



Helpdesk Research Report

Drivers of conflict in the Swat Valley, Pakistan

William Avis

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Question

What were the main drivers of 'militancy' (conflict) in the Swat valley of Pakistan in 2008-2009, and what has been the impact of interventions, such as the Nizam-e-Adl Regulation 2009, in addressing key grievances?

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1. Overview

This rapid review draws on academic and grey literature to identify drivers of conflict in the Swat Valley and to explore the impact of interventions that seek to address underlying grievances. There is a substantial body of literature that explores drivers of conflict in the Swat Valley, but assessments of the impact of interventions are more limited.

While the drivers of conflict in the Swat Valley have some unique characteristics, it is difficult to separate these from the genesis of militancy in the wider Afghanistan/Pakistan border region (including the province of Khyber Pakhtunkhwa, the administrative division of Malakand and the Federally Administered Tribal Areas) given their shared history.

Drivers of conflict in the Swat Valley consist of a diverse mix of historical, social, economic and political factors linked to the absorption of the region into the British Empire and, latterly, independent Pakistan alongside more proximate factors such as international interventions in Afghanistan (1979, 2001) and decades of poor governance.

Drivers include:

- Historical factors linked to the **colonial and post-colonial legacy** of the Swat Valley's absorption into the British Empire and later independent Pakistan.
- Religious factors and the **role religious leaders** play in Swat Valley society. Whilst the Pashtunwali code of conduct had served as a tool for conflict resolution, the emergence of the *Tehrik-e-Nifaz-e-Shariah-Mohammadi* (TNSM) and their desire to impose Sharia law in the region led to conflict both within the Swat Valley and with the Pakistani government.
- Political and judicial factors such as the **underdeveloped judicial system** and ineffective local government which created social cleavages and played a major role in the rise of TNSM and Tehrik-e-Taliban Pakistan (TTP) as political forces in the area.
- **Transnational factors.** In the context of Afghanistan and Pakistan, where strong ethnic ties among Pashtuns exist, Pakistan has been inexorably drawn into discussions of Afghanistan's fate as result of cross-border insurgent activity.
- Although **gender** was not initially a central conflict issue, it became a focal point at a later stage with destruction of girls' schools and attacks on working women.
- **Marginalisation and inequity.** Militants in these areas have exploited frustrations resulting from decades of weak governance, corruption and wide ranging socio-economic deficits.

Attempts to resolve the underlying drivers of conflict in the Swat Valley have included military, humanitarian/developmental and legislative interventions. The Pakistan Government's response to the conflict has been the adoption of a three-pronged strategy based on dialogue, development, and deterrence. It entails deploying military force while also seeking to enhance development efforts and address persistent grievances.

2. Drivers of 'militancy' (conflict) in the Swat Valley

Background

The Swat Valley is an administrative district in the Pakistani province of Khyber Pakhtunkhwa (KP) (formerly the North-West Frontier Province or NWFP) that has become synonymous with protracted conflict between state forces and insurgent elements within the region. Pashtun tribes primarily inhabit the Valley. They are an ethnic group who share a common language and live along the eastern and southern border of Afghanistan and parts of Pakistan (Lindholm, 1979).

A combination of Pashtun ethnic and Islamic values influence Valley society, with the Pashtunwali code of conduct used in parallel with Sharia law (Barth, 1981; Rome, 2008).¹ Orakzai (2011) comments that, historically, the Pashtunwali code has underpinned social, political and economic life in the Valley and provided an alternative form of social organisation. Pashtunwali involves the principles of *malmastia* (hospitality), *jirga*, *hujra*, *badal* (revenge), *nanawatee* (refuge, asylum), *ghairat* (honour, chivalry), *tor* (shame), *tarboorwali* (agnatic rivalry), *purdha* and *namoos* (gender boundaries) (Elahi, 2015: 228).

¹ Sharia law is the body of Islamic law. The term means "way" or "path"; it is the legal framework within which the public and some private aspects of life are regulated for those living in a legal system based on Islam.

Genesis of the conflict in the Swat Valley of Pakistan

The conflict, that reached its peak in 2008-2009, had been simmering in the Swat Valley since the early 1990s, and can be traced in part to the emergence of Sufi Muhammad Khan and the *Tehrik-e-Nifaz-e-Shariah-Mohammadi* (TNSM) in 1992 (Orakzai, 2011). The party rose to national prominence in 1994 when Khan launched the *tor Patki* (black turban) movement, demanding the immediate imposition of Sharia law. Violence followed as paramilitary forces began a counter-insurgency operation.

From 1994 onwards, the TNSM became more active in their agitation for the imposition of Sharia courts. Initially, the government responded with force, deploying the Frontier Corps, a paramilitary unit, against Sufi Muhammad (Kronstadt, 2010). The operation was short lived, ending as the provincial government reached a negotiated settlement with the TNSM and agreed to a limited enforcement of Sharia via the *Nizaam-e-Shariat* Regulation. Under this framework, courts and names of judges were 'Islamised': a judge was designated a *qazi*, and an adviser was assigned to each *qazi* to administer justice according to the Sharia. A new parallel judicial system was instituted where litigants had a choice between the 'law of Pakistan' or the Sharia. Rome (2009) comments that disagreements over the terms of the regulation, specifically with regard to the establishment of Islamic courts, created an uneasy peace punctuated by sporadic violence. The regulation failed to address underlying grievances of the TNSM, and demands for a change in the judicial system and the enforcement of Sharia laws continued (Orakzai, 2011).

In 2001 Sufi Muhammad became embroiled in the conflict in Afghanistan, recruiting an estimated 10,000 followers to fight US forces (Roggio, 2007). Pervez Musharraf, the Pakistani president at the time, arrested Muhammad and banned the TNSM. Muhammad's son-in-law, Maulana Fazalullah assumed leadership of the TNSM and aligned the movement more closely with the *Tehrik-e-Taliban* Pakistan (TTP). Fazalullah became known as the 'Radio Mullah,' operating 30 illegal FM radio stations through which he broadcast his views, such as opposition to female education (DIIS, 2010). Fazalullah sought to exploit widespread grievances related to the government's slow response to provide relief and rehabilitation in the region after the 2005 earthquake.

A further catalyst to the Swat Valley conflict was the fallout from the Lal Masjid siege of 2007: Fazalullah ordered supporters to avenge a security forces operation to clear militants out of the Red Mosque (Lal Masjid) in Islamabad, which led to dozens of deaths. In response, the Pakistani government launched a second military operation against the TNSM and its TPP allies. According to Siddique (2008) this offensive largely failed to curtail the power of the TNSM which, by late 2007, had gained administrative control of Swat, setting up Islamic courts and attacking girls' schools.

During 2007-2009 conflict in the Swat Valley was at its peak with repeated attacks on security personnel, civil society members, local leaders and elected representatives of district government. Attacks also targeted and destroyed government buildings, particularly schools and hospitals. Militants also targeted informal institutions such as the *hujras* (guesthouses), *jirgas* (council of elders) and mosques, symbols of unity in Pashtun society. The TNSM and their TPP allies in turn sought to establish the *markaz* (centre) as alternative courts to the government judicial system for deciding civil and criminal cases, and to challenge the local *jirga* system (Orakzai, 2011). During this period reports suggest that the TNSM/TPP had established control of 59 villages in the region and as much as 70 percent of Swat Valley (Orakzai, 2011).

In an effort to end the violence, the Awami National Party-led provincial government of the NWFP (as KP was called then) negotiated the release of Sufi Muhammad in 2008 and allowed Fazalullah to return to Swat (Kronstadt, 2010). In April 2008, the provincial government embarked on a new peace process that resulted in a 16-point peace agreement. Peace however, was short-lived, as the agreement broke down

in June 2008. Militants cited the continued presence of the army as a deal breaker and therefore reneged on the agreement. From August to December 2008, the government launched further military operations in Swat.

During this outbreak of violence, militants gained control of most of the Swat Valley and an estimated 80,000 girls were forced out of schools (Zafar, 2011). A new round of peace talks, in which Sufi Muhammad took part, led to the announcement of a temporary ceasefire in the region. In turn, the provincial government agreed to allow the implementation of Sharia in the region. On February 24, 2009 a spokesperson for the TTP publicly announced that his group would observe an indefinite ceasefire. An agreement was signed between the government and TNSM on February 15, 2009 leading to the promulgation of an ordinance in Malakand Division that established religious courts under a *qazi* (judge) and the implementation of Sharia law in Swat, commonly referred to as the *Nizam-e-Adl* Regulation 2009 (Hilali 2009).

The ceasefire was threatened in early April 2009 when Sufi Muhammad ended support for peace negotiations stating that the government was stalling the implementation of Sharia courts in the Swat Valley. In mid-2009, the TNSM escalated activities in the neighbouring district of Buner, this triggered a military counter-offensive against them. By the summer of 2009 the TNSM/TPP had largely been driven from the Swat Valley and the region brought back under government control. Underlying grievances/factors which caused the conflict, however, still needed to be addressed.

Drivers of conflict

While the term 'drivers' implies the dynamic nature of the factors and processes that contribute to violent conflict, there is a great deal of debate about what factors contribute to the underlying 'causes' of conflict (Kett & Rowson, 2007). Some have traditionally focused on grievance-related drivers of conflict, such as poverty and inequality, others comment that the incidence of conflict is dependent on material interests i.e. greed rather than grievance (Kett & Rowson, 2007).

Friedrich-Ebert-Stiftung identified the following structural weaknesses in Pakistan as driving and sustaining conflict (FES, 2005: 1-2):

- the special role of the military in socio-political and economic affairs;
- strongly manifested socio-economic disparities within the country;
- restricted chances of participation for civil society in political, economic and social development;
- segregation of the sexes and distinctive gender inequalities;
- the presence of various regional, sub-regional and local identities against weak or non-existing collective national identity; and
- the prevalence of reciprocal stereotypes and hostile perceptions against some of the local groups and the international community.

It is difficult to separate drivers of conflict in the Swat Valley from the genesis of militancy in the wider Afghanistan/Pakistan border region (including Khyber Pakhtunkhwa province, the administrative division of Malakand and the Federally Administered Tribal Areas) given their shared history. The drivers of conflict in the Swat Valley consist of a diverse mix of historical, social, economic and political factors linked to the absorption of the region into the British Empire and, latterly, independent Pakistan,

alongside more proximate factors such as international interventions in Afghanistan (1979, 2001), and decades of poor governance (ADB, 2010: 5).

Orakzai (2011) notes that part of the problem in identifying drivers of the conflict is that the violence in Swat is difficult to define. Its perpetrators have been variously described as miscreants, terrorists and insurgents, leaving observers to ponder whether Pakistan was fighting against criminal activity or battling a civil war in Swat. Commentators such as Orakzai (2011) suggest that conflict in the Swat Valley is a product of historical, religious and social phenomena that have culminated in the emergence of militancy and terrorism (Orakzai, 2011). The conflict is considered to be intractable given its complexity, the prolonged history of violence and socio-economic factors. Further to this, Orakzai suggests that the conflict threatens the political and economic stability of the entire South Asian region (Orakzai, 2011).

Most local experts agree that economic development played a minor role, if any, as a driver of the Swat conflict. Zafar (2011) notes that historically, Swat has been home to a lucrative tourism industry, attracting both domestic and international tourists. This bolstered Swat's local economy and garnered greater attention from the provincial and federal governments. In comparison to other areas of Pakistani, especially in Khyber Pakhtunkhwa, Swat was in the upper range on a number of development indicators. As such, experts assert that the basic demand of the people of Swat was not for development but speedy justice (Zafar, 2011). The empirical evidence to support this claim comes from a disparate collection of opinion polls, newspaper editorials, and human development data. This evidence suggests that the case of Swat fits better within a theoretical framework linking social cleavages rather than poverty to the onset of terrorism, insurgency, and/or civil war (Zafar, 2011). Below is a summary of the drivers of conflict identified by commentators on the Swat Valley.

Historical dimensions

Colonial and post-colonial legacy

At the time of Indian partition in 1947, Swat, then a princely state, acceded to Pakistan while maintaining internal autonomy. This status continued until 1969 when the states of Swat, Dir and Chitral were incorporated within Pakistan.

In 1970 Zulfikar Ali Bhutto, leader of the Pakistan People's Party (PPP), called for Islamic socialism and the abolition of large-scale holding of private property, thus threatening the power base of landlords. The impact of this policy was visible in the Swat Valley where local khans feared a decline in their traditional power as a result of economic transformation and market reforms (Orakzai, 2011).

Opponents of the Bhutto regime turned to Islam as a political alternative. Landlords made an alliance with *imams* (prayer leaders) and traditional *mullahs* (religious leaders) to issue a *fatwa* (religious decree), arguing that the abolition of private property was against Sharia law. They supported the *Nizam-e-Mustafa* (System of Mohammad) campaign against Bhutto's regime, which contributed to his fall (Orakzai, 2011).

Soviet (1979) and US (2001) interventions in Afghanistan

Soviet intervention in Afghanistan in 1979 had a lasting impact on areas bordering Afghanistan. During this period, material and physical support provided by the United States, Pakistan and Saudi Arabia led to the eviction of the Soviets from Afghanistan. The training of Afghan fighters combined two religious

concepts: *mujahedeen* (holy warriors) and *muhajareen* (a migration for religious sake) (Orakzai, 2011). The opening of *madrassas* (religious seminaries) in Pakistan through Saudi funding brought the teaching of the fundamentalist *Salafi/Wahabi* version of Islam to the region advocating jihad, while the United States and its allies provided arms, funding and collaboration with the intelligence agencies of Pakistan. It was during this time that religious parties like *Jamat-e-Islami* and *Jamat-e-Ulama-e-Islam* joined the Afghan jihad and developed networks with the *mujahedeen*. Shah (2012) comments that the mobilisation of the concept of jihad in relation to the fight against the Soviet Union in Afghanistan brought religious parties and personalities to the forefront in Pakistani society and politics.

In the wake of the U.S. invasion of Afghanistan, and the subsequent resurgence of the Taliban, regions surrounding the Afghan-Pakistani border experienced a degree of destabilisation. In particular, the emergence of the TNSM in the 1990s has seen repeated clashes with the Pakistani armed forces (1994, 2007 and 2008 etc.) (Rome, 2009).

Religious dimension

The religious leadership that emerged in Swat in the centuries following the emergence of Islam played an important role in politics. According to Orakzai (2011), this dynamic is important to consider for an understanding of the Swat crisis. This religious leadership had two tiers: *stanadars* (descendants of holy men, but not preachers) and *pirs* (Sufi religious leaders, mystics and preachers). These religious leaders play an important role in times of crisis involving religious and tribal conflicts. *Stanadars* play a role as mediators in land disputes. *Pirs* have greater influence during times of crisis.

Mullahs and *imams* of local-level mosques did not enjoy the same privilege within Swat Valley society (Lindholm, 1979: 489). In 1915, Mian Gul Abdul Wadud, ruler or *wali* of Swat, abolished the powers of *stanadars* and *sufis* concerning religious interpretation and decision making. The legal system he established was a combination of the decisions of *wali*, *riwaj* (tradition) and Sharia (Masood, 2009). The impact of these was evident in the law of inheritance: under Islamic law women shared in the inheritance, but in the local *riwaj* of Swat, women were not entitled to any inheritance except occasionally the share from the produce of the lands, which thus made Sharia subservient to *riwaj* (Rome, 2008: 120).

When the 1973 Constitution of Pakistan made Swat a part of the Provincially Administered Tribal Areas (PATA), this institution was upheld. The religious factor became more important with the rise of Zulfikar Ali Bhutto's socialist politics in the 1970s, when religious leaders were used to give cover to the interests of private land owners. This issue again became important during the Pakistan Peoples Party's second term under Bhutto's daughter, Benazir, in 1989, when private land ownership and women in leadership were declared un-Islamic.

According to Hussain (2013), before 1979 religion as a political tool was used in domestic politics, but after the Soviet invasion of Afghanistan an international dimension of religion appeared that gained momentum with the events of 11 September 2001, when Islam as a transnational factor became predominant in the region. The Taliban movement and their militant network attempted to delink the Pashtun from their history and indigenous narrative, and tried to isolate them from the rest of the world (Hussein, 2013).

In the wider context, other factors linked to rising religious extremism in Pakistan include: politicians such as Bhutto and Zia-ul-Haq using Islam to further their power interests; the influence of the Afghan jihad

and madrassas which mushroomed during this period; the growth in Shia-Sunni tensions and violence; and a growing conservative middle class.

Political/judicial dimension

While the lack of economic development may not have been a main driver of conflict in Swat, the underdeveloped judicial system and ineffective local government created social cleavages and played a major role in the rise of TNSM and TTP as political forces in the area (Zafar, 2011).

Under princely rule, Swat was known for cheap and timely dispensation of justice along with a fairly good standard of governance: trials were considered to be quick and cheap, the judgments/verdicts properly executed and the cases decided on the first or second hearing (Rome 2011: 57). But after the region's incorporation into Pakistan in 1969, the areas constituting the Malakand Division were subject to piecemeal judicial reforms and changes in their constitutional status.

The national judicial system was extended to the Swat Valley which, with complications under the PATA regulations and misuse of *riwaj*, resulted in an increasing demand for Islamic laws (Zafar, 2011). In the ensuing 30 years, political parties exploited local discontent with the judicial system. According to Zafar (2011) and Rome (2011) these factors caused societal disillusionment and resulted in the corrosion of the system of justice and weakening of the political and administrative writ of the government. Long delays in resolving civil claims made many locals nostalgic for the system of jurisprudence that had existed prior to the dissolution of the princely state (Rome, 2011).

On 12 February 1994 the Supreme Court of Pakistan declared the PATA regulation unconstitutional, which left Swat and the PATA area without any effective judicial system (Mir 2009). Taking advantage of the void in the judicial system and weakening of state structures, militants launched the *Tehrik-i-Nifaz-i-Shariat* (Movement for Islamic Law), promising a speedy justice system. Although the demand for the establishment of Islamic courts was accepted and implemented by the then government in 1994, the Taliban-led Islamic movement in Afghanistan during 1995 further worsened the state of law and order in Malakand (SDPI, 2012).

Insurgent elements within the Swat Valley have thus been battling the Pakistani government over the control of Swat's legal, judicial, and law enforcement structures for years. Zafar (2011) notes that the government's failure has been its inability to establish effective administrative systems as an alternative to the TNSM and TPP's brand of law, order, and quick justice. Instead of fixing systems in the border areas of FATA and Khyber Pakhtunkhwa, the government has created separate policies for these areas and has acquiesced to having parallel systems in place. In filling an institutional vacuum, the TNSM and TPP have gained support.

Zafar (2011) views the political/judicial dimension as the proximate cause of the conflict, the underlying factor of the 2008-2009 insurgencies and the basis for the demands made by the leaders of TNSM, which resulted in their alliance with the TPP in order to achieve their objectives.

Transnational dimension

In the context of Afghanistan and Pakistan, there exist strong ethnic ties among Pashtuns (Braithwaite, 2010: 313). Because of cross-border insurgent activity, Pakistan has been inexorably drawn into discussions of Afghanistan's fate. Similarly, the dynamics of violent events in neighbouring Afghanistan contribute to the roots of conflict in the Swat Valley.

After the US invasion of Afghanistan in 2001, the flight of Taliban leaders to the tribal areas of Pakistan gave TNSM a new ally. The Taliban's interest in this region was strategic. Ali (2009) notes that though Swat does not share a border with Afghanistan, controlling Malakand is important as the Peshawar-Swat and Peshawar-Chitral highway passes through it; severing this at the Malakand pass would cut the whole Malakand division off from the rest of the country and connecting Taliban pockets of resistance in a chain from South Waziristan to Swat (Ali, 2009).

Events associated with US interventions in Afghanistan also led to a revival of the TNSM. For example, in October 2006 when a *madrassa* in the Federally Administered Tribal Areas of Pakistan (FATA) was attacked by US missiles, killing 80 students, the TNSM garnered increased support (Orakzai, 2011).

More widespread anger at the US invasion of Afghanistan, and at the Pakistan government (Musharraf) for supporting the US-led 'war on terror' have also contributed to an increase in militancy across Pakistan. Public anger at repeated drone strikes in Pakistan further exacerbated this.

Gender dimension

Although gender was not, initially, as central to the conflict as the demand for Islamic law, it later became a focal point of the conflict, with the destruction of girls' schools and the attacks on working women. Hassan (2009) has termed this a 'war on Pakistani schoolgirls'; initially the target was female education, which later led to the ban on all types of education for both girls and boys.

Since the 1990s there had been a gradual acceptance of female education in Swat, as the government had been inclined to improve the female literacy rate in the rural areas, notably under the 'enlightened moderation' policy of President Musharaf, which called for women's empowerment and education (Musharaf, 2004). Women in the region were actively encouraged to take on jobs in local government and the NGO sector.

Certain local elements resented this gradual acceptance of female education in Swat, and considered it an affront to Pashtun culture (Ali 2010). The reaction to female education included threats to women and girls and attacks on schools and colleges. TNSM's anti-secular education operations are alleged to have destroyed around 300 schools in the region, primarily girls' schools (Ahmed, 2011). Similarly, Ali (2010) estimates that almost 35% of schools were affected and 190 government schools for girls were burnt in this crisis, while 8,000 women teachers were left without jobs (Ali, 2010: 12). The government considered women's education, jobs and the pursuit of a career as efforts to modernise the society and were therefore termed a 'Western conspiracy' (Manzoor, 2008). Ultimately, the targeting of women and girls may have, in part, turned the Swat Valley communities against the TNSM and TPP.

Economic dimension

The ADB (2010) assert that marginalisation and inequity are sustained in the Federally Administered Tribal Areas (FATA) through current legislation, and in both FATA and Khyber Pakhtunkhwa (KP) by underdevelopment. Militants in FATA and KP have exploited frustrations resulting from decades of weak governance, corruption and wide ranging socio-economic deficits: this has resulted in acute destabilisation of the region, causing huge population displacement and aggravating high levels of vulnerability.

An important aspect of the rule of MianGul Abdul Wadud was the implementation of a developmental plan for the Swat state. Under his rule schools and hospitals were established, possession of arms was

controlled and efforts were made to remove social vices that would make Swat a region of peace and progress (Orakzai, 2011). He also tried to modernise society whilst maintaining the traditional power structure, bringing changes in education, communication and healthcare (Rome 2011: 54). After the incorporation of the Swat state into Pakistan in 1969, these development policies continued, but could not match the pace of development of the pre-1969 era (Masood, 2009).

Further, the continued political and economic dominance of the landlords and associated inequalities in terms of resource distribution and access to services and opportunities among different groups, are a driving force for support of the TNSM and TPP (Elahi 2015). In particular, the belief that the Islamic system of governance will facilitate a more equal distribution of resources has encouraged marginalised classes to support the militants' network (Elahi, 2015). Members of the TNSM mostly belonged to a class that historically had limited access to power, however through their militancy they exploited new opportunities to accumulate money, power and social status (Hilali, 2009).

Zaidi (2010) in his exploration of the Taliban appeal in Pakistan argues that the Taliban shrewdly exploited the grievances of rural, impoverished populations suffering from social injustice and unequal land distribution. He also highlights the high unemployment rate among young men in tribal areas and the overall lack of development as factors enhancing the appeal of the militants.

Finally, while economic factors may not have been a driver of conflict, the conflict has had a severe impact on the Swat Valley economy, causing significant damage to infrastructure (Rome, 2011). The bombardment and shelling from government forces resulted in the destruction of civilian and governmental infrastructure along with the displacement of people. Although the government provided a uniform amount of compensation for partly damaged or buildings, no compensation was given for the destruction of houses and crops (Rome, 2011: 75).

Impact of the conflict

The conflict has also had an impact on the social fabric of the region. A major challenge authorities face in resolving conflict has been to address the cleavages that have emerged between state and society, including the rehabilitation of former militants.

According to Elahi (2015), militancy, conflict and displacement radically changed the functioning of the socio-cultural system of Pashtunwali, which in the past maintained a degree of peace and harmony in the Swat Valley. The conflict and internal displacement have affected the social fabric of the Swat Valley in terms of social relations, cooperation, trust and interactions between various ethnic and social groups (Bangash, 2012:77; Elahi, 2015: 226).

The destruction of public and private buildings, roads, bridges and shops has also inflicted enormous stress on the economy of Swat. The agriculture sector, local trade and industries, and the tourism sector have all suffered. Mingora, which used to serve as a hub of local trade for Buner, Shangla and Kohistan districts, has been replaced by other trade hubs like Mardan and Abbottabad. It is, however, difficult to analyse the long term effects of these losses (Bangash, 2012).

The multiple crises (conflict and disasters) which have afflicted the region have increased the need for humanitarian emergency operations, and at the same time drastically affected long-term development and reconstruction initiatives (Khan & Nyborg, 2013).

3. Impact of interventions in addressing key grievances

Background

Attempts to resolve the underlying drivers of conflict in the Swat Valley have included military, humanitarian and legislative interventions. The Pakistan Government's response to the conflict has been the adoption of a three-pronged strategy based on dialogue, development, and deterrence (APP, 2009). It entails deploying military force while also seeking to enhance development efforts and address persistent grievances (APP, 2009). This strategy has been implemented through the Malakand Stabilisation Strategy (2009), the KP Comprehensive Development Strategy (2009) and the umbrella Multi-Donor Trust Fund for KP, FATA and Balochistan.

Zafar (2011) asserts that, although development has historically played a limited role in the Swat conflict, it must now take centre stage in the post-conflict environment. In particular he highlights the need for appropriate governmental responses to local needs that help dissuade people from looking for alternative sources of governance.

More broadly, Khan and Nyborg (2013) have critiqued interventions in north-western Pakistan. They note that there exists a large disconnect between liberal peace building and effective development policies and practices reflecting the diverse interests of different actors, states, development and humanitarian response organisations etc. They conclude that the liberal peace agenda has contributed to the securitisation of development assistance in the region, which in turn has significantly limited the impact of development assistance to crisis-affected communities.

A summary of interventions seeking to address key grievances seen as driving conflict in the Swat Valley is given below.

The Swat Accord and Nizam-e-Adl Regulation (2009)

In response to escalating conflict in the Swat Valley in 2008, President Zardari agreed in principle to restore Sharia law in the Swat region in a bid to simultaneously placate the TNSM-TPP and undermine support for it. In addition to applying Islamic law to the Malakand division of KP, the Swat Accord included requirements that the insurgent forces recognise the writ of the state, give up their heavy weapons and refrain from displaying personal weapons in public, denounce suicide attacks, and cooperate with local police forces (Kronstadt, 2010). In return for such gestures, the government agreed to gradually withdraw its armed forces. In February 2009 Zardari signed the *Nizam-e-Adl* Regulation imposing Islamic law after Parliament passed a resolution recommending such a move.

ICG (2009) condemned the 2009 peace accord with TNSM in Swat, arguing it would entrench Taliban rule and al-Qaeda influence in the area.

The *Nizam-e-Adl* Regulation was an act that formally established Sharia law in the Malakand division. The system has three tiers: *ilaqa* (local area court), the *zila* (district court) and the *Dar-ul-Dar-ul-Qaza*, which acts as a supreme court. The direct objectives of the act were as follows (ul-Hassan, 2014: 5).

- Direct Objectives:
 - Establishment of peace and good governance.
 - Nifaz-e-Nizam-e-Sharia'h: i.e. the enforcement of Sharia through Courts.

- Delay reduction in the disposal of cases: The Regulation provided time periods for speedy disposal of different kinds of cases including review, revisions and appeals. It also encouraged disposal of cases through alternative dispute resolution techniques.
- Inexpensive justice: The Regulation aimed at providing inexpensive justice.
- Justice at door step: The Regulation mandated the establishment of Dar-ul-Qaza and Dar-ul-Dar-ul-Qaza in Malakand Division.
- Indirect Objectives:
 - Enduring peace through justice.
 - Eradication of evils (*Munkaraat*) through Sharia: As an indirect objective, the Regulation aimed at blocking the means to the evils.

Ul-Hassan (2014) comments that the act has failed to affect any substantial change in the areas it has been applied. Below is a summary of findings on the successes and failures of Regulation from a 2009 Khyber Pakhtunkhwa Judicial Academy Peshawar (KPJA) seminar. All references for the remainder of this sub-section are ul-Hassan (2014) unless otherwise stated:

Objective: Peace and good governance

Peace has not been fully restored in Malakand Division, with the military continuing to play a pivotal role in the maintenance of law and order. There exists a general perception that the state and other stakeholders have no will to implement the Regulation in letter in spirit.

Recommendations include:

- A mechanism is required to ensure the implementation of the act to support the development of peace and good governance in the region. An M&E system should be established to provide oversight of the different institutions functioning under the act. These institutions should be required to submit periodical reports to the monitoring team. Further, special performance indicators need to be established for justice sector institutions working in Malakand (p.9).

Objective: Nifaz-e-Nizam-e-Shari'ah

The Regulation has failed to enforce Sharia as a system of law.

Recommendations include:

- Qualified and competent judicial officers need to be appointed, and mandatory comprehensive training on Sharia should be given to all existing judges and the executive officers with judicial powers.
- The superior judiciary should extend its support to the local judiciary, and support them in making decisions in accordance with the injunctions of Sharia.

Objective: Delay reduction

Though the Regulation provides time frames for disposal of different categories of cases, delay is still a major cause of the litigants' grievance against the judicial system (p.10).

Recommendations include:

- The provision on reducing delays within the act should strictly be followed.
- Extra judicial officers should be posted, wherever the number of cases in a court crosses the limit noted in the Regulation.

Objective: Inexpensive justice

Requirements stipulated in the Regulation have increased the cost of litigation and goes against the very object of the law (p.10).

Recommendations include:

- The Regulation should be amended to remove the requirements that impose costs.
- Lawyers' fee should be regulated (p.11).

Objective: Justice at door step

While the Regulation has been enforced for five years, the *darul-darul qaza* (Bench of the supreme court) has not yet been established (p.11).

Objective: Eradication of evils (munkaraat) through Sharia

Not all related terms have been properly interpreted and therefore could be misinterpreted and misused.

Recommendations include (p.11):

- The government should engage with *ulama* (Muslim scholars with specialist knowledge of sacred law) to support educating people.

The *Nizam-e-Adl* Regulation was introduced in the middle of the conflict and failed to achieve its objectives.

Operation Rah-e-Rast 2009

The escalation of TNSM activities in Buner shortly after the signing of the Swat accord and the implementation of the *Nizam-e-Adl* Regulation triggered operation *Rah-e-Rast* in June 2009 to free Swat of TNSM and TPP militants. While the government and military laud the success of that operation, several writers question its effectiveness. Jan (2010) notes that the military failed to capture or kill any significant portion of the TTP organisation or leadership – most Taliban simply dispersed to other areas. However, he does highlight the fact that military action led to a number of local tribal *laskhars* being formed to tackle the Taliban. The ICG (2013) similarly notes that, three years on, pledges that militant leaders would be brought to justice remained unfulfilled. It also points to continuing militant attacks in the region, such as the October 2012 shooting of Malala Yousafzai, as evidence of the continued militant presence.

Alongside questioning the effectiveness of the Swat operation in terms of defeating the Taliban, the same accounts highlight the humanitarian cost: over 1 million people displaced, civilian casualties, destruction

of property and infrastructure, economic losses etc. Yamin and Malik (2014) claim the widespread devastation caused by military operations has contributed to a strong sense of alienation among FATA communities. Chatellier and Fayyaz (2012) argue that the failure of the state to address people's needs and the ability of some extremist groups to fill these gaps contribute to radicalisation. The ICG (2013) report is particularly critical of the role of the military and its failure to hand control of the region to a civilian administration. There is also criticism of human rights abuses and extra-judicial killings by the security forces. Indeed, the ICG identifies Pakistan military actions in the region – widespread destruction, economic blockades, constant military presence – as a major factor fuelling militancy.

Implementation of the Post Crisis Needs Assessment Strategy

The Post Crisis Need Assessment (PCNA) study in 2009, was a collaborative effort involving the World Bank, Asian Development Bank, European Union and United Nations, with active involvement of the Government of Pakistan, Government of Khyber Pakhtunkhwa (KP) and FATA Secretariat. The goal of the PCNA was to provide a pragmatic, coherent and sequenced peace-building strategy for the Government of Pakistan that delivered an agreed vision within 10 years. The PCNA provides the underpinning for long term peace-building in KP and FATA and development agencies and government counterparts broadly consider it as the point of reference in responding to the emergency post-crisis situation in the region.

The PCNA recognised the gravity of the crisis and its profound implications for the security and prosperity of the country, proposing fundamental reform to create enabling conditions for sustained peace and development in the region (ADB, 2010). The strategy identified four strategic objectives (SOs). These are: (i) building responsiveness and effectiveness of the State to restore citizen trust; (ii) stimulating employment and livelihood opportunities; (iii) ensuring delivery of basic services; and (iv) countering radicalisation through fostering reconciliation.

According to World Bank project reports, the KP/FATA governance reform project is considered to have achieved or exceeded its targets as defined under the Project Development Objective (PDO) indicators, with results in terms of improved government capacity and tangible outcomes in improved accountability. The outcomes have been assessed through an impact evaluation of the PCNA and beneficiary surveys. Some of the key results achieved, among others, include (World Bank, 2015; 2016):

- The KP Government and FATA Secretariat have approved and published long-term Governance Action Plans (2015-2025), and are regularly convening Development Partners Forums for harmonisation and donor coordination.
- The KP and Balochistan Governments and FATA Secretariat have developed their M&E capacity, notably through the use of third-party (youth) monitoring, and user feedback. They have also implemented trainings and capacity building of 1,280 government officials (including 106 women).

The Rapid Response Facility has funded implementation of 13 governance activities including six in KP. Some of the key results achieved in KP include: accelerated delivery of selected public services through the Right to Public Services Commission (RTPS); greater transparency and access to information through the newly operational KP Right to Information (RTI) Commission; and increased monthly disposal of anti-corruption complaints by the KP Anti-Corruption Establishment (ACE).

The PCNA identified a need to address grievances associated with poor governance within the Swat Valley. Project Development Objective indicators highlight some success but these require further evaluation to gauge their impact at the local level.

Malakand stabilisation strategy

In August 2009, the Government of Khyber Pakhtunkhwa launched the Malakand Comprehensive Stabilisation and Socio-economic Development Strategy. The strategy describes a host of security, governance, economic development and education goals that can contribute to 'stabilisation' and reduced militancy. The Malakand Strategy focuses on (SDPI, 2012):

- Re-enactment of security, ensuring rule of law and putting in place governance measures that provide sustenance to the social system.
- Delivery of basic social services which had been hampered during the militancy period. These are not only limited to education and health but also the micro-level municipality services.
- Restoration of economic activity and infrastructure development.
- Provision of skills and education in the region, in a manner that integrates with the overall poverty reduction objectives of the provincial government. This sub-strategy advocates a focus on youth unemployment and the meeting of needs of marginalised and excluded groups.

While the strategy document recognised the importance of a flexible implementation process that could quickly adapt to ongoing changes in the area, the project required greater integration with interventions in the rest of Pakistan (SDPI, 2012). While the strategy correctly prioritised the most urgent needs of the region, there was less focus on long term issues, and ensuring the sustainability of interventions (SDPI 2012). For example, the Malakand administration had limited control over strategy implementation or budgetary allocation. There was also a lack of appraisal of public sector capacity and will to act or inclusion of elements that ensured community ownership/participation. Further to this, sequencing of reforms required the backing of federal and provincial governments. According to SDPI (2012) both tiers of government failed to fulfil their role.

More broadly, Slang (2013) critiques donor support of the strategy which adopted a short-term stabilisation view. While this is understandable in periods of crisis response, it ultimately diverts attention from longer-term focus on the construction of a strong democratic Pakistani government to lead development and security improvements (Stang, 2013).

The Malakand Reconstruction and Recovery Program (MRRP)/The Khyber Pakhtunkhwa Reconstruction Program (KPRP)

The Khyber Pakhtunkhwa Reconstruction Program (KPRP), previously called the Malakand Reconstruction and Recovery Program (MRRP), supports efforts by the Government of Pakistan to rebuild public infrastructure destroyed during the Taliban insurgency (2007-2009) and the 2010 floods in the Malakand Division of Khyber Pakhtunkhwa (KP). USAID conducted an evaluation to assess activities completed and almost-completed by December 2013 (the evaluation cut-off date), including school reconstruction, the provision of furniture, equipment, and medical kits to health facilities, and reconstruction and rehabilitation of the headwork's and bridges.

The USAID (2014) evaluation found that at the start of the programme (December 2009 - June 2010) there was efficient and effective cooperation among USAID/Pakistan, Government of KP, and Provincial Reconstruction, Rehabilitation & Settlement Authority (PaRRSA). At the operational level, PaRRSA streamlined planning and approvals and displayed coordination and problem-solving capacity at both the field and provincial levels.

Despite these achievements, USAID (2014) reported that delayed delivery of outputs characterised implementation. No schools were reconstructed during the first two years (2010-2011) of the programme, which many reported was due to the 2010 floods distracting attention of USAID staff and their government partners. Weaknesses in planning, review and coordination processes also affected progress. KPRP, reportedly, does not prepare and review annual work plans for its construction and non-construction activities, which would help manage such a complex, inter-departmental project.

In terms of outcomes, students, their parents and teachers found KPRP-assisted schools attractive and these schools accommodated increased enrolment. KPRP made positive contributions to parental choices and school enrolment through a build-back better approach, adherence to quality, and larger schools – an important step toward accommodating the (unexpected) large increases in enrolment between 2009-10, the first post-conflict school year, and 2012-13. However, there were also deficiencies in implementation; a large proportion of the reconstructed schools (47 to 59 percent during 2013) lacked electricity or water supply connections, which requires coordination with agencies responsible for these services.

In the health sector, the combination of equipment, supplies, and furniture for health facilities has led to improved healthcare and reduced patients' travel requirements. Health facilities were able to provide continuous and improved healthcare services for local populations, particularly women and children, because of KPRP assistance.

KPRP assistance for the Amandara and Munda Headwork's has improved infrastructure that provides regulated flow of irrigation water and electricity as well as mobility.

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