

Corrosion of Traditional Political Power in North Waziristan after 9/11: A Theoretical Analysis

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Abstract

The land of North Waziristan since the event of 9/11 has become the seedbed of terrorism. The unrestricted and free movement on the Durand Line between Pakistan and Afghanistan provided an opportunity for Taliban to crisscross the border freely and to increase their influence in the region. North Waziristan, traditionally being ruled by *Malik* (village headmen), *Masher* (elders) and the Political Agent through *Jirga* (council), superseded and dominated by Taliban leaders. Through brute force and incorporation of religion Taliban surpassed the traditional powers of *Malik* and the Political Agent and brought *Jirga* in their folds. They slaughtered hundreds of civilians and *Malik* and got control over the socio-political and economic structures of North Waziristan. Different foreign terrorists and local Taliban groups used to torture, abuse, and harass the local people. The Pashtun traditions of *Pashtunwali* corroded immensely because of the prevailing troublesome environment. The existing laws of the Frontier Crime Regulations (FCR) were largely the reasons for the troublesome situation in North Waziristan. The existing laws failed not only in restricting the activities of Taliban but also in dealing with them through comprehensive mechanism. What is needed in the area is to accelerate the integration process. The National Action Plan (NAP) represents just such an initiative as its provisions deal with the menace of terrorism and provides counter terrorism mechanism, inspiration and guidelines for FATA reforms. The erstwhile Federally Administered Tribal Area (FATA) through effective

implementation of NAP can successfully be brought in the folds of development.

Keywords – *Malik*, Taliban, Terrorism

Introduction

The war on terror after the 9/11 attacks shocked and collided the world with its worse global impacts. The United States of America (USA's) attack and invasion of Afghanistan in 2001 compelled Afghan Taliban to cross the border into Pakistan and to get refuge in Pakistan, especially in the tribal areas. Taliban penetrated in North Waziristan as well; re-emerged in different local and foreign groups and North Waziristan promptly fell off to terrorism and became the epicenter of terrorism. Pakistan being not a member of the North Atlantic Treaty Organization (NATO)¹ still as ally of the USA started military operations against terrorists in the region. Taliban and Pakistan's military confronted each other in violent aggressions in 2006 in North Waziristan.

In historical context, the socio-political power in North Waziristan has been determined by hegemonic, religious, and socio-economic status of an individual and has been exercised by *Malik*, *Masher*, *Pir* (mystical saint), *Sayid*² and *Mullah* (religious leader) of a clan or tribe, while the state's legal

¹ The North Atlantic Treaty Organization, also called the North Atlantic Alliance, is an intergovernmental military alliance between several North American and European states based on the North Atlantic Treaty that was signed on 4 April 1949 (see Sarwar A. Kashmiri, *The North Atlantic Treaty Organization and the European Union's Common Security and Defence Policy: Intersection Trajectories Pennsylvania*, (Pennsylvania, Strategic Studies Institute, 2011), 15.

² Descendent of the Prophet Muhammad's (PBUH) family. See Anatol Lieven, *Pakistan a Hard Country*, (Washington, Public Affairs, 2012), 144.

constitutional power is interpreted and incorporated by the Political Agent with the help of *Malik*.³ *Malik* in Pashtun society preserves leading status and abide by the responsibility to resolve the social, political and economic problems under the realm of *Pashtunwali*⁴ through *Jirga*.⁵ However, there have been changes taken place within these power exercising groups due to the changing dynamics of the society and politics of the region. Escalation and expansion in trade, business, migration to the Gulf Countries, *Afghan Jihad*⁶ and the war against terrorism have profound impacts on the socio-political setups and the junctures of power. These factors have brought new alternative power excreting actors by subduing the previous actors, largely because of incomprehensiveness of Frontier Crimes Regulation (FCR)⁷ and lawlessness in the region.⁸ The FCR lacked in inclusiveness to control terrorism in the region. It is a law that halted social, political, and economic development of the area. While contrary to it, before 25th amendment constitutional development and modernization of the laws of the country developed a sense of depravity in the people of erstwhile FATA. Terrorism

3 David Loyn, *Butcher and Bolt: Two Hundred Years of Foreign Engagement in Afghanistan*, (London, Hutchinson, 2008), 145-162.

4 *Pashtunwali* is the traditional lifestyle of Pashtuns It is the dichotomy of honor and shame. (see Lutz Rzehak, *Doing Pashto- Pashtunwali as the Ideal of Honorable Behavior and Tribal Life among the Pashtuns*, (Kabul, Afghanistan Analysis Network, 2011), 1.

5 Ghulam Q. Khan, *Cheegha. The Call from Waziristan, the last outpost*, (Sweden, I' Aleph, 2014), 56-57.

6 The Soviet-Afghan War (*jihad*) was a conflict wherein insurgent groups collectively known as the *mujahideen* and other smaller groups, fought a guerrilla war against the Soviet Army and the Democratic Republic of Afghanistan government for more than nine years, throughout the 1980s. See Maleeha Lodhi, ed. *Pakistan Beyond the Crisis State*, (London, C. Hurst & Co, 2011), 301-304.

7 The Frontier Crimes Regulations were specialized collection of laws of British India and afterwards Pakistan, which were applicable to the Federally Administered Tribal Areas. They were legislated by the British in the nineteenth century and continued implemented in Pakistan until 2018. (See Benjamin D. Hopkins, The Frontier Crimes Regulation and Frontier Governmentality, *The Journal of Asian Studies* 74, no.2 (2015), 370,375.

8 Akbar S. Ahmed, *Social and Economic Changes in the Tribal Areas, 1972-1976*, (Karachi, Oxford University Press, 1977), 45.

is a termite for the area, and it can be controlled and eliminated by the socio-political and economic development as ensured by the National Action Plan (NAP).⁹

Theoretical Framework

The research is centered on the analysis of the Italian Marxist philosopher and politician Antonio Francesco Gramsci's concept of "hegemony" and "counter hegemony". Gramsci believes that revolution is inevitable in a society where "contradictory developments"¹⁰ are essential to the capitalist mode of production and proletariat being universal class will win the revolutionary struggle against the bourgeoisie. He considers that a social class or group maintains dominancy by two ways: domination and hegemony. Domination is the rule by coercion and hegemony is the rule by consent. He argues that the bourgeoisie rule by consent and when necessary coercion is also not compromised.¹¹ "Hegemony might be defined as an "organizing principle" or "world view" (or combination of such world views) that is defused by agencies of ideological control and socialization in every area of daily life".¹²

⁹ The National Action Plan is an action plan that was established by the Government of Pakistan in January 2015 to crack down on terrorism and to supplement the ongoing anti-terrorist offensive in Federally Administered Tribal Areas. (see Sajjad Ahmed, *A Twenty-Point Recipe of Peace-the National Action Plan to Pakistan: Context, Analysis and Evaluation of Success and Pitfalls*, (Nagoya, iafor, 2016), 1.

¹⁰ Evolution of contradiction in beliefs, ideas and practices. (See Issa G. Shivji, Contradictory Developments in the Teachings and Practice of Human Rights Law in Tanzania, *Journal of African Law* 35, no ½ (1991), 120.

¹¹ Quentin Hoare & Geoffrey N. Smith, *Selection from the Prison Note Books of Antonio Gramsci*, (London, Lawrence & Wishart, 1971), 506-508.

¹² Carl Boggs, *Gramsci's Marxism*, (London, Pluto, 1976), 39.

According to Gramsci, the bourgeoisie maintain and acquire consent of the subordinate classes through massive indoctrination, ideological supremacy and ideological mystification.¹³ Furthermore, he emphasises that ideology, culture and consciousness are the foundations of earning consent. He also brings in focus the importance of economic structure in the construction of hegemony. “Though hegemony is ethical-political, it must also be economic, must necessarily be based on the decisive function exercised by the leading group in the decisive nucleus of economic activity”.¹⁴

Similarly, in North Waziristan *Malik* through cultural consciousness and by consent, maintained hegemony and the state through legal authority observed dominancy. Furthermore, *Malik* in North Waziristan forms the powerful class in society because of economic and political supremacy.

Gramsci believes that hegemony is overturned by counter-hegemony and that counter-hegemonic group arises by subduing the pre-existing hegemonic group. He emphasis that in association to contradict hegemony, the counter hegemonic group needs to focus on the state’s core issues along with the issues related to national and transnational civil societies. It is a model of political and ideological construction based on interrelationship of a counter hegemonic force with other social groups, struggling for future interests against the bourgeoisie hegemony. It leads to different revolutionary democratic forms of hegemonic developments through solidarity, cooperation and communication that quest cataclysmic modification of society by exploiting political opportunities due to elite

¹³ Ralph Miliband, *The State in Capitalist Society*, (New York, Basic Books, 1969), 45-47.

¹⁴ Quentin Hoare & Geoffrey Nowell Smith, *Selection from the Prison Note Books of Antonio Gramsci*, (London, Lawrence & Wishart, 1971), 161.

discordancy, political conversions, or demographic changes.¹⁵ Thus the counter hegemonic force develops a "historical block"¹⁶ of the subordinate classes within the womb of a capitalist society.

"From the moment in which a subaltern group becomes really autonomous and hegemonic, thus bringing into being a new form of State, we experience the concrete birth of a need to construct a new intellectual and moral order, that is, a new type of society and hence the need to develop more universal concepts and more refined and decisive ideological weapons".¹⁷

He further indicates that the counter hegemonic class must represent a universal plan for the formation of a universal class, and it must practice leadership before becoming a counter hegemonic group and before winning the government power.¹⁸ Beside it, Gramsci represents two forms of counter hegemony: 'war of position/war of maneuver' and war of 'movement/frontal attack'. War of position is the slow and hidden conflict where forces seek to gain influence and power whereas the war of movement is a phase of open conflict between classes. Its outcome is based on the direct clashes between classes. The strategy of war of position is

¹⁵ Zahir Ahmed, Trevor Hopper and Danture Wickramasinghe, *Hegemony, Counter Hegemony and Accountability in BRAC – a Bangladesh NGO*, (Asia Pacific, 2010), 2-3.

¹⁶ Historical Block according to Antonio Gramsci are ways in which social practices and structures both are created, and which eventually create values and theories and the values and theories are used to rationalize and explain our practices. (See Carl Boggs, *Gramsci's Marxism*, (London, Pluto, 1976), 46.

¹⁷ Quentin Hoare & Geoffrey Nowell Smith, *Selection from the Prison Note Books of Antonio Gramsci*, (London, Lawrence & Wishart, 1971), 388.

¹⁸ Quentin Hoare & Geoffrey N. Smith, *Selection from the Prison Note Books of Antonio Gramsci*, (London, Lawrence & Wishart, 1971), 560-565.

more constructive and of long term while the strategy of war of movement is more destructive and of short term.¹⁹

In relation to the counter hegemonic concept of Gramsci, Taliban contradicted the hegemony of *Malik* and the state's legal authority by working out a universal plan, based on political and ideological constructions. They replaced *Malik* by Taliban leaders and supplant *Jirga* by their brand of *Shariah* law. They exploited *Malik* discordancy and political conversions of the state and the *Malik*. Thus, they developed a historical block of the subordinate classes of society based on religious indoctrination and dominancy. However, Taliban's hegemony was being founded on war of movement was therefore short lived.

Transformation in Traditional Political Power: A Historical Perspective

Malik formulate the leading political and power dominating class of Pashtun society. The dominant and hegemonic position of *Malik* traditionally²⁰ binds people with the state and possess the ultimate power to administer social issues along with the consent of the people.²¹ On the basis of egalitarianism anyone having enough influence and the qualities required for a *Malik* can occupy the status of *Malik*. However, in various clans, the

¹⁹ Ajit Chaudhuri, From Hegemony to Counter-Hegemony: A Journey in a Non-Imaginary Unreal Space, Mumbai, *Economic and Political Weekly* 23, no.5, (1988), 2-4 (Accessed 22 April 2020).

²⁰ Tradition is applied to the procession of handing down from generation to generation something corresponding to behavior, beliefs, and custom, or thought process that is proceeded on over time. See Nelson H. H. Graburn, *What is Tradition?*, (Arlington, American Anthropological Association, 2001), 1.

²¹ Marc Weitz, *The Jirga*, Washington, *Journal of Legal Education* 62, no.3 (2013), 504-505.

status of *Malik* is certified to a particular family and the leadership is attributed to the most competent and experienced male person.²² *Malik* is the wealthy, democratic and the main crew of 'doing Pashto', which means to indulge oneself in the cultural ways of conduct and all the segments that constitute '*Pashtunwali*'.²³ The British deeply empowered and transformed the institution of *Malik*. By the means of *Malik*, the Britisher indirectly ruled²⁴ over the tribal people. In reward *Malik* were entitled with large estates of land, allowances, and quotas and for food ration. After the formation of Pakistan, the significance of *Malik* expanded in the region by obtaining political rights e.g. right to vote for choosing members for the National Assembly from FATA, to appoint levies, to get building contracts and to attest domicile certificates for the people.²⁵

In the tribal areas state is represented by the Political Agent and asserts the legal power of the state. Political Agent is supposed to be partial ambassador and partial governor because his job is to keep people engaged with the state and to implement the laws of FCR.²⁶ FCR is a law which specifically deals

²² James W. Spain, *The Way of the Pathans*, (London, Oxford University Press, 1962), 49

²³ Hugh Beattie, *Imperial Frontier: Tribe and State in Waziristan*, (London, Curzon Press, 2002), 65.

²⁴ Indirect rule was a system of governance used by the British and French to control territories of their colonial empires, specifically in Africa and Asia, through the pre-existing indigenous power structures. These dependencies were frequently called "protectorates" or "trucial states". (see Michael Crowder, *Indirect Rule: French and British Style*, (Cambridge, Cambridge University Press, 1964), 2-5.

²⁵ Shahida Aman, *Malik-Militancy Conundrum: Deciphering the Transitions in the traditional Pakhtun Leadership*, (Islamabad, Islamic Research Institute, International Islamic University, 2013),5.

²⁶ James W. Spain, *The Way of the Pathans*, (London, Oxford University Press, 1962), 25.

with all kinds of criminal justice in FATA and the Political Agent acts like a District Magistrate.²⁷

“We must recognize the unbridled and unlimited powers of the Political Agent. He has extensive powers, with no recourse to any court of law against his decisions. With every power comes responsibility and accountability but here we have a position where we have no responsibility or accountability. All the raw power is just to be enjoyed by being ruthless, to be as dehumanized as an alien colonial master, who only wants to scare and scar the subjects”.²⁸

Islam came and spread in the Pashtun areas through *Sayyids* and they have also been a hegemonic power in North Waziristan before partition of the Indian subcontinent.²⁹ Near Pashtuns *Sayyids* have wide respect and were the prime source of waging religious war in the tribal areas. *Pir* also occupies the same prestigious status as *Sayyid*. *Pir* is a religious, pious, and highly blessed person, commonly known for his blessings and his spiritual energy and strength gained by mystics. The factors behind the profound influence of *Sayyids* and *Pirs* on society were to adjudicate between groups, clans and tribes for the maintenance of peace, blessings for the treatment of illness and to impart religious knowledge to the people.³⁰ However, the *Afghan Jihad* (1979-1989) shook the politics of North Waziristan to a

²⁷ Muhammad Faheem, *Property Rights, Contracts and Development: A Study of the Traditional Institutions of the Federally Administered Tribal Areas (FATA) of Pakistan*, (Auckland, Researchspace, 2012),

²⁸ Ghulam Q. Khan, *Cheegha. The Call from Waziristan, the last outpost*, (Sweden, I'Aleph, 2014) 125.

²⁹ James W. Spain, *The Way of the Pathans*, (London, Oxford University Press, 1962), 49.

³⁰ Shahida Aman, *Malik-Militancy Conundrum: Deciphering the Transitions in the traditional Pakhtun Leadership*, (Islamabad, Islamic Research Institute, International Islamic University, 2013) 5-6

greater extent and had considerable impacts on the hegemonic power and influence of *Sayyids* and *pirs*.

Throughout the duration of the *Afghan Jihad*, Mosque *Mullah* stretched his power from Mosque to the politics of North Waziristan; though prior the cold war *Mullah* was apolitical, and his task was limited to Mosque and was entirely dependent on *Malik* for his survival.³¹ In Pashtun society *Mullah* is revered and carries key status and position. *Mullah* manages and guides the rituals of Pashtuns and keeps people on the path of Islam by the provision of religious education. Chronological reports provide that *Mullah* have actively contributed against the foreign invaders of the tribal regions and have provided leadership by provoking religious sentiments in people to wage religious war against them.³² *Mullah*, the priestly class becomes more vibrant in the times of considerable predicaments, usually against non-Muslims and embodies what is most national and sacred, else ways his role is monotonous.³³

Pashtuns having segmentary social structure are reluctant to concede their allegiance to the Pashtun leadership, therefore, Pashtun plunge readily under the leadership of *Mullah*, because they are not actually ceding their devotedness to *Mullah*, but to the Almighty Allah.³⁴ Subsequently, when the Union of Soviet Socialist Republics (USSR) invaded Afghanistan in

³¹ Ainslie Embree, *Pakistan Western Borderlands: The Transformation of a Political Order*, (Carolina, Carolina Academic Press, 1977), 77.

³² Akbar S. Ahmed, Mullah Mehdi, and Mosque: Emergent Trends in Muslim Society, (*Pluto Journals* 4, no. 1/2 (1982), 132-135.

³³ Huma I. Khan, *New Wine in Old Bottles: An Analysis of Pakistan's Conflict in the Pashtun Tribal Areas*, (Kansas, University of Kansas, 2008), 68.

³⁴ Shahida Aman, *Malik-Militancy Conundrum: Deciphering the Transitions in the traditional Pakhtun Leadership*, (Islamabad, Islamic Research Institute, International Islamic University, 2013), 6.

1978, the Mosque *Mullah* substituted the mystical saints to direct and wage *Jihad* against the external menace and subdued the local politics and social affairs³⁵ up till the advent of the US on the Afghan soil. The instability of the *Afghan Jihad* dismantled the legitimate political structures. Throughout the years, *Mullah* got financial independence and consolidated his role and gradually became more capable and powerful than *Malik*, *Sayyid* and *pir*. *Mullah* all over the period of *Afghan Jihad* sprang up as a counter hegemonic power to the hegemony of Political Agent, *Malik*, *Pir* and *Sayyid*. They got new resources and status and emerged on the political scene of North Waziristan.³⁶ However, in Afghanistan a new political group emerged in 1994 (Taliban) under the leadership of *Mullah* Muhammad Umar, *Mullah* Muhammad Rabbani, *Mullah* Abdul Razzaq and *Mullah* Borjan.³⁷ Taliban were more powerful, well organized and worked for a broader ideology.³⁸ Taliban, subsequently after the launch of the War on Terror infiltrated in North Waziristan, FATA and other parts of the country.

War on Terror and the Rise of Taliban

The US and NATO combined operation ‘Operation Enduring Freedom’ (OEF) in Afghanistan in 2001 ousted Taliban government in Afghanistan.

³⁵ James W. Spain, *The Way of the Pathans*, (London, Oxford University Press, 1962), 56-57.

³⁶ Robert L. Sammon, *Mullahs and Maliks: Understanding the Roots of Conflict in Pakistan’s Federally Administered Tribal Areas*, (Pennsylvania, University of Pennsylvania, 2008), 13.

³⁷ David Loyn, *Butcher and Bolt: Two Hundred Years of Foreign Engagement in Afghanistan*, (London, Hutchinson, 2008), 239-240.

³⁸ Lindsay Maizland & Zachary Laub, *The Taliban in Afghanistan*, (New York, Council on foreign Relations, 2020). <https://www.cfr.org/background/taliban-afghanistan>. (Accessed April 20, 2020).

Taliban and Al-Qaeda³⁹ members along with their leaders escaped to North Waziristan from the Eastern parts of Afghanistan. Afghan Taliban and foreigner terrorists could easily cross the long-drawn Pakistan and Afghanistan border, because from the time unknown people crisscross the border freely and easily.⁴⁰ They sweepingly unified, re-emerged in different groups and consolidated their power with the extended help of the local people under the parameters of Islam and *Pashtunwali*.⁴¹

The laws presented by FCR could not control the expansion of power and leverage of Taliban on the grounds that the people of North Waziristan are extremely free in their affairs and society is essentially regulated under the Pashtuns traditions and customs. “Beyond one hundred yards of the main Agency road, the laws and authority of the central government are replaced by traditions and customs”.⁴² Constraining Taliban and Al-Qaeda influence and to impede their cross border incursion, Pakistan launched ‘Operation *Al-Mizan*’⁴³ in FATA. Henceforth Taliban hostility drowned North Waziristan into bloodthirsty confrontations between security forces and

³⁹ Al-Qaeda is a militant Sunni Islamist multi-national organization founded in 1988 by Osama bin Laden, Abdullah Azzam, and several other Arab volunteers who fought against the Soviet invasion of Afghanistan in the 1980s. (See Hassan Abbas, *The Taliban Revival: Violence and Extremism on the Pakistan-Afghanistan Frontier*, (Wales, Gomer Press Ltd, 2014), 73.

⁴⁰ Maleeha Lodhi, ed. *Pakistan Beyond the Crisis State*, (London, C. Hurst & Co, 2011), 305-306.

⁴¹ Akbar Ahmed & Harrison Akins, *Waziristan: The Most Dangerous Place in the World*, (Doha, Aljazeera, 2013).
<https://www.aljazeera.com/indepth/opinion/2013/04/20134983149771365.html>. (Accessed April 20, 2020).

⁴² Akbar S. Ahmed, *Resistance and Control in Pakistan*, (New York, Routledge, 2004), 6.

⁴³ Pakistan started Operation Al-Mizan in FATA in 2002 by deploying 80,000 military and Paramilitary troops in the region. It was to carry out assaults against Al-Qaeda, Afghan and Pakistani Taliban and to secure PAK-Afghan border from their infiltration into Pakistan and Afghanistan and to curb their influence in the region. (see Sohail H. Tajik, *Analysis of Peace Agreements with Militants, and lessons for the Future*, (Islamabad, Pakistan Institute for Peace Studies, 2011), 5.