan Accord between Pakistan's government and tribal leaders in that country's Federally Administered Tribal Areas (FATA) has failed not only to curb violence in the immediate region but also to restrict cross-border militant activity--including resurgent Taliban and al-Qa'ida cadres--between Pakistan's "tribal belt" and Afghanistan. The purpose of this article is to examine the Waziristan Accord and to indicate why agreements of this nature will continue to fail unless there is a substantial modification in Pakistan's internal and regional policies.

On September 5, 2006, in the town of Miranshah, on the football field of the Government Degree College, Maulana Syed Nek Zaman, a member of the National Assembly for the North Waziristan Agency and a tribal council member, read out an agreement between the Pakistani government and tribal elders that has since been known as the Waziristan Accord. The agreement, witnessed by approximately 500 elders, parliamentarians, and government officials, was signed on behalf of the Pakistan government by Dr. Fakhr-i-Alam, a political agent of North Waziristan, tribal and militia leaders from the mainly Pashtun tribes and clans of the area, and seven militants representing the Taliban *shura* (advisory council). The signing was witnessed by Major-General Azhar Ali Shah, the commanding officer of the Pakistani army in the region. The venue was heavily guarded by armed tribal militia members and allegedly also by armed Taliban members.[1]

The Treaty of Waziristan (or the Waziristan Accord) is considered by some to be the "unconditional surrender" of the government of Pakistan to the tribes of the area, the Taliban, and al-Qa'ida.[2] On the other hand, government representatives continuously reiterate that the treaty was signed only with the elders and leaders of the tribes inhabiting the region, who have in turn committed themselves to suppressing cross-border Taliban and al-Qa'ida activity and to eradicating the presence of foreign militants in the area.[3] However, even a cursory monitoring of the situation since the September 2006 agreement indicates that the former is probably closer to the truth. Nevertheless, describing the Waziristan Accord as an "unconditional surrender" is probably too extreme a characterization, since the government of Pakistan hardly surrendered anything but rather reaffirmed the status quo--a state of affairs that certain segments of the Pakistani administration do not consider to be adverse but rather vital to Pakistan's greater strategic interests.[4]

This article is divided into two sections. The first will provide a brief background of the events that culminated in the signing of the Waziristan Accord, its main purpose being to situate this particular agreement in the wider context of regional history and politics, including Pakistan's role in the War on Terror. The second part will examine what little has been made public regarding the Waziristan Accord and juxtapose its terms to events on the ground in an attempt to provide an assessment of it. The overall intention of this article is not only to illustrate how this agreement, like its predecessors, has failed to solve the two main issues it was designed to settle--the cessation of violence in the immediate area and the termination of cross-border militant movement and activity against the nascent Afghan government and U.S. and NATO troops in Afghanistan--but perhaps

more importantly to highlight the reasons why accords of this nature will continue to fail unless the Pakistani government (in its entirety) radically alters its policies in the area and substantially shifts its regional strategy (both with respect to Afghanistan as well as Kashmir).

BACKGROUND TO THE WAZIRISTAN ACCORD

In 2001-2002, as a result of successful U.S. operations in Afghanistan (Operation Enduring Freedom, OEF) against the Taliban movement and al-Qa'ida elements, the former were ousted from power and the latter lost their state sanctuary, effectively destroying them as an organization. However, it is by now a widely accepted fact that many members of both groups, including their top-tier leadership, managed to escape and find refuge across the country's eastern border with Pakistan--a region known as the Federally Administered Tribal Areas (FATA)[5]--and have since (especially the Taliban) "…established themselves in parts of south-western and south-eastern Afghanistan, control parts of FATA and have their main headquarters and support networks in Baluchistan."[6]

The FATA consist of 12 administratively autonomous regions[7] of western Pakistan. Together with the North West Frontier Province (NWFP) that lies to the north and the province of Balochistan (or Baluchistan) to the south, these three administrative divisions (two provinces and one territory) form the greater part of Pakistan's border with Afghanistan. The southern Afghan provinces (from west to east) of Nimruz, Helmand, Kandahar, Zabol, and Paktika border Balochistan to the south. Paktika also shares its eastern border with North and South Waziristan, the largest and southernmost agencies of Pakistan's FATA. The remainder of Afghanistan's eastern provinces (from south to north)--Khost, Paktia, Nangarhar, and Konar--border the FATA agencies of North Waziristan and Kurram (Khost); Kurram (Paktia); Kurram, Khyber and Mohmand (Nangarhar); as well as Mohmand and Bajaur (Konar). Konar also shares a border with the Dir Agency of the NWFP. The northeastern provinces of Afghanistan (from south to north)--Nurestan and Badakhshan--border Pakistan's NWFP agencies of Dir and Chitral to the east (Badakhshan also shares a small strip of border with Pakistan's Northern Areas). Characterized by mountainous terrain and a bewildering array of autonomous, mainly Pashtun tribes and clans, the FATA are ostensibly controlled by the federal government of the Islamic Republic of Pakistan, but in reality the government has never exercised any level of substantial control over the area.

Unlike Balochistan and the NWFP, the FATA have never been truly incorporated into the Pakistani state. Epigrammatically, the government controls the area indirectly through political agents (PA), who are federal or provincially recruited bureaucrats that wield considerable executive, judicial, and revenue power in each FATA agency. These PAs, which are appointed by the NWFP's provincial governor, essentially control access to political and financial privileges and have the authority to suspend them arbitrarily according to the interests of the state (in consultation with the governor). The PAs are in turn supported by *khasadars* (irregulars drawn from the tribes in the area and employed and financed by the PA) and levies (tribal militias) as well as by paramilitary forces under the control of the army, whose task is to maintain law and order and suppress crime. For purposes of daily administration, however, the PAs--and by extension, the government of Pakistan--rely on the support and services of *maliks* or holders of *lungi* positions, titles of official recognition and privilege (including financial benefits) granted by the political administration to tribal elders and leaders in order to secure their cooperation. Essentially, the PAs, as proxies of the central government, control access to political and financial privileges that they use as incentives and control mechanisms in order to manage the tribes of the FATA upon which they depend for their manpower needs. The

administrative and legal structures that the Pakistani government uses to manage the FATA are codified in a framework known as the Frontier Crimes Regulation (FCR) 1901, a colonial-era arrangement that has been variously described as "arbitrary," "draconian," "oppressive," and contrary to human rights.[8] A former chief justice of the Peshawar (NWFP provincial) High Court explained in an interview with the International Crisis Group (ICG) that:

> The present system of administration embodied by the PA and the FCR is a mechanism of social control that suited the colonial needs of the British but cannot be justified by any standards of modern administration and even basic human rights.[9]

The FCR is a parallel legal system used by the Pakistani government in essentially the same way as it was used by the British Raj, to control a supposedly "unruly" population according to the best interests of the central administration. In cases where the interests of the state are not directly at stake, the tribes of the FATA are left to their own devices to settle criminal and civil disputes. This state of affairs creates perceptions of exclusion rather than inclusion. Unlike the rest of the country, which falls under the jurisdiction of the country's regular court system (district and sessions courts that can appeal to the provincial High Courts or the Supreme Court of Pakistan), the FCR, with its arbitrary provisions for collective punishment, discrimination against women, and no right of appeal (to mention but a few), is the only law of the land. Thus, the FCR is not only an anachronism but also breeds clientelism[10] and "…strengthen[s] conservative and patriarchal values."[11] While the Pakistani state claims that governance in the FATA is based on Pashtun tribal customs, in reality it has

> …elected to govern [the region] through local proxies and draconian colonial-era administrative structures and laws, depriving locals of constitutionally guaranteed civil and political rights and protection of the courts.[12]

The conclusion that can thus be made is that

> …poor governance, combined with a long history of official [state] support for Islamist Pashtun proxies in Afghanistan… explains the growth of militancy and extremism in Pakistan's Pashtun-majority tribal region.[13]

The aforementioned administrative and legal issues are to a large extent responsible for the current state of underdevelopment in the region, which is the least developed territory in Pakistan. Not only are literacy rates far below the national average (which is itself comparatively low internationally--49.9 percent),[14] but due to its lack of infrastructure, the FATA comprise one of the most inaccessible areas in the world. Thus, although the FATA are "…formally a part of Pakistan [the region] more closely resembles a colony whose population lives under laws and administrative arrangements that set it apart from the rest of the state."[15]

A further issue that complicates matters is the transnational character of the Pashtun tribes living in the area. The Pashtuns are probably the largest "stateless ethnic group" in the current Westphalian international system (a description usually reserved for the Kurds)[16] and inhabit large sections of Pakistan's western regions (the NWFP, the FATA, and Balochistan) and Afghanistan's eastern and southeastern provinces. They are the largest ethnic group in Afghanistan and the second or third-largest in Pakistan (after the Punjabis and Sindhis, depending on which census data one chooses to use). They straddle the Durand line, an artificial, colonial demarcation that forms the border between the two countries.

As with the FCR mentioned previously, the Durand line is a product of the British Raj's Afghan policy, inherited by the state of Pakistan after independence in 1947, and was

a further attempt by the British Empire to control the "unmanageable" territory and population to the northwest of and adjacent to British India.[17] Indeed, the Durand line can be perceived as an attempt to weaken the potential unifying strength of Pashtun tribes in the area (a variation of the British Empire's "divide and conquer" approach), since it essentially divided the Pashtun ethnic group in two. Although the demarcation has been upheld under the *uti possidentis juris* principle of international law--where agreements with or between colonial powers are "inherited" by and are considered binding upon successor independent states--successive governments of Afghanistan (including the administration of Hamid Karzai and, to Pakistan's chagrin, the Taliban during their time in power)[18] have not recognized the line as the official border.

On the other hand, governments of Pakistan, fearing Pashtun nationalist claims within Pakistan as well as irredentist claims from Afghanistan, have continuously expressed recognition of the Durand line and have attempted to solve the dispute through the subversion of Pakistani- and Afghan-Pashtun nationalist movements while supporting Pashtun groups that espouse a non-nationalist agenda.[19] This approach can best be illustrated by the rule of General Muhammad Zia-ul-Haq (1977-1988). As part of a deliberate policy on the part of his regime, Afghan guerrilla groups that advocated Islamic (as opposed to purely nationalist) aims were supported in order to dampen Pashtun nationalist and Afghan irredentist claims on areas of the FATA, the NWFP, and Balochistan (a region claimed by Pashtun nationalists as part of "Pashtunistan"--the "homeland" of the Pashtuns straddling the Durand line). Even the administration of General Pervez Musharraf, while paying lip-service to wide-ranging reforms and half-heartedly implementing a few (mainly to ease international pressure), "…is following the pattern of the country's previous military rulers in co-opting religious extremists to support his government's agenda and to neutralize his secular political opposition."[20]

It can thus be argued that the partnership between the Pakistani state and Afghan Islamist groups has been a direct result of successive regimes' simultaneous (and continuing) collaboration with Pakistani Islamists. In the case of the Zia regime, in an attempt to legitimize military rule, it pursued a program of "Islamization" of the country,[21] which in turn led it to support the jihad in Afghanistan and brought it into a strategic alliance with Pakistani Islamist parties and groups as a means to further this specific end. The aforementioned concomitant policies can also be considered as part of the larger regional strategy pursued by Pakistan since its independence in 1947--the provision, by Afghanistan, of "strategic depth" for Pakistan in the event of total war with India, Pakistan's arch-rival on the subcontinent; a situation that could only come about through the rise to power in Afghanistan of a regime that shared Islamabad's outlook.

The nexus then, among Pakistani governments, Pakistani and Afghan Islamists, and Pakistan's Afghan policy in general, thus becomes evident when the strands mentioned previously are considered concurrently. This was illustrated during the period of the jihad against the Soviet Union's invasion of Afghanistan (1979-1989). Throughout the jihad, the border tribal regions of Pakistan (Balochistan, the NWFP, and the FATA--including North and South Waziristan) were at the forefront of the *mujahidin* resistance effort, providing staging posts for cross-border operations against the Soviets as well as sanctuaries from which prospective and returning mujahidin to and from the "Afghan front" could be housed, trained, armed, and indoctrinated.[22] Pakistani Islamist parties and their members, such as the Jamaat-i-Islami (JI), the Jamiat Ulema-e-Islam (JUI), and Maulana Fazlur Rehman, were instrumental in setting up *madrasas* (religious schools) and networks in support of the jihad against the Soviets.[23] The Maktab al-Khidmat lil Mujahidin al-Arab (Afghan Service Bureau, MAK), the forerunner to al-Qa'ida (as an organization), was formed in Peshawar, Pakistan (the capital city of both the NWFP

and the FATA) in 1984 in order to facilitate the movement of mujahidin fighters to the jihad in Afghanistan. It was, however, just one of many such support structures on both sides of the Afghanistan-Pakistan border.[24] The Taliban themselves grew out of a movement based around Kandahar in Afghanistan and Balochistan[25] (specifically Quetta) in Pakistan in 1994 and were supported by individuals in the JUI, such as Samiul Haq (who "…has deep respect for Mullah Omar"[26]) and the Pakistani Inter Services Intelligence (ISI).[27] The sanctuaries, entry and exit routes, and support networks that were created as a result of the jihad and Pakistan's Islamist-tilted Afghan policy, as well as the ties established between the Taliban and al-Qa'ida movements and Pashtun tribes along the Afghanistan-Pakistan border, never really ceased to exist and were reactivated[28] following the fall of the Taliban. Writing in 1996, Olivier Roy stated:

> The triumph of the Taliban has virtually eliminated the border between Pakistan and Afghanistan. On both sides, Pashtu tribes are simultaneously slipping towards fundamentalism and becoming increasingly implicated in drug trafficking. They are gaining autonomy; already small fundamentalist emirates are appearing on Pakistani soil.[29]

A more succinct analysis of the state of the Afghanistan-Pakistan border region (including the FATA) is difficult to find. Roy's statement encapsulates not only the porous and transnational nature of the border and its population, but also indicates the effects that Pakistani government policies have had in the region. Government support for Islamist movements--such as Gulbuddin Hekmatyar's Hizb-i-Islami (Islamic Party)[30] and the Taliban--during the jihad and Afghanistan's civil wars (1989-2001) in pursuit of its Afghan and Pashtun policies in effect "…militarized and radicalized the border region."[31] Ahmed Rashid makes a similar point when he states that: "Tribal groups imitating the Taliban sprang up across the Pashtun belt in the NWFP and Baluchistan."[32] Although this passage specifically refers to the emergence and consolidation of the Taliban movement during the period of 1994 to 1996, Rashid illustrates a number of the same points evident in Roy's aforementioned analysis. Additionally, he highlights the difficulty in distinguishing between Afghan- and Pakistani-based groups that refer to themselves as "Taliban," since the movement, far from being territorially confined to specific areas such as Kandahar in Afghanistan or Quetta or Peshawar in Pakistan, is as transnational as the population that spans both sides of the Durand line. The reason is that the Taliban is a product of a system of "Islamization," created, operated, and supported by Pakistani and Afghan Islamist parties and movements. Despite the fact that "…there was mounting public concern about the Talibanization of Pakistan, the country's leaders ignored the growing internal chaos."[33]

The rise in militancy along the border regions and the weakness of the Pakistani government to confront it and decisively deal with it are not issues confined to Islamabad's *past* actions alone. Within the Pakistani political establishment itself there continue to exist powerbrokers that are either pro-Taliban or exhibit radical Islamist tendencies. The Muttahida Majlis-e-Amal (United Council for Action, MMA)--an alliance of six major religious parties including the Jamaat-i-Islami (JI), the Jamiat Ulema-e-Islam faction of Fazlur Rehman (JUI-F), the Jamiat Ulema-e-Islam faction of Samiul Haq (JUI-S), the Jamiat Ulema-e-Pakistan (JUP), the Jamiat Ahle Hadith (JAH), and the Islami Tehrik Pakistan (ITP)--was explicitly formed in opposition to President Pervez Musharraf's decision to ally Pakistan with the United States in its Global War on Terror following the September 11 attacks.[34] While the JI, one of the most organized political parties in Pakistan, is the prominent force behind this alliance, the MMA includes within its ranks both factions of the pro-Taliban Jamiat Ulema-e-Islam (the Fazlur Rehman and Samiul Haq factions).[35]

The MMA's political platform aims at the Islamization of Pakistan through the introduction of the Shari'a, the end of coeducation, and the introduction of more Islamic texts into school and college curricula. Furthermore, it shares the outlook of the Pakistani military regarding India and Kashmir and Afghanistan's role as a provider of strategic depth against the former--this being one of the reasons for the lack of serious confrontation between the religious parties and the military. In the October 2002 general election, the MMA achieved considerable political successes, which enabled it to both become the ruling party in the NWFP and a major partner in Balochistan (in cooperation with Musharraf's Muslim League, Quaid-i-Azam, PML-Q) as well as to win control of 62 out of 342 seats in the National Assembly (making it the third largest party).[36] Constituent groups within the MMA and prominent personalities of the alliance (such as Rehman) have been instrumental in brokering the agreements reached with pro-Taliban tribes in the FATA (including the Waziristan Accord).[37]

The transnational relationships between the inhabitants on both sides of the Afghanistan-Pakistan border and its porous nature are also reflected in one of the key judgments made in a 1985 Central Intelligence Agency (CIA) report regarding Afghanistan, which stated that "…as long as the insurgents have access to strong external support and open borders,"[38] the Soviets would find it difficult to control much of the countryside. Although this conclusion was made in reference to CIA estimates of the number of Soviet troops that could be used to reinforce the Union of Soviet Socialist Republics' (USSR) commitment in Afghanistan, the previously quoted extract crystallizes the two main difficulties faced by Soviet counterinsurgency efforts to defeat the mujahidin resistance--external support and a porous border. Additionally, while the "external support" portion of the quotation undoubtedly refers to the various types of aid provided by third parties to the mujahidin (for instance, Pakistan, Saudi Arabia and the United States), for the purposes of this article, it is enough to make the connection that any form of external support to insurgent or terrorist elements across the Durand line (given the transnational nature of the population and the difficulty of policing the border) would make it difficult for a stabilizing force (on either side) to establish control effectively. Without wanting to draw too much of a parallel between the Soviet invasion of Afghanistan and the current situation, what does become evident from a comparison of the two is the role that cross-border networks can have in sustaining insurgencies (or for that matter terrorist activity) on both sides of the Afghanistan-Pakistan border.[39]

Thus, in order to deal with Taliban and al-Qa'ida members fleeing across the Afghanistan-Pakistan border and because of the potentially negative political fallout of stationing foreign troops on Pakistani soil or of conducting large-scale, highly visible "hot pursuit" cross-border actions, the United States was forced to enlist the assistance of the Musharraf government in order to suppress Taliban and al-Qa'ida movement and action between Pakistan and Afghanistan in 2001-2002. As a result, in July 2002, the federal government dispatched approximately 80,000 troops to sensitive border areas of the FATA for the first time since 1947, in search of Taliban and al-Qa'ida members.[40]

Almost immediately, a violent and increasingly expanding resistance against this perceived incursion by the Pakistani military surfaced. Although this outbreak of violence can be directly attributed to the military's (regular army and paramilitary units--for instance, the Frontier Corps) indiscriminate use of force and human rights violations,[41] it is also the product of Islamabad's previously outlined policies. The perception among certain tribes and clans of the central government (and by extension its armed forces) as an opponent to be resisted; the history of the FATA; the similar ethnic composition of populations on both sides of the Afghan-Pakistan border; the transnational social networks straddling the Durand line; Islamabad's unfulfilled development and

political promises towards the region; and its oscillating policy of repression and appeasement towards militias and armed tribes all coalesced to fuel the violence that was observed following government operations in mid-2002.[42]

According to Pakistani security authorities, in December 2003 two assassination attempts against President Pervez Musharraf were traced to militants in the region comprising the agencies of North and South Waziristan.[43] In early 2004, a general insurgency developed against the central government of Pakistan, marking the beginning of what has come to be known as the Waziristan conflict. Despite the fact that a number of combatants battling Pakistani troops came from the numerous tribes of the area, the insurgency generally involved militants belonging to pro-Taliban tribes as well as members of the Taliban and al-Qa'ida movements.[44] As a result of the inherent political chaos in the FATA and the resistance of the population due to this latest military crackdown, the Taliban movement and al-Qa'ida members were provided with an environment in which they could regroup, rearm, recruit, and rebuild their training infrastructure through alliances developed with certain tribes and clans in the region.[45] It is estimated that in the period from 2004 to 2006, as a direct result of the "war in Waziristan," the Pakistani army lost approximately 1,000 to 3,000 men.[46] The possibility of an extreme deterioration of the situation and a spillover of the violence into agencies and provinces neighboring the Waziristans (North and South) and the FATA in general (mainly areas of the NWFP and Balochistan) led the Musharraf government to agree to a ceasefire with the tribes and militants inhabiting North Waziristan on September 5, 2006.

It is worth mentioning that this particular agreement between the Pakistani government and tribal and militia leaders (including pro-Taliban elements) is the third of its kind since 2004.[47] The "Shakai deal" (April 24, 2004) in South Waziristan was the first, wherein five tribal elders of the Zalikhel tribe--Nek Muhammad, Haji Sharif, Maulana Abd al-Aziz, Maulvi Abbas, and Haji Noorul Islam--accused of harboring al-Qa'ida members "surrendered" to the Pakistani military and reportedly "pledged loyalty" to the government in return for leniency. As part of the same agreement, the government released 155 of the 163 tribesmen captured in March 2004 as a result of military operations and gave "foreign terrorists" until the end of the month (April 30, 2004) to surrender and receive a pardon. The then interior minister, Faysal Saleh Hayat, announced that this general amnesty was open to all except top-tier leaders of al-Qa'ida and the Taliban. The amnesty date was extended twice, and the tribal forces that were created to hunt down al-Qa'ida and Taliban members apparently failed to locate any foreign terrorists in South Waziristan.[48]

Following the Shakai deal, violence in the Waziristans continued both from tribal militias as well as from government troops, and although some successes were announced, the deal failed to stem cross-border movement. By June 9, 2004, a militant group led by Nek Muhammad allegedly took responsibility for an attack that killed 25 people (including 17 security personnel) and wounded 11 in the Tiyarza area of South Waziristan. (Nek Muhammad was subsequently killed when a precision-guided missile hit the house he was staying at in the village of Dhok, near Wana, South Waziristan on June 17, 2004.)[49]

The second agreement between the Pakistani government and pro-Taliban militants was signed on February 7, 2005, in Sararogha, South Waziristan. Baitullah Mehsud, a pro-Taliban mujahidin commander belonging to the Mehsud tribe, allegedly "surrendered" and "laid down his arms" at a ceremony held in an open field surrounded by Taliban cadres.[50] Abdallah Mehsud (who has ties to the JUI-run Jamiat-ul Uloomi Islamiyya seminary in Binori, Karachi, which sent at least 600 students to fight for the Taliban in 1997),[51] an associate of Baitullah and a member of the same tribe, never signed the aforementioned agreement, denounced it, and continued his attacks against military

personnel and locals accused of spying for Pakistan or the United States.[52]

The terms of this second agreement were similar to the ones included in the Shakai deal, in that the six provisions of the agreement included clauses whereby Baitullah and his supporters would not support "foreign terrorists" in their area, would cease their attacks against government personnel and installations, and would be given official pardons in return. In the event of violations to the agreement, cases would be adjudicated under the FCR.[53] However, violence from both government forces and militants (including members of the Mehsud tribe) continued, and by July 27, 2005, Baitullah Mehsud declared the agreement void, resumed attacks, and blamed the government, stating that: "The government has not kept the agreement with us. It is not holding anymore…. They have violated the agreement by arresting our Mujahideen."[54]

The third agreement, the Waziristan Accord, has (unsurprisingly perhaps) gone the way of its predecessors. Although violence directed against government troops on the Pakistani side of the border did decrease somewhat in the immediate aftermath of the signing, extra-judicial killings continued, and insurgent and terrorist actions within Afghanistan increased dramatically. Talat Masood, a defense analyst and former Pakistani army general stated that "…it would take at least six months to see if the truce is effective, or whether militants use it to consolidate their positions."[55] As of 2007, more than a year after the signing of the Waziristan Accord, it appears that the latter is the case. Militant elements (including the Taliban and al-Qa'ida) are consolidating (or have consolidated) their positions and are expanding their influence along both sides of the Durand line. Like previous "peace deals," the Waziristan Accord was just as inconclusive and lacked definite guarantees and effective monitoring provisions. The former secretary of security of the FATA, Brigadier Mehmood Shah (now retired), who had been personally involved in the previous two agreements, described the Waziristan Accord as "weaker" than previous ones, stating that: "The Taliban's pledges are no more than a general statement that they will not do this and that." [56]

It can thus be summarized that the government of Pakistan entered into the aforementioned agreements due to its inability to impose its control on a particular region (or regions)--as a result of both its fractured stance regarding radical Islam within the country and its chronic mismanagement of the area(s) under consideration (namely the FATA as well as the NWFP and Balochistan). Given Pakistan's categorization as a failed or failing state,[57] a feature of which is a lack of capacity to control certain portions of their territorial expanse--thus providing space for opponents to their authority to surface--it is perhaps predictable that "peace deals" such as the Waziristan Accord would be sought by the central government. Generally speaking, in the case of "weak states," governments adopt one of two, or both, strategies--appeasement and/or repression vis-à-vis regional challengers. Pakistan has implemented both responses; Waziristan-style agreements provide an example of the former (appeasement), usually after the failure of the latter (repression). This oscillating approach has resulted in an increase and entrenchment of armed opposition to the Musharraf regime in most areas of the FATA, wherein future agreements are perceived not as genuine attempts at some sort of conflict resolution, but rather as opportunities to recuperate, extend influence, solidify gains, and prepare for the next round of hostilities.

ASSESSMENT

Although little has been published regarding the terms of the Waziristan Accord, from the information available in the public domain and according to various reports dealing specifically with the agreement, the Waziristan Accord is a three-page document that contains 16 clauses and four subclauses and follows the format of previous "peace deals" between militants and Pakistani forces

in the FATA. The terms of the agreement include the following:

> There shall be no cross-border movement for militant activity in Afghanistan. On its part, the Government pledged not to undertake any ground or air operations against the militants and to resolve issues through local customs and traditions.
>
> The agreement will come into force with the relocation of the Army from checkpoints in the region. The *Khasadar* force [a local tribal force] and Levy personnel [tribal militias] will take over the check-posts.
>
> Foreigners living in North Waziristan will have to leave Pakistan, but those who cannot leave will be allowed to live peacefully, respecting the law of the land and the agreement.
>
> Both parties will return each other's weapons, vehicles and communication equipment seized during various operations.
>
> Tribal elders, mujahidin and the Utmanzai tribe would ensure that no-one attacked security force personnel and state property.
>
> There will be no target killing and no parallel administration in the agency.
>
> Militants would not enter the settled districts adjacent to North Waziristan.
>
> Government would release prisoners held in military operations and would not arrest them again.
>
> Tribesmen's "incentives" would be restored. The administration is to resolve disputes in accordance with local customs and traditions.
>
> Government would pay compensation for the loss of life and property of innocent tribesmen during recent operations.
>
> There is no ban on display of arms. However, tribesmen will not carry heavy weapons.
>
> A 10-member committee--comprising elders, members of political administration and *ulema* [religious scholars]--is to monitor progress of the accord and ensure its implementation.[58]

It is evident from the aforementioned that the government of Pakistan has made quite a number of important concessions to the militants in North Waziristan. In return for vague guarantees of cessation of attack against government personnel and installations, the state has not only allowed the existence of armed groups within its borders, but has so far also released militants arrested during operations, provided them with some sort of amnesty, and withdrawn from certain areas, handing their control over to questionable armed groups.[59] Furthermore, and perhaps more importantly, the Musharraf government has no real means of monitoring militant pledges and imposing its will in the event that tribal and militia promises made are not kept, short of a return to violence. The Mujahidin Shura Council (the 10-member committee that is supposed to monitor the progress of the accord and ensure its implementation) has no real power but exhibits the potential of circumscribing and acting as a "check" on government decisions to impose its will. In effect, should the government of Pakistan decide to act in response to violations of the accord without the support of the ten-member committee, it will find itself not only acting unilaterally, but also in contravention of said agreement (thus exposing itself to accusations of not honoring its own pacts).

Additionally, the Pakistani government has, through the terms of the Waziristan Accord, turned over checkpoints to militias composed

of fighters against whom it had been battling since 2002. Although it is true that the government retains some form of control (either directly or indirectly) over certain checkpoints and border-crossings, it does not maintain the kind of *direct* presence needed to manage North Waziristan and the border with Afghanistan effectively. In withdrawing army units to their barracks and removing visible signs of military presence from the area, the Musharraf administration appears to believe that by appeasing pro-Taliban elements it can remain in power, while retaining the option of violence through proxies.[60]

Indeed, it can be argued that the government has left the difficult and hazardous task of combating pro-Taliban tribes and members of the Taliban and al-Qa'ida to local militias that it perceives can be controlled through financial incentives and the occasional, limited operational assistance. Recent actions by the military, ostensibly in support and at the request of pro-government tribes during their clashes with Taliban and al-Qa'ida members and their local allies appear to corroborate this change in strategy.[61] However, this approach carries the risk of drawing the military into local "score-settling" among tribes who will be given the opportunity to denounce rivals as pro-Taliban or al-Qa'ida, thus eliciting financial and/or military support from the government in their parochial struggles. The polarizing effect of such a scenario risks making the situation worse rather than better. Additionally, a "proxy war" presupposes that the proxies in question have the ability (with a certain amount of support) to attain predetermined goals.

In the case of North Waziristan (and other areas of the FATA, the NWFP, and Balochistan) this means that pro-government tribes are strong and capable enough to carry out independently (to a certain degree) the eradication of Taliban and al-Qa'ida elements from the aforementioned regions and to stem cross-border activity. However, Mehmood Shah has commented that the Taliban "…are too strong to be controlled by the tribes"[62] since they have "…shattered the tribes' authority, killing hundreds of pro-government tribal leaders."[63] Similar arguments can be made regarding the effectiveness of the government's paramilitary forces in the area, namely the Frontier Corps (FC NWFP and FC Balochistan).

Despite ongoing material assistance from the United States (especially for FC NWFP units),[64] the Frontier Corps' operational value remains questionable. Although FC NWFP (comprised mainly of ethnic Pashtuns from the region) "…has a comparatively better reputation among people of the province,"[65] FC Balochistan (whose members are largely non-Baloch) "…is not popular in Balochistan and is seen as an outside force that is widely believed to be involved in human rights violations and is known for the disproportionate use of force."[66] Irrespective of the "better reputation" of FC NWFP as compared to FC Balochistan, both branches stand accused of indiscriminate and disproportional use of force, extrajudicial killings, and human rights violations generally attributable to the Frontier Corps' poor discipline, training, and coordination.[67] This state of affairs (pro-government tribal weakness and paramilitary unit excesses) has not only assisted pro-Taliban, Taliban, and al-Qa'ida groups in consolidating their presence but has enabled such groups to create parallel administrations in areas of South and North Waziristan.

Apparently, more recently, in the Bajaur Agency of the FATA, an agreement similar to the Waziristan Accord has been reached with Faqir Muhammad, who has been described as "al-Zawahiri's Pakistani Ally."[68] Whether or not the federal government can still use pro-government tribes against pro-Taliban and al-Qa'ida elements remains to be seen. While it can be argued that more effective and efficient support and empowerment of pro-government tribal forces may yet yield positive, tangible results, the fact remains that events in the wider region during the 1980s and 1990s have tended to have a detrimental effect on "traditional" tribal authority (on both sides of the Durand line). The Soviet invasion of Afghanistan, the civil wars that followed it,

the steady flow of refugees across the border, the marginalization of tribal leaders in favor of religious ones and the madrasa education provided to generations of tribal Afghans and Pashtuns have generally had negative effects on tribal social structures and the ability of tribal leaders to assert their control.[69]

A further complication to agreements such as the Waziristan Accord is the existence and status of so-called "foreigners" in the tribal areas and the opposing definitions that the tribes themselves and the government of Pakistan ascribe to these individuals. It is a generally accepted fact that the "foreigners" in the FATA are comprised (mainly) of five "groups": Afghan Pashtuns, Uzbeks, Chechens, Uighurs, and Arabs (mostly Yemenis, Saudis, and Egyptians).[70] All the "peace agreements" that the government of Pakistan has entered into with militants in the tribal areas included tribal promises to expel "foreigners" from the region, or in situations where this is not possible, "…those who cannot leave will be allowed to live peacefully, respecting the law of the land and the agreement."[71] Given the intermarriages between "foreigners" and local women (wherein the former are considered to be members of the latter's tribe),[72] as well as the Pashtunwali norms of *melmastia* (hospitality) and *nanawati* (defense of a guest),[73] it is perhaps unsurprising that in all cases, signatories to the "peace deals" have been unable to locate foreign militants since, according to the aforementioned sociocultural factors, there are no (or few) "foreigners" in the FATA per se (although there appears to be some tension between the locals and Uzbek fighters).[74]

In tandem to the developments in Pakistan's FATA (and it is reasonable to argue as a result of them), pro-Taliban and Taliban forces have increased their activity in neighboring Afghanistan. According to International Security Assistance Force (ISAF), attacks against members of the NATO alliance and the National Army of Afghanistan have increased by 62 percent since 2005,[75] suicide attacks have increased five-fold from 25 in 2005 to 139 in 2006,[76] and large-scale Taliban operations (involving 50 fighters or more) have increased significantly.[77] According to Reuters, "since the [Waziristan Accord] was clinched, attacks against U.S.-led NATO troops and Afghan government forces have tripled in eastern Afghanistan, especially in areas bordering North Waziristan."[78] As a result, NATO has been requesting that its members both increase their troop contributions and (to those countries that refuse to do so) allow their troops to engage in combat operations in order to counter resurgent Taliban and al-Qa'ida forces operating across the Afghanistan-Pakistan border.

In addition to the external effects of the Waziristan Accord, the "deal" has also had internal consequences for the state of Pakistan. While it is certainly the case that the accord is a *result* of the Pakistani government's ambivalent and oscillating attitude towards radical Islamist tendencies within its territory, it is also a *cause* for further violent action by other groups. The siege of the Lal Masjid (Red Mosque) in the capital Islamabad from July 3-10, 2007, is an indication of this parallel process. On the one hand, the violent showdown can be perceived as the culmination of a year-long struggle between radical Islamist elements of this particular establishment and the Musharraf government. On the other, it can be argued with equal validity that "peace-deals" in the FATA (such as the Waziristan Accord) emboldened activists of the Red Mosque (who share links to radical Islamic groups in the Waziristans and the FATA) into asserting themselves more forcefully, since they perceived the Musharraf government as weak and ineffective (because of Waziristan Accord-style agreements).

Although in the case of the Lal Masjid siege it can be concluded that the Islamists "over-reached" and misread the situation (since Islamabad and the FATA exhibit different political and social trends), there nevertheless appears to be a connection between government appeasement of militants (such as the Waziristan Accord) and further violence elsewhere. Unsurprisingly perhaps, in the same way that militants have used

government actions to extricate themselves from past agreements (labeling them "violations"), the Lal Masjid incident provided armed elements in the FATA with an excuse--intended primarily for local consumption--to withdraw from the Waziristan Accord, thus leading to its collapse. This is not said to imply that the Red Mosque incident was staged specifically to provide militants in the FATA with a pretext for renouncing the accord, but rather to illustrate how agreements of this nature have strengthened militants in the tribal areas both militarily and politically and to demonstrate their "spillover" effect.

CONCLUSION

A pattern is clearly emerging. Waziristan Accord-style agreements have, to date, occurred in at least three (if not four) areas of the FATA. These "deals," while alleviating the Pakistani military somewhat, have not resulted in a cessation of attacks against it and its local allies and have emboldened pro-Taliban militants both in these particular areas and in neighboring ones; territory that is crucial in the War on Terror and Afghanistan's reconstruction. Indeed, the effects of the Waziristan Accord and similar agreements have already manifested themselves beyond the Waziristans (the events of the Lal Masjid siege providing a poignant example). Not only are Taliban and pro-Taliban elements consolidating their position in the FATA, but it appears that their influence has spread to areas of the NWFP, Balochistan, and possibly Kashmir. It is estimated that one of the reasons for the increase of Taliban attacks against NATO and Afghan forces in areas that were hitherto considered "safe," such as the northern and western provinces of Afghanistan,[79] is the fact that crossing-points have been established in areas of the FATA, the NWFP, and Balochistan. Withdrawal of Pakistani army units has generally resulted in an increase of extrajudicial killings by pro-Taliban elements against pro-government tribal leaders, the opening of offices run by Taliban-affiliated groups claiming to be responsible for the maintenance of law and order, and the distribution of leaflets to that effect.[80] Something similar has been observed in certain areas of Afghanistan.[81] Given these developments, it is possible to conclude that "Pakistan is now paying the price by… losing control of much of the frontier area to groups it has supported, groups that exploit their ties in Afghanistan just as the Taliban exploit their ties in Pakistan"[82] and that "…Pakistan [is] providing strategic depth to the Taliban."[83] Additionally, it has become possible to describe the Waziristan Accord and agreements like it as the effective "ceding of territory to the Taliban."[84]

In conclusion, although the Waziristan Accord and its predecessors did indeed offer the Musharraf government some degree of respite and (temporarily) decreased the "hot-spots" of violence and areas of contention with which the administration has had to deal, they proved to be short-term solutions that provided the opportunity for radical and militant elements to regroup and consolidate their positions. Given the escalating popular resentment against the government of General Pervez Musharraf in increasingly varied areas of governance--including amplifying levels of violence in the province of Balochistan[85] and vocal opposition by pro-democracy elements--it can be argued that the regime's choice of this particular method (Waziristan-style accords) for dealing with the "Islamic component" of the turmoil plaguing Pakistan was perceived as offering the most politically expedient (and promising) approach to keep the Musharraf regime in power and to decrease the "problem-spots" in the country.[86]

The military's traditionally close ties with Islamic elements and the electoral collaboration between Musharraf's PML(Q) and the MMA in the October 2002 elections suggest that, after government failures to deal unilaterally with the situation in the FATA, mediation through the use of Islamist allies was a political option that seemed to carry the least risk. However, continued instability and negative "spillover," both violent and political, indicates not only the shortcomings of this policy, but also underscores the inability (or unwillingness) of certain groups (Islamic,

political, or otherwise) in the country to influence, "rein-in," or control particular Islamic militant elements in Pakistan's tribal areas. It is perhaps the realization by Musharraf of the limitations of continued association with the MMA that a limited rapprochement with Benazir Bhutto's Pakistan People's Party (PPP) has been initiated.

As a final point, although radical Islamist groups have increased their power in the FATA, NWFP, and areas of Balochistan, and violence has moved beyond the boundaries of the Waziristans to a degree that threatens the viability of the Pakistani state, it is unlikely that Taliban or militant elements (and/or their political/military allies) can use their power in the tribal belt to take over the government. While it is true that some circles within Pakistan see no reason to end the strategic alliance with movements such as the Taliban and their domestic backers, the religious right[87]--since they are considered to be more reliable allies in the pursuit of "traditional" Pakistani policies (especially given improving U.S.-Indian relations)[88]--and that the Pakistani military has traditionally adopted a stronger Islamic stance when perceiving its domestic position as being undermined,[89] there is a growing realization among the country's elites (including the military) that Taliban and similarly inspired groups pose a serious threat to the continued existence of the Pakistani state.[90] This is not meant to imply that the threat to Pakistan posed by increased radicalization and violence in the FATA, NWFP, and Balochistan and their propensity to spread is trivial, since a "failed" (as opposed to "weak") Pakistan carries significant regional implications, not least for the reconstruction effort in Afghanistan. Yet the argument that a Taliban-style, nuclear weapons-toting Pakistan is considered to be unlikely must be emphasized.

Islamic parties have usually relied on the military's support to increase their electoral appeal, which reached a record high in the October 2002 elections.[91] Given this reliance, it is improbable that, for instance, the JI (the largest, most organized constituent member of the MMA alliance) will willingly dissolve this partnership in favor of the more radical Islamic approaches (as espoused by the JUI-F and JUI-S factions). Furthermore, the MMA is less than the monolithic Islamic alliance than it is usually portrayed as being. Although their ethnic, doctrinal, and policy differences are downplayed by representatives of the alliance, the MMA represents an uneasy coalition of Islamic parties with widely different constituencies.[92] Illustrative of this is the fact that the JI draws most of its support from Punjabi and *muhajir* (migrant) communities in the Punjab and urban areas of Sindh, whose interests do not coincide with the more tribally based JUI, which caters to a Pashtun electorate located in the FATA, the NWFP, and areas of Balochistan (although it does have limited support in Sindh).[93]

The point is that in the event of a consistent, popularly endorsed government response to radical Islamic elements, the MMA is likely to face internal pressures threatening its cohesion, making it possible to surmise that more moderate Islamists might opt for accommodation rather than confrontation with the government (provided of course that this does not damage their relationship with the electorate). Thus, it is worth noting that although the threat from radical Islam in Pakistan persists and radical Islamists "…have managed to exert a political and ideological influence in excess of their numbers…"[94] their potency "stems less from [their strength] than from the weakness of their opponents."[95] This implies that a more stable government with a clear strategy for dealing with a variety of sociopolitical issues stands a chance of combating the radicalization evident in Pakistan.

The kind of government response that is required to reverse the "Talibanization" of the FATA and parts of the NWFP and Balochistan will obviously not be an easy task. Continued governmental mismanagement (at all levels but particularly at the regional level), widespread corruption, uneven development, the fact that both Pakistani political parties and successive governments have "…failed lamentably to develop Pakistan or improve the living conditions of its people, thus making

the radical option seem all the more attractive,"[96] and an obsession with India mean that substantial shifts in the country's internal and external policies will be necessary. Waziristan-style agreements are thus a symptom of the multifaceted problems afflicting Pakistan. Despite offering vague, short-term solutions, they only serve to further weaken the central government while strengthening opponents who perceive violence as the only method that can achieve results.

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NOTES

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[27.] Zahab and Roy, *Islamist Networks*, p. 55.

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[31.] Rubin and Siddique, "Resolving the Pakistan-Afghanistan Stalemate," p. 8.

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