

Ungoverned spaces and the crisis in Federally Administered Tribal Areas of Pakistan

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In the aftermath of terrorist incident of 9/11 the interest of the world powers was drawn to the issue of ungoverned spaces (UGSs) in the world. The tribal region along the Durand Line known as Federally Administered Tribal Area (FATA) emerged as a matter of major concern since it was believed to be a safe haven for the masterminds of international terrorism. Inheriting the administrative system of FATA from the British government, Pakistan continued to rule the area through Frontier Crime Regulations (FCR). The British established its writ in the UGSs through a powerful political agent and local influential known as *maliks*. Using a theoretical framework based on Glue and Prospect theories this paper explores the current status of FATA as a major UGS and the consequent impact upon Pakistan and international community. Data for interpretive analysis was acquired through primary and secondary sources. The paper concludes that the indicators of UGSs are present in FATA as lack of inclusive approach to integrate the tribal area in the mainstream national politics has been instrumental in adversely affecting the tribal belt of Pakistan. Presence of armed groups, ethnic diversity, and tribal structure supporting social norms are identified as the most important factors that contribute towards un-governability in the tribal belt. The study recommends improving governance with socio economic and legislative initiatives to tackle the problem of UGSs in the country.

Keywords: Ungoverned Spaces, FATA, Terrorism, Pakistan, Frontier Crimes Regulation.

Security and peace are the foundations of a state. Whenever people feel deprived socially, politically or economically they feel alienated from the state. Consequently, hardened criminals gang up and also receive direct or indirect political patronage. This results in formation of pockets that are popularly known as 'no go areas (*ElaqaGheir*), 'safe havens' or 'ungoverned spaces' The Federally Administered Tribal Areas (FATA) have always remained an enigma and puzzle of political development.

Since the British raj the areas that consist of Pakistan presently was devoid of a uniform state policy in terms of implementation of the rule of law. Considerable geographical belt was out of the pale of direct administration due to political compulsions with an an informal and traditional set

of laws to govern these areas (Richards, 2002; Groh, 2006; Crisis Group, 2009; and Khan, 2007). This is still being followed in various forms and facets resulting in the formation of areas which can rightly be called 'ungoverned spaces' locally known as *Elaqa Gher*.

The terms 'Ungoverned Spaces' (UGS), 'Ungoverned Territories', 'Ungoverned Areas', 'No Go Areas', and 'Safe Havens' have been used interchangeably by various commentators. One thing is common to all such definitions—UGS has to do something with the State's authority. For example, Anne and Harold (2010) define the term Ungoverned Spaces on the basis of the underlying assumption of official commentators i.e. "an area characterized by the state's absence as there is a lack of state authority and governance" (Clunan & Trinkunas, 2010).

Similar to this, a special report of RAND for the sake of Air Force Project has illustrated ungoverned territory as spaces where state find it difficult to enforce its control (Rabasaet et al., 2007).

However, the simplest and the most concise definition is the one given by Groh (2006) which terms ungoverned spaces as areas having no state writ. This paper will be using Groh's definition of UGS for the conceptual understanding.

A focal interest of literature on UGS is examining the factors which lead to emergence and existence of such areas. Joel Migdal (1987) claims the relationship governing society and a new state whereby society is determined by a battle that who will rule and will formulate rules. A viable state must maintain supremacy over the use of violence and force (Weber, 1919).

Ty L. Groh identifies a few generalizable theories which are helpful in explaining the causes of resistance to integration of a tribal group in the national polity. One is "Glue Theory" according which the ways of the past determines the current behavior of the individual to a great extent and under the influence of such norms there is generally resistance to the normative change also. Another is Kahneman and Tversky's "Prospect theory" which suggests that pleasure of gain is surpassed by pain of loss. Always situation of some loss are avoided by people although it imparts some gain chances as well (Levy, 2000).

Method

This research is conducted by using mixed method design wherein both qualitative and quantitative methods are used. In order to register the opinions of intelligentsia, a questionnaire was given to accomplished personalities with extensive knowledge of security situation in FATA. Using convenience sampling method, 55 respondents were chosen, and in order to ensure representativeness of the sample, care was taken not to choose the respondents from a single area and/or with similar background. The respondents, therefore, came from Peshawar and various agencies of FATA region. They also belonged to different areas of expertise, such as academia, civil services, legal fraternity and non-governmental organisations, The purpose of the small scale survey was to investigate what the Pakhtun intelligentsia thought about security issues in FATA focusing upon questions like whether FATA is safe or not after 9/11 and which factors had been instrumental in making FATA an un-governed space?

Indicators of Un-governability

The authors of RAND report on ungovernable territories suggest a two dimensional framework for analyzing eight case studies included in their report. The two explanatory dimensions

according to the authors are un-governability and conduciveness to terrorist or insurgent presence. They define *Un-governability* as condition demonstrating the inability or unwillingness of the state in these regions to perform its functions and whatever structures of authority that do exist are not related to the formal institutions of the state. They suggest four measures of un-governability that is how much state get penetrated into society, to which extent state supremacy on use of violence existed, how much is state capable to control border and whether state get subjugated by external intervention. (Rabasa et.al. 2007).

Table 1
Indicators of Un-governability

Variable	
Lack of State Penetration	Absence of State Institutions
	Lack of Physical Infrastructure
	Corruption and the Prevalence of the Informal Economy
	Social / Cultural Resistance
Lack of Monopoly of Force	Illegal Armed Groups
	Criminal Networks
	Population with Access to Arms
Lack of Border Controls	
External Interference	

Source: Angel Rabasa et.al. (2007). Ungoverned territories: understanding and reducing terrorism risks. Santa Monica, CA: RAND Corporation.

The second measure suggested by the RAND report is *Conduciveness* as they contend that not all ungoverned territories are equally suitable as terrorist sanctuaries or conducive to the presence of terrorist and insurgent groups. *Conduciveness* is measured by the following four variables: as infrastructure can be sufficient and working access, how much sources of income are accessible; supporting demographics and invisibility.

The authors point out that adequacy of infrastructure is important because a terrorist group must have a basic communications and transportation network and the means of transferring funds in order to operate and access its targets. In absence of external funding, terrorists need to raise money locally in order to fund their operations.

Table 2
Indicators of conduciveness

Indicators of Conduciveness to Terrorist Presence	
Variable	
Adequacy of Infrastructure and Operational Access	Transportation and Communication Financial
Source of Income	
Favourable Demographics	Presence of Extremist Groups Supporting Social Norms Preexisting State of Violence Presence of Favourable Disposed NGOs or Social Assistance Programmes open to Exploitation Criminal Syndicates Available for Hire
Invisibility	

The importance of conflict resolution and governability has been recognized by economic analysts as well. The World Development Report 2011 issued by the World Bank is titled *Conflict, Security, and Development* and sees a correlation between lack of development and repeated violence in certain areas of the world (World Development Report, 2011).

The preceding review has shown that the issue of ungoverned spaces is not merely a topic of academic interest but also a matter of common interest for all major powers in the new world order of the 21st century. As already mentioned many think tanks and security analysis organizations are, therefore, coming up with detailed reports about ungoverned spaces. One common feature of all such reports is that Pakistan surfaces as a case study due to the alleged existence of safe havens of terrorist outfits in FATA. The 'Glue Theory' and 'Prospects Theory' enhance our understanding of these ungoverned spaces in Pakistan. A detailed discussion is made on both the theories in later pages.

Table 3

⊕ *Socio-Economic Indicators of FATA*

Indicator	Pakistan	KP	FATA
Literacy Ratio (both Sexes in Percent)	58%	53%	33.3%
Male Literacy Ratio	70%	72%	49.7%
Female Literacy Ratio	47%	36%	12.7%
Population per doctor	1094	6823	6630
Population per bed in health institutions	1624	1581	2574
Road (per sq km)	0.33	0.26	0.26

Source: *Economic Survey of Pakistan 2013-14, 2014-15; Development Statistics of FATA 2014* See also *FATA—A Most Dangerous Place* by Center for Strategic & International Studies (CSIS), DC, USA (January 2009) (www.csis.org)

These poor socio-economic indicators provide a favourable ground for the armed groups and non-state elements to emerge to power and challenge the supremacy of the state.

FATA before 9/11

According to Ali Mohammad Jan Orakzi (2009), the former Corps Commander of Peshawar and Governor of Khyber Pakhtoonkhwa, FATA had a perfect peace with in and with its neighbors before 9/11. Information about and understanding of FATA was little known to the outside the world.

One of the questions in the questionnaire of this study was about the respondent's opinion about the peace in FATA before 9/11. Sixty percent (60%) respondents fully agree that FATA was perfectly at peace before the NATO led war in Afghanistan while 27% partially agreed to this statement.

In FATA the state writ did not exist over 5,000 sq kilometers of area. Undoubtedly, foreigners were there but no any incident of suicide attackers or militancy happened. Furthermore, Afghan refugees were also settled in Tribal belt in 2004 but shifted to settled areas. Taliban were present but no one had ever heard of militant Taliban till March 2004.

Table 4
FATA was perfectly at Peace before the NATO led War in Afghanistan

	Frequency	Percent
Yes, I fully Agree	33	60%
Yes, I partially agree	15	27%
I am not sure	4	8%
No, I partially disagree	3	6%
Total	55	100

According to descriptive statistics 33(60%) informants are fully agree that FATA was perfectly peaceful before 9/11, 15(27 %) are partially agree, 4(8 %) are not sure, whereas 3(6 %) are partially disagree.

Unfortunately, very little attention was paid to the development activities of these tribal areas. In terms of developmental budget, FATA has not been given the due attention which is evident from the meager allocation of funds for 4.475 million people and over 27,000 sq kilometers of area.

Table 5
FATA Development activities for the years 2000-2001 to 2015-2016

S.NO	Year	Development Budget (in millions)
1	2000-01	1,015.000
2	2001-02	1,030.000
3	2002-03	1,184.500
4	2003-04	3,006.540
5	2004-05	4,000.194
6	2005-06	5,150.000
7	2006-07	6,200.000
8	2007-08	7,500.000
9	2008-09	8,662.000
10	2009-10	12,865.000
11	2010-11	8,642.647
12	2011-12	10,000.000
13	2012-13	16,000.000
14	2013-14	18,500.000
15	2014-15	19,000.000
16	2015-16	19,700.000

Source: Budgets 2000-01 to 2015-16 Government of Pakistan Finance Division.

The above developmental allocation for FATAAs compared to other provinces is highly insufficient to meet the requirements of this hard hit region and pull it out from the quagmire of terrorism. For instance the budget (2017-18) of province of Khyber contiguous to FATA is Rs603 billion. (Budget Book: Government of KP 2017 – 2018) Though the development budget has been increased to about 20 billion in current financial year, yet the same is still inadequate keeping in view its strategic importance for the whole country, its population and area. The development activities in the region should be carried out on war footing basis if the region is to be brought into the ambit of state and society. In terms of development FATA was always neglected and no serious attempt was made by any government to bring the tribal area into the national mainstream (Orakzai, 2009).

Un-governability in FATA

The various indicators of un-governability are considered to be following;

- a. the level of state penetration of society;
- b. the extent to which the state has a monopoly on the use of force;
- c. the extent to which the state controls its borders; and
- d. whether the state is subject to external intervention by other states

The second characteristic of ungovernable areas *Conduciveness* is measured by the following four variables:

- a. adequacy of infrastructure and operational access,
- b. availability of sources of income,
- c. favourable demographics, and
- d. invisibility

FATA and some adjoining areas in Khyber Pakhtunkhwa qualify these requirements to a great extent. However, it is astonishing to find the opinion of Pakistani intelligentsia. Only 22% of the respondents fully agreed and 13% partially agreed that the tribal customs and traditions made FATA conducive for the spread of extremist Islamic militancy. Only 9% remained impartial on this question while more than 50% replied in negative. See Table 6.

Table 6

The tribal customs of FATA made the area conducive for spread of extremist Islamic militancy

	Frequency	Percent
Yes, I fully Agree	12	22%
Yes, I partially agree	7	13%
I am not sure	5	9%
No, I partially disagree	6	11%
No, I totally disagree	25	45%
Total	55	100%

In this case 12 (22 %) are fully agree that tribal customs have made the area conducive for Islamic militancy, 7 (13 %) are partially agree, 5 (9 %) are not sure, 6(11 %) are partially disagree whereas 25 (45 %) are totally disagree with this statement.

The issue of difficulty of governability in FATA, as perceived by the respondents is presented in Table 6. According to Table 7; 80% respondents validate the presence of armed groups to be the cause of difficulty of governance in FATA while 51% mark religious extremism as 'true' for un-governability in these areas. However, factor which got the highest percentage was foreign involvement (95%).

Table 7
What makes FATA, difficult to govern?

	Presence of Armed Groups	Religious Extremism	Vested Interest Groups (Business)	Ethnic Diversity	Foreign Involvement
True	44	28	40	30	52
	80%	51%	73%	55%	95%
False	8	24	15	22	3
	15%	44%	27%	40%	5%
No Response	3	3	-	3	-
	5%	5%	0%	5%	0%
Total	55	55	55	55	55
	100%	100%	100%	100%	100%

Presence of Firearms

The presence and possession of small and heavy firearms is a general social norm in FATA. It is the symbol of power of a person and shows his capacity to protect his family, clan and tribe. The most common type of firearms available in FATA, as indicated by Naveed Ahmad Shinwari, are 303, 7MM, 8MM, AK-47, G3, Heavy Machine Gun, Light Machine Gun, M16, Pistol, Riffle, and Rocket Launcher (Shinwari, 2008). It is a general perception that most of the firearms are produced locally, in Darra Adam Khel, YakkaGhund and other parts of FATA, however, more than 88% of the people of FATA, as shown by a research study, perceive that the firearms are imported from across the border of Afghanistan. The study further shows that the majority of the people in FATA think that the reason for easy access to firearms is because of the tribal culture. This supports our point that this is one of the supportive social norms which is conducive to the state of un-governability in FATA.

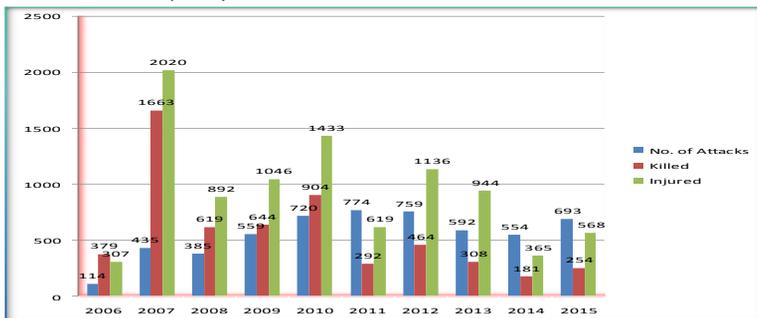
Reliance on Parallel Tribal Laws/Customs for Criminal Justice

No federal or provincial laws are applied in the tribal areas. Therefore, as mentioned before the justice system of FATA (FCR) is completely different than in the other parts of the country. Under the FCR, the political agent establishes a Sarkari Jirga for trials and decisions of civil and criminal matters. However, the credibility of the Sarkari Jirga is very low. In one research study 73% of the respondents said that the Sarkari Jirga is unreliable and it has no credibility while the 80% responded that Woolasi Jirga is more credible and reliable. Furthermore, more than 60% respondents observed that the decisions of the Jirgas are carried out according to the Local Rewaj (Local Tradition).

Figure 1

Year Wise comparison of Terrorist Attacks in Fata from 2006-2015

Source: Report generated by FATA Analysis and Strategy Team (FAST), Law & Order Deptt: FATA and Pak Institute for Peace Studies (PIPS)



Figure, showing Year-wise Comparison of Terrorist Attacks in FATA from 2006-2015

Centre of Conflict between Armed Groups

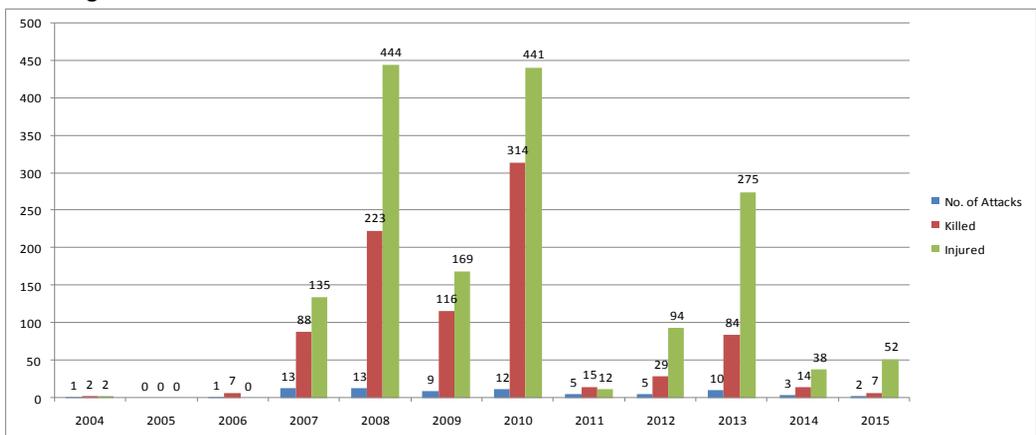
FATA is dominated by various non-state terrorist elements who not only engage in bloody combats against the state but also amongst themselves.

Table and Figure 8 show the number of terrorist attacks in FATA during the last 10 years (2006-2015). There were a total of 5585 terrorist attacks resulting in killing of 5707 innocent lives and injuring more than Nine thousand. Furthermore, the figure shows that the terrorist incidents did not see any significant decrease over these years. Even though there is a slight decrease from 2010 onward but the number of attacks in 2015 again portray a grim picture. These attacks were carried out both against the state and against each other by the armed groups in FATA.

There were 74 suicide attacks in FATA during last twelve years (2004-2015), resulting in the killing of 899 innocent lives and injuring 1662 others compared to 426 nation-wide suicide attacks which resulted in the killing of 6433 innocent lives while injuring 13269 others.

Any terrorist incident occurs in Pakistan, the blame goes to some unknown terrorist groups residing in FATA. However, it is something incomprehensible to observe the same terrorist incidents in the FATA itself. One explanation for this occurrence is the availability of various armed groups with conflicting interests. For example, in Khyber Agency, there were two armed groups, one was Lashkar-e-Islam headed by MangalBagh while the second was Ansar-ul-Islam headed by MahboobUstaz. The news about bloody combats between the two groups was a daily phenomenon till 2008. Both the groups had organized their members in the name of Islam and put their efforts to gain maximum control in Khyber Agency. Though they were against TTP and at times assisted the state to implement peace in the region yet they were officially banned by Pakistan and an offensive was launched against Lashkar-e-islam in 2008, ever since the whereabouts of MangalBagh is not known. Similarly, MahboobUstaz of Ansar-ul-Islam is thought to have been fled to Afghanistan.

Figure II



Source: Suicide Attacks in FATA. Report generated by FATA Analysis and Strategy Team (FAST), Law & Order Deptt: FATA and South Asian Terrorism Portal.

Figure, showing Suicide Attacks in FATA & Casualties during last 12 years (2004-2015)

Furthermore, it was also observed that both the groups resorted to coercive tactics to recruit members in their groups. During the epic period of MangalBagh, one person in the Khyber Agency narrated the story in the following words;

“our young are forced to join one group or the other. Their members come to our doors and meet one of the head of the family. They inquire about the number of the young adult males in the family. If a family has four (4) adult members, the group demands at least one of them to be recruited in their group. If the head of the family rejects this offer, he is then forced to pay ten thousand (10,000) Rupees to the group as a replacement of a member. If someone opposes to meet any of these offers, then there is no place for him in the Khyber Agency but to flee to the settle areas. Even in the settle areas such a person is not safe. We are stuck between the terrorist groups and army. Army thinks we are terrorists while the terrorists force us to join them. We are ruined.”

This story speaks volumes about the situation in FATA before launch of Zarb e Azab in 2014. The situation was not significantly different in other agencies of FATA. However, the credibility of such a response is often questioned when the fact is found that all the terrorist groups are headed by members of the people of FATA themselves.

Presence of Informal Economy

FATA abounds by drugs smugglers and other items as it is tax free zone. The assessment of the World Bank described the value of stealth economy as approximately \$30 billion, which form a tenth of the country's official gross domestic product (GDP) and become the highest ratios of a state in the world (Ahmad, July 13, 2004).

Main part of this type trading is the hawla comprised composition of finance lender and brokers who transfer funds from Pakistan and also receive at Pakistan. According to Citigroup, hawala flows into Pakistan are so robust that the informal economy they support defies “fiscal gravity” in terms of normal inflationary pressures and adverse foreign capital exchange rates (Behar, 2002). Although the hawala network has been somewhat inhibited after 9/11 episode, it is most followed mode of money transfer due to its low cost, and effectiveness. This is another indicator that the state has loose writ in economic sphere in FATA.

Causes of FATA becoming UGS

Geo-strategic reasons

Pakistan security has been deteriorated from the last three and half decades. During Soviet invasion in Afghanistan Pakistan role was applauded for curbing communism by freedom fighters (Mujahedeen). Besides, Pakistan was in great fear that this imbroglio and Soviet military forces might stretched to Pakistan province Balochistan and further to warm water of Arabian Sea, which has been proved only as paranoid only by Politburo. FATA was used as a nursery for training and recruiting *Mujahidins* to fight against the Soviet Union during 80s. *Madressahs*, fighters, weapons and *Jihadi* tactics were made available for the people of FATA. By 1992, there were more personal weapons per head available in Afghanistan, than in India and Pakistan combined; the Soviet Union pumped \$ 48 billion worth of weapons, while the U.S supplied \$ 12 billion worth of them. With the then population of about 18 million, this summed up to a few million dollars of weaponry per head (Khan, 2007).

However, Pakistan and the US both were involved in this war for their separate interests. According to Reidel (2011), Pakistan intended to use of money and arms in the time of Afghan Jihad against India. which with its own strategic goals. The US objectives were using Pakistan and Jihadis for beating the Soviet Union and to end communist threat while Pakistan was taking it as strategic balance against India (Shah, 2011). Pakistan President General Zia availed this juncture as an opportunity to secure his goals in the garb of Islamization and established Mujahedeen training camps on the soil of Pakistan. This paved the way to not only Afghan refugees, drug trafficking, Klashinkov but to sectarianism which led to numerous evils in society. The matter did not stop here, after Soviet exit from Afghanistan, there arise various challenges for Pakistan foreign policy as Pakistan embassy was set on fire by forces of Ahmad Shah Masoud, who deemed that Pakistan has backed Taliban in capturing Herat (Sheikh, 2012).

In all this background Pakistan's foreign policy has become subservient to the US. We are not only dependent with regard to our defense requirements but are also at the mercy of the US financially. Due to dependence, Pakistan's foreign policy is also dictated by that country. The Afghan war and terrorism spill-over has ruined Pakistan's economy and internal security. Almost every day there are acts of terrorism in most parts of country. Cases of kidnapping for ransom are on the rise. Added to that there is a total destruction of government institutions leading to maladministration, inefficiency and corruption. Governance is at the lowest ebb. The plight of the common man is utterly miserable. Extremism is also on the rise – there is no religious tolerance which has led to serious sectarian conflicts. Much of this has happened because of our involvement in the Afghanistan conflict. We are in a difficult, complicated and despicable situation from which it is hard to escape.

Extremism and militancy in Pakistan were initiated in General Zia regime and General Pervez Musharraf regime who took Afghanistan imbroglio as facilitating ground for them with US financial assistance in several ways. All this triggered sectarianism and extremism series in Pakistan. Pakistan is in agony of distorted image, shattered economy and undermined state sovereignty consequently. Pakistan contemplated soviet invasion time insurgency as not will have severe blowback for Pakistan but the US after Soviet exit deserted Pakistan whereby no post war settlements were operated (Ilahi, p. 140).

Afghan Jihad ended with start of series of extremism for Pakistan whereby the first phase was started with collusion of India in the form of several bomb blasts in various Pakistani's parts. Two important reasons triggering extremism in this phase were Indian desire to revenge Pakistan for its support of Kashmiri insurgents in Indian occupied Kashmir and secondly, Pakistan supporting Sikh's Khalistan movement of East Punjab in India. In 1980s second phase was started due to conspiracy of three extremist organizations as Lashkar-e-Jhangvi, Sipah-e-Sahaba Pakistan (SSP) and Sipah e Muhammad Pakistan (SMP). Several civil servants, professional, clerics were killed by these extremist organizations till the government sternly handled them and then they were shifted to FATA. Simultaneously ethnic strife become apprehensive in Karachi where in Sindh MahajarQuomi Movement becoming alarming for other factions. Consequently, Operation Clean Up was launched in Benazir Bhutto time to control these extremist trends (Pakistan Development Review, 1996). Third phase was started in 2001, where Afghan Taliban infiltrated to Pakistan tribal area and gradually this area was turned to Al-Qaeda and Taliban's hub.

On Afghan soil we have faced challenges and costs as we could an alternative transit path for Central Asia trade to the globe for transfer of fossil fuel to the South Asia so as to counter Russia dominancy. Afghanistan turmoil will keep Pakistan with myriad security threats in shape of restive FATA, illegal infiltration, consequently refugees deluge, spike in drugs trafficking, uprising in Pashtun

nationalism which will ignite Afghanistan imbroglio and both Pakistan and India will try to steal the march on each other (Jinnah Institute Report, 2011).

Militants in FATA are settled due to porous border between Afghanistan and Pakistan (Javaid, pp.125-131) and Pashtunwali (Pashtun code of life) of inhabitants of FATA and KP(Ahmad, 2010, pp.102-113). Pakistan is accused for the presence of Al-Qaeda and Afghan Taliban who attacked coalition forces in Afghanistan. Al-Qaeda was originally the organization with norm and tradition of Arab countries especially Saudi Arabia and Egypt. Now Al-Qaeda has its cell in approximately forty countries. As far as Al-Qaeda is concerned then is clear that it became an organization against US forces occupation of different Muslim territories and it had fought against Soviet invasion in Afghanistan. In the garb of terrorism it wants to get rid of foreign occupation and to work for renaissance of the real soul of Islam. For them 9/11 was turning point to military and political joint venture for realisation of this goal and to prepare world as field for Jihad (Aziz, N.D).

Al-Qaeda was arch rival of the US with no resentment against Pakistan, but when Pakistan launched military operation in FATA as per Musharraf's order, since Al-Qaeda has been turned against military dictator without any grudges for the state. The motive behind Al-Qaeda arrival to FATA was to flourish its agenda of Jihad and to give tough time to the US, and for the same very sake another frontline organization was needed in order to escape from Pakistan state and army focus. This space was filled by Tehrik e Taliban Pakistan which remained active in Swat, FATA and so many other parts of Pakistan.

Tehrik-i-Taliban Pakistan known as the Pakistani Taliban, is an umbrella organization of various Islamist militant groups based in the north western Federally Administered Tribal Areas along the Afghan border in Pakistan. Most, but not all, Pakistani Taliban groups coalesce under the TTP. In December 2007 about 13 groups united under the leadership of BaitullahMehsud to form the Tehrik-i-Taliban Pakistan. The Tehrik-i-Taliban Pakistan's stated objectives are resistance against the Pakistani state, enforcement of their interpretation of sharia and a plan to unite against NATO-led forces in Afghanistan and for this purpose TTP has launched a series of suicide attacks (Fair and Jones, 2010, pp.161-188). TTP is validating their ruthless attacks inside Pakistan in retaliation of US engagement in Afghanistan and due to Pakistan key role in combating terrorism.

Now after the defeat of Red Bear, the US took a U-turn in its policies and started a war against the former *Jihadis*—Al-Qaida, due to the excuse of 9/11. After the incident of 9/11, USA in support of its NATO Allies launched a full-fledged war against Al-Qaeda of Afghanistan in 2001. The war has continued for more than a decade which has had a spillover effect of war on tribal area and Pakistan. President Obama in press release of October 15, 2015 claimed that USA had achieved its targets by pushing back Taliban and reclaiming territories from them in Afghanistan. He further said that about Ten Thousand troops would camp in Afghanistan for training Afghan forces and supporting them in counter terrorism operations against the remnants of Al-Qaida. He also threw light on Afghan led reconciliation process and said that the only real way to effect a complete drawdown of U.S and foreign troops from Afghanistan is through lasting political settlement of Afghan Government with the Taliban and other stakeholders. Nonetheless, the Taliban has so far not shown any serious interest in political reconciliation which is evident from their latest offensives in Afghanistan. This again demonstrates that they are seeking a war based solution for Afghanistan.

Irrespective of the above position, the tribal area of Pakistan remained a battle ground between the U.S led NATO and Pakistan Armed Forces which has devastated the area and shaken the fabric of tribal society. Thus it can be seen that Pakistan's tribal belt has become a battle ground between the U.S led NATO countries and Al-Qaeda and now new emerging entity Daish. Both have used their local influences for the sake of achieving their long term strategic objectives. The situation has improved to a greater extent due to launch of vigorous operations in North Waziristan and Khyber Agency.

Political Reasons

Since independence it has been tenuously governed because of deliberate policy, not because of Pakhtun tribal traditions or resistance. The state has retained a colonial-era political, administrative and judicial system that denies basic constitutional rights and political representation.

Financial gains by the bureaucracy and politicians, and strategic gain seems the only reasons why FATA is still ungoverned space.

Socio-economic Reasons

The tribal belt comprises regions which were economically very deprived due to inaccessible nature of the area. Even after 1947 unfortunately very little attention was paid to the development activities of these areas. Even at present, the total budget for FATA is about 20 Billion which is highly insufficient to meet the requirements of this region. Complaints of corruption are also widespread about the official organizations responsible for developmental work in FATA. For instance a survey reports that people in FATA have a very low trust on government officials. The local religious leaders enjoy greater trust of people, even though the level has decreased over the years, See Figure 11 for details (Shinwari, 2008). The people of the FATA also highlighted the poor socio-economic condition to be one of the reasons for the presence of non-state elements (Shinwari, 2008). They further pointed out that the unemployed youth of FATA mostly engages itself in drug abuse (35%), arms and drug trade (6%), domestic violence (34%), criminal activities (12%). However, the research pointed only 4% of the people think that the unemployment leads to the involvement of youth in extremist activities (Shinwari, 2008). It also indicates that though unemployment does not lead directly into the extremist ideology. However, it surely provides the raw material for extremists to use in terrorism.

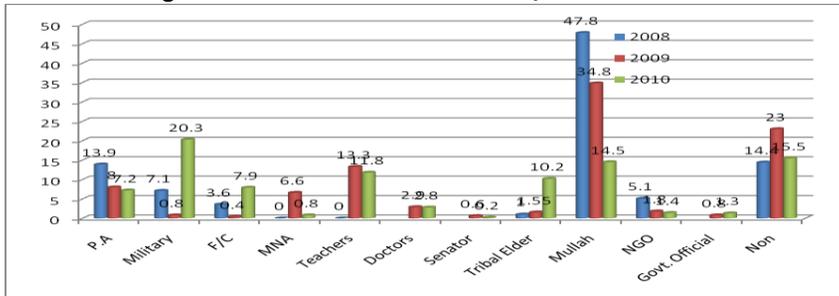
The same research highlights that conflict over land is an old phenomenon and local tribesmen are well aware and are accustomed to this. However, extremism is something that has only a 30 year history and has destroyed the very fabric of the tribal and Pakhtun culture. The new dynamics affected history long institutions of Jirga, hujra, nanawatay etc. The possible purpose of destroying these deep rooted institutions was to find space for their own decisions instead of leaving it to Jirg (Shinwari, 2008).

According to a research the Islamic movement in Khyber Pakhtunkhwa and tribal areas were led by al-Qaeda and Taliban who were against prevalent societal power structure and main patrons were mailk and Khans. The challengers are spearheading the millennial tradition of popular religion, where the establishment of an Islamic state can provide a hope of happiness, prosperity and justice and stop cruel order (Roy, 56, 1981 cited by Khalid)Both justice and economic better life demands have equal significance. Kashmiri Jihad triggered Pakistani jihadists who got facilitated and employed by Taliban and have challenged state writ. Deployment of military troops of Pakistan in tribal areas had diminished the power and influence of political agents whereby administration became weaker and weaker. The curbing of extremist mullahs by state was in utter failure. Consequently, illegal

stations of FM radio were established and flourished which led the society radicalized which enhanced contempt and hate for elites without any proper check by state authorities. An increase in Madrassas specially Saudi Arabia sponsored happened. A demographic time bomb exists in tribal areas where 60 percent of population comprised of young people of age 15 to 26. Lack of jobs has aggravated people resentment against state. Furthermore, state got weakened for neglecting merit based recruitment and avoiding professionalism in administrative and security services of tribal areas and Khyber Pakhtunkhwa.

Fault lines in governance and lack of efficiency and merit to govern state led to crisis. Consequently, an unending series of crisis was followed by state of Pakistan.

Figure III - Most Trusted Institution/Leader in FATA



Source: Naveed Ahmad Shinwari. (2010). *Understanding FATA, Volume IV*. Retrieved October 10, 2011 from <http://www.understandingfata.org/uf-volume-iv/>

FATA people are having conservative approach towards Islam but they cannot be termed as fundamentalists. *Jirga* (the assembly of elders and influential) is a place for settlement of disputes which is based on centuries long tradition where all of disputes are solved without any consideration of distinction.

The terribly poor economic conditions, low literacy, under-developed infrastructure as the contributory factors towards un-governability have been identified by various reports (United States Government Accountability Office, 2008; Crisis Group International, 2009).

Discussion on FATA as UGS

According to Ninda Swidler “Glue Theory”, signifies that Individual past conduct has a great reflection on current behavior which resist the trends towards any of normative change. This theory has divided decision making into two steps as evaluation and editing whereas in editing refer some outcome for taking decision whereby lesser outcomes are taken as losses and greater outcome are contemplated as gains. In evaluation a value is computed for possible outcomes. The theory suggests that past greatly impacts present and future as an individual is resistance to change to retain status quo. As a natural corollary the society will resist any change imposed against its will. The application of glue theory therefore furnishes an argument that a tribe is resistant to accept state authority as that amounts to giving up old ways of living. Accordingly, Tversky’s and Kehneman’s Prospect theory advocates the same notion of normative grounds having resistance to the authority of state to be

implemented. As per this theory pleasure of gain is surpassed by pain of loss. In terms of prospect theory, the observance of Pakhtunwali Tribal independence can be argued as the reference point that determines what constitutes a loss or gain.. In terms of prospect theory, the Pashtun tribal society values construction of roads and provision of protection but at the same time will not be willing to accept any loss of autonomy or offer willingness to accept fruits of modern living in as a price for loss of autonomy. (Harbaugh, Rick & Kornienko, 2008). No any common enemy cause destruction to segmentary of society. Because segmentary societies mostly have equal distribution of wealth at different level and influence and powers are also within society reach. It mostly signifies impasse resulted of any conflict between two groups with no end in sight as both have equal might as the very instance of Ansarul Islam and Lashkar e Islam suited most in this perspective. (Charles, 1982).

Impact of Ungoverned Spaces

The ungoverned territories generate all manner of security problems (Rabasa, et al., 2007), such as civil conflict and humanitarian crises, arms and drug smuggling, piracy, and refugee flows. They threaten regional stability and security. The Crisis Group International (2010) report highlights a few of the impacts of ungoverned spaces in Pakistan. These include;

Spread of Crime and Militancy

Spread of militancy is a gift given to the mainland territories by the ungoverned territories. Militant, extremist, and criminal elements find the ungoverned territories as a safe haven for themselves and a place of resort. Khan and Sajid (2010) argued that the proximity of tribal belt is one of the several reasons for kidnapping in Khyber Pakhtunkhwa. The kidnapers abduct the victims and take them to the tribal areas and in return ask for ransom or some other demands such as the demand for release of a particular criminal/militant such as in case of the kidnapping of the two Chinese engineers from district Dir (Daily Mashriq, 9 January, 2010). At times, the amount received by such means is further used to fuel the terrorist/criminal activities. This crime is thus perpetrated by the militants as a tool for increasing their bargaining power with the authorities. Militancy and Terrorism is considered one of the biggest threats to the economy as it creates extra uncertainty and risk for the business. In such a scenario not only foreign investors terminate their projects but also the residents of the country prefer to invest their hard earned money in safe countries. According to the media reports 90% business activities in Khyber Pakhtunkhwa and particularly in Peshawar have been affected. Militancy also encourages and engenders allied crimes such as kidnapping, murder, car snatching, extortion, target killing and robbery etc. In Khyber Pakhtunkhwa in 2015 the said crimes were perpetrated in alarming number.

Sr. No.	Crime	Peshawar	Mardan	Nowshera	Charsadda	D.I.Khan	Others	Total
1.	Robbery	20	24	24	11	-	10	89
2.	Kidnapping	16	-	14	11	12	14	67
3.	Murder	145	66	87	88	72	-	458
4.	Car snatching	07	05	09	-	-	21	43
5.	Street Crimes	17	04	09	-	07	07	44

Source: KP Terrorism Report 2015

The above crimes can be discouraged to a considerable extent if we are successful in getting a peaceful FATA.

Shattered Economy

Regarding economy, it is said that as militancy in the tribal areas thrives, so does the war economy that fuels it. The arms and drugs trade is flourishing in FATA and other UGS in Pakistan,

partly a legacy of the Afghan civil war and partly because of the absence of a criminal justice system and economic regulatory laws. With many key access points at FATA border with Afghanistan now threatened by the militants, cross-border smuggling is on the rise. These UGS hold smuggling markets, commonly known as “Barha Markets”. The Barha Markets are places where all the smuggled items from all over the world are traded and sold. There is a wide range of items being traded there. The range of items include, among others, from needle to sewing machine, from bullet to rocket, from bicycle to land-cruiser vehicle, and so on. However, the Barha Markets are better known for their trade in arms and drugs.

Conflict Induced Displacement

Almost one third of FATA’s approximately 3.5 million-strong population has been displaced by conflict. According to FATA secretariat figures released in July 2009, about 550,000 people were displaced from Bajaur and Mohmand; 80,000 from Kurram; 50,000 from North Waziristan; and 250,000 from South Waziristan, more than half of this agency’s population, with ongoing military operations rapidly increasing their numbers (Planning and Development Department (April 2009). During fresh military and paramilitary operations in North Waziristan, the estimated IDPs number has been exceeded than 1.000 million individuals and 100000 families. Similarly, the displacement occurs partly due to state’s intervention to initiate its writ on the territory by force through military operations (such as in Swat and parts of FATA) and partly due to the fear of extremist elements by the local population.

Conclusion

- In our case study presented in the previous pages, we found clear signs of non-state actors and characteristics of un-governability in these areas of Pakistan. The indicators of un-governability as presented in Table 1 were also identified in these areas of Pakistan. e.g. lack of state penetration in to the society or the poor writ of government , lack of or absence of state institutions (like hospitals, schools, colleges, universities, etc), lack of physical infrastructure (roads, electricity, phone and gas etc), corruption and the prevalence of the informal economy (black market), social/cultural resistance (Pakhtunwali and Riway), lack of monopoly of force, Illegal armed groups, criminal networks, population with access to arms, lack of border controls, and external interference in FATA are clearly visible. Furthermore, the conduciveness of FATA to the terrorist’s presence is also visible. Favourable demographics (extended families), supporting social norms (Hospitality and Honour), preexisting state of violence, and presence of extremist groups (e.g. TTP etc.) are but a few of the indicators for measuring conduciveness of an area to terrorist presence. We find in our discussion that FATA has shown the signs of most of these indicators presence. If we take the measuring instrument, established by RAND Corporation then FATA qualifies the definition of UGS and also existing crisis.
- The economic consequences of UGS for the whole country are severe and harmful. It is a known secret that most of the smuggling in Pakistan is carried out through the loose borders in FATA and Balochistan. The smuggled items are then sold in the informal markets of Pakistan. The prices of such items are in general lower than the regular items. However, the smuggled items reach to the market without going through any tax, custom duty, or tariffs. Resultantly, the government has no gain from smuggled items. There are no foreign investments in UGS. The local investors are also hesitant to invest in UGS due to their harmful nature.

- Further to extremist challenge the other more horrible threats exist of organized criminal activity in tribal areas as forgery in documents and money laundering to smuggled items. The most prevailing trade is of narcotics which most likely in dealers and contractors in Khyber Pakhtunkhwa which of pivotal significance in the supply of heroin of Afghanistan to the Russia, Europe and Central Asia markets. This type of trafficking is dangerous in its own as consequences are of addicts and corruption and is feeding source for militants. It is apprehensive for security officials that extremists get profit from heroin sale and now taking this income against state war.
- The state limited presence in border area has intricate the security scenario further which is visible in FATA where the state writ exist nowhere. Amazingly, the border management through fencing was severely opposed by both the US and Afghan government.
- On the policing side, the on-going situation in FATA has caused severe consequences as well. There was more than 200% increase in police check posts in KPK alone. The improved security of the VVIPs, shrines, mosque, government establishments and now educational institutions have caused the police to provide more and more force for the protection of such persons and places.
- Socially, the society has become more insecure and the social ideologies are slowly and gradually shifting towards extremist ideologies. Furthermore, the popular culture is also adopting the extremist traits. The non-state elements in tribal areas are used by the criminal elements in the settled areas for their own gain as well. As Sajid and Khan (2009) identified, kidnapping for ransom is one of the effects of law-less tribal areas in KPK. Sufi shrines bombed and bulldozed, CD shops and music centres bombed, and fine arts personnel kidnapped and constantly threatened for severe consequences if they do not let the profession go. Many of the persons attached to music and fine arts industry, such as AlamZebMujahid, HaroonBacha, and Sardar Ali Takkar, has migrated to other countries because of the constant threats from extremist elements.
- In the ongoing operation of Zarb-e-Azab in North Waziristan, Pakistan Army has achieved significant results by reclaiming the territory from the terrorists and containing them. The war tactics and skills of the terrorists have also been weakened which has compelled them to attack soft targets in shape of Army Public School Peshawar and Bacha Khan University Charsadda. DG ISPR in his briefing on the incident of Bacha Khan University said that the enemy was on their escape and only executing attacks on soft targets as retaliation. Thus operation Zarb-e-Azab has made a shift in the war strategy of Taliban from hard targets to soft targets like educational institutions which exhibits that their strength has been contained to a great extent.
- The international consequences of UGS are also very harmful to the international image of Pakistan in the international community. Further, the enemies of Pakistan, India and Israel, took the case of UGS in Pakistan and make very harmful propagandas against Pakistan in the international community through media and other means. Besides this, the state's effectiveness in UGS is also questioned by the international donors and United Nations as well. Furthermore, the situation in FATA adversely effects Pakistan relations in the region.

Recommendations

- Although ungoverned territories generated crises may have different sources that require different policy mixes, the policy must always address the two sets of attributes that make some of these territories actual or potential terrorist sanctuaries—the lack of an effective state presence and the conduciveness of these territories to the presence of terrorist

groups. Two approaches are possible: the direct approach, targeting terrorists directly with military force (currently in move in the country), and the indirect approach, helping friendly governments extend state control and improve governance in these territories. The authors recommend blend of the two suitable approaches. The results of direct approach could be proved short lived and the indirect approach can produce lasting effects.

- FATA may be brought in the mainstream of society by changing its status into a settled territory. FATA can be made into a new province or can be merged in Khyber Pakhtunkhwa. The state institutions in FATA may be strengthened. Increase in schools, colleges and establishment of engineering, medical and general universities in FATA will contribute to the mainstreaming of FATA.
- For a greater state penetration into the society, the infrastructure for communication and transportation may be built on emergency basis.
- From a policing perspective, an intelligence-led-policing model be adopted for FATA, as such a model is very useful even for the entire country.
- Political process may be strengthened and zero tolerance against sectarian outfits be exercised.
- A greater ration of aid in lieu on war against terrorism in FATA may be diverted to developmental activities & welfare activities, so that the region could play a significant role towards national progress and prosperity.
- Due to historical reasons situation in Afghanistan greatly impacts peace in the FATA region. People living on both sides of the Pak-Afghan border are tied in strong relationships of ethnicity and beliefs. It is, therefore, important that we help Afghanistan establish peace and order in its territory as this will have a worthwhile effect upon peace in FATA region. In this regard assistance needs to be provided to Afghanistan to help it build its law enforcement institutions so that it is able to protect its land from being used against Pakistan.
- It is a routine phenomenon that thousands of Afghan people cross the border of Pakistan which have proved detrimental at occasions. A comprehensive strategy may be chalked out to check the illegal infiltration on the border in order to protect the tribal area from being used as sanctuary for terrorists.
- Peaceful and stable Afghanistan is the prime interest of the whole region. More than a decade of the US occupation has troubled Afghanistan where there is escalating militancy in Af-Pak region due to non-state actors in the shape of Al-Qaeda, Taliban myriad groups and ISIS. Now that Osama bin Laden is gone, Al Qaeda's back is militarily broken in Afghanistan and FATA, and its rank and file is shifting to the Arab world and East Africa, the links between the Taliban and Al Qaeda are no longer that strong. Moreover, the U.S decision to bring about a drawdown of its forces from Afghanistan till 2016-17 also implies meeting the demand of the Taliban for a full withdrawal of foreign forces half-way. Accumulatively these developments are creating an environment in which restoration of peace in Afghanistan through dialogue with the Taliban has a chance. But only a chance, the availing of which would require some basic agreement among the power contenders and stake holders inside Afghanistan and imaginative diplomacy on the part of the U.S/West and neighbours of Afghanistan. For any solution to the Afghan problem becoming viable, support of the majority if not consensus of Afghans would be required. Also a clear understanding among the international and regional stakeholders on Afghanistan's neutral status has to be restored.

Further to this state writ and effective governance is most important for resolving FATA militancy and extremism. Terrorism can be curbed only through establishment of state writ. The societal values should be best possibly adjusted in structure of FATA which can only work to address people grievances against state. In nutshell a comprehensive strategy having two stages may be devised to tackle the crisis in FATA. In 1st stage the government may stabilize the troubled areas by taking the local people on board. In the 2nd stage the government may start infrastructural development and human development followed by industrialization in the region and affording maximum opportunities to the local people. As a result, people would not only get employment but also play a vital role towards the development of the country and their economic deprivation would be reduced. Such development may also be coupled with political and constitutional reforms so that the isolation of the people of FATA could be ended and they are absorbed in the mainstream of society.

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