SECURITY SECTOR REFORM IN PAKISTAN'S KHYBER PAKHTUNKHWA TRIBAL DISTRICTS

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Original Article

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Abstract

In its quest to stabilize the newly-merged tribal districts (formerly the Federally Administered Tribal Areas or FATA), Pakistan introduced a broad array of governance reforms in the region in May 2018. The reforms replaced the archaic colonial-era administrative system with modern state institutions existing in the adjoining KP. However, peace remains of paramount importance in the smooth and swift implementation of the reforms in a conflict-prone complex setting. This paper discusses the current security scenario in the erstwhile FATA and the existing challenges facing a successful implementation of the security sector reforms (SSR) being introduced by the government. It argues that the sole focus on the law enforcement aspect of the security sector reform does not comply with the diverse and complex security needs of the region especially in the aftermath of the Taliban coming into power in neighbouring Afghanistan in August 2021. The situation requires an all-encompassing approach for SSR framework.

Keywords: Federally Administered Tribal Areas, Security Sector Reforms, Pashtun, Pak-Afghan border

Introduction

The tribal districts, once known as Federally Administered Tribal Areas of Pakistan (former-FATA), have always remained a geostrategic challenge for the policymakers to understand and manage. In the past two decades, the security concerns emanating from the borderland tribal districts are associated with the post-9/11 wave of terrorism and extremism that engulfed the neighbouring Afghanistan in particular and the entire region in general. But security concerns emanating from the former FATA are as complex and diverse as the region itself. The history of the region reveals that tribal districts remained a cause of security concern for the British and Czarist empires of the nineteenth century. The British era's Forward Policy declared the region along with the present day Afghanistan as buffer to neutralize the security challenges emanating from this region. After the colonial era came to an end, Pakistan continued with the British era policies to retain the tribal autonomy of the region so as to avoid any confrontation with these independent nature tribes. At that particular time the irredentist claims by neighbouring Afghanistan over the Durand Line further enhanced the concerns of Pakistan therefore, pushing the later to keep the region peaceful and calm through keeping the British system of governance intact in the former FATA. The policy to a greater extent served the security purposes of Pakistan but at the cost of state society cohesion. The area became a hub of non-state actors especially militants, terrorists, weapon and drug dealer who had the liberty to manipulate the absence of state security institutions and subsequent security vacuum in their own favour.

Considering the institutional void as an important cause of all the problems, including security, in the former FATA, Pakistan merged the area with the adjacent Khyber Pakhtunkhwa

province in May 2018 through constitutional amendment. This move also resulted in introduction of security sector reform (SSR) in the area. Despite the span of four years the region still remains a security concern owing to the possibility of return of militants in the region especially after the withdrawal of US troops from neighbouring Afghanistan and rise of the Taliban as sole power. The upward tick has been recorded in the militant attacks in tribal districts since 2021 is a worrisome trend (O'Donnell, 2022).[i] Moreover, the rise in overall discontent and unrest among the people due to the failure of public service delivery by the government of Pakistan has increased the people's frustration to an extent where they can join hands with either extremists or involve in criminal activities and social uprising thus further adding to the fragile state of security affairs.

Post-merger the introduction of police act in the tribal districts is the core approach adopted by government of Pakistan to ensure security and subsequent stability in the region. But the question arises here that are the police reforms and merger of the local security apparatus with the police in KP is sufficient to address the security needs of the tribal districts? The inherent fault lines in the tribal districts in the form of institutional void, predominant tribal orientation of the security apparatus and the vulnerability of the region to any conflict outcomes in Afghanistan make this region complex. The process is in standstill due to the strong opposition and resistance by the local security stakeholders, which is further widening the security vacuum in the region.

This paper after explaining the security landscape of the region, both in its historical and contemporary context, examine the nature of steps and policies suggested to initiate the SSR in the region by government. Using the conceptual lenses of SSR, the study argues that for bringing long lasting peace in the area, strict adherence to comprehensive security sector reform is essential and the process should complement the overall objective of the governance reforms and mainstreaming process initiated in the aftermath of May 2018 merger of the tribal areas with the KP province.

Conceptual Underpinnings of Security Sector Reform and Particular Tribal Setup in Former FATA

In any post-conflict environment, maintaining peace remains a sine qua non to successfully carry out post-conflict rehabilitation and reconstruction of a conflict-affected zone. The security and law enforcement agencies (LEAs) acquire a pivotal role in creating a peaceful environment to facilitate reconstruction activities in post-conflict states and societies. Their primary task is to maintain internal security, counter external threats and raise the bar of public trust among victims of the conflict to help them rebuild their lives in violence-free environment. These security related activities in the post-conflict states and societies are referred to as Security Sector Reforms (SSR) (Brynden and Hanggi 2005, 23).[ii]

The SSR concept is not a very old one; rather it has its origins in 1990s when donor agencies and development partners started to get engaged in post-conflict states and societies to reconstruct them. Since then the concept has evolved in an unprecedented manner. In order to evaluate its relevance in the context of the former FATA region it is important to understand some of its core features. Firstly, the purpose of SSR in all post-conflict states and societies is to construct and reconstruct the security forces (DCAF 2003).[iii] Secondly, the process of SSR should always be in sync with local needs and cultural traits of any given state and society. Thirdly, the SSR is a process that is much needed to do governance reforms, transitional justice and socio-economic reforms in the post-conflict societies (DCAF 2003).[iv] Ensuring security is at the core of any post-conflict reconstruction process. Without sufficiently secure environment, the reconstruction process in any aspect cannot take place. This is true in the context of the erstwhile FATA region as well which has endured almost two decades of violent conflict. Moreover, the security situation still remains very fragile and fluid, thereby making the area highly conflict-prone. In such a scenario, the SSR should be a key component of the

government's policy to rebuild the erstwhile FATA region. But before analysing the steps taken by the government of Pakistan to ensure successful SSR it is important to understand the security landscape in its entirety in the region which has deeper tribal imprints and makes this region a unique and challenging place to govern.

Security Landscape in the erstwhile FATA

Under the British rule (1857-1947), the erstwhile FATA formed the 'trans-border' (Imperial Gazette of India 1908, 26)[v] districts of the North West Frontier Province[vi] (later renamed as Khyber Pakhtunkhwa Province in 2010). The security and law enforcement agencies (LEAs) in the erstwhile FATA were an imperial construct of the British India (1857-1947) to establish formal control over the recalcitrant tribes of the entire region, who commonly referred to themselves as *Azaad Qabail* (Pashto for free tribes), and had largely remained out of the sway of any government control. They viewed Britain's physical ingress in the area as an attempt to curtail their freedom. Hence, the British India devised the existing security and law enforcement institutions in FATA as a stand-alone arrangement,[vii] unprecedented in other parts of the British Indian Empire. The need to devise these unique institutions was based on two reasons: To counteract resistance from the local tribes inhabiting the erstwhile FATA; and to defend the frontiers of British India from the expansion of Czarst Russia southwards into Central Asia and beyond. The arrangement remained intact after the independence of Pakistan in August 1947 up until the merger of the area with the adjacent KP province in May 2018. Before merger five types of security institutions were there in the region on the patterns of British Empire.

Table: 1.1: Security Forces in the Former FATA Region

Name of Institution	Purpose	Prime Location	Membership Criteria	Falls under the Domain of
Frontier Crops (FC)	Protection of Pakistan-Afghanistan Border/Border security force	Light Infantry Civil Armed Force deployed on Pakistan-Afghanistan Border	Recruited from locally residing Pashtun tribes in Pakistan Army	Administered by Ministry of Interior and falls under jurisdiction of Army
Frontier Constabulary (F Cons)	Protection and patrolling of the erstwhile FATA-KP border and also on the inter-Agency borders; Patrolling major road passages in the erstwhile FATA; Provide security to various development projects; Escorting government officials; To take part in disaster relief operations	Border between tribal districts and KP, also inter-agency borders	Recruits from all Pashtun tribes living in both KP and Tribal Districts	Administered by Ministry of Interior and falls under jurisdiction of Police

Levies Force	Responsible for internal security, including protection of roads, government buildings and installations; Detention of outlaws and investigation of crimes; Interdict smuggling and eradication of poppy	Tribal Districts	Recruited from the tribal districts and cannot be deployed outside of their respective tribes	Governed by the Federal Levies Force (Amended) Service Rules, 2013
Khassadar Force	Responsible for maintaining law and order in their respective tribe's territory	Tribal Districts	recruited on the recommendation of the tribal elders (Maliks) of a tribe or its various clans.	Under the jurisdiction of Political Agent (now Deputy Commissioner)
Qabaili Lashkar	Primarily a traditional tribal institution meant to maintain law and order in the 'non-protected' area of the erstwhile FATA	Raised on temporary basis and for a specific purpose in any specific tribal district	From within the tribal districts	Assembled on the call of the tribal Jirga where every tribesman is bound under tribal ethos to join it with his own weapon and other supplies

Security Landscape in KPTDs

The presence of the above mentioned security institutions somehow retained the security in those areas but post-9/11 they primarily remained ineffective in curtailing the security threats due to the transfer of terrorism from neighbouring Afghanistan. In order to cope with the local volatile situation, for the very first time Pakistan's army has to be stationed in the region. Despite having cleared the erstwhile FATA from the presence of violent anti-state elements, the region still faces multiple security challenges. Before indulging in debate about what can be the best practices in SSR in tribal districts it is crucial to understand the security landscape of the former FATA region.

  i)   *Tribal Nature of Security Apparatus*

The tribal people are well-known for their allegiance to the tribal norms and ethos. The entire pre-merger security apparatus in the region was based on certain important tribal traditions and its core objective was to retain the independence and tribal allegiance among the tribes in a way that does not harm the security interests of the state. Three important aspects of the security apparatus in the tribal districts need particular attention here, which will widely affect any future SSR effort in the region. First, there is need to understand that security system in the tribal region was based upon the FCR, which provided the region with security forces as mentioned in the Table 1 and also set certain norms to discourage tribal peoples' involvement in acts of crime. For instance, the clause of "collective punishment and responsibility" held the entire tribe responsible for the crime committed by an individual member of the whole tribe.

Similarly, the tribal norms of revenge (*Badal*) and Honor (*Nang*) have played a significant role in shaping the security layout of this particular region. The concept of *Badal* allows any individual to avenge his dishonour. The tribal people involves in family disputes over possession of resources and land for decades, which keeps the area marred with violence. The norm of *Nang* is another important tribal norm having implications for the security of the region. For example, carrying a gun is a symbol of honour in tribal society and such traditions are responsible for gun-carrying culture in the tribal region. The availability of weapons is still considered an important component of the Nang of the tribal elders, thus making prevalence of small arms in the area a common practice, having security implications amid political uncertainty. Similarly, *Melmastia* (Pashto for hospitality) has allowed the tribes or individuals to host anti-social and anti-state elements who were wanted by the government for violating the law. Terrorist elements, including foreigners belonging to Al-Qaeda, were hosted under this code, and their turning over was severely resisted thereby resulting in military operations that upset the peace and tranquillity of the area (Gul, 2008).[viii]

Lastly, the hard terrain of the tribal areas along with the tribal traditions such as honour and revenge has made these people very strong and skilful fighters. General Sir Andrew Skeen in his book *Tribal Fighting in NWFP* explains that tribal people are hard and admires their fighting capabilities. The tough terrain in his view plays a significant role in making them tough fighters, who can mobilize easily in tough circumstances. The British Master encouraged them to protect the Western borderland in their own way thus respecting their independent nature and utilizing their unique fighting skills for their own benefit.

In the current post-reforms scenario, many *Maliks* have emerged as a strong opposition force to the merger of FATA with KP. They formed the FATA Grand Alliance and wanted to retain the centuries old tribal and cultural identity of tribes by having a separate province. Chief of the FATA Grand Alliance, Malik Khan Marjan Wazir, in a statement said that tribal areas should be made a separate province, which would not only ensure the prosperity of local residents but would also help protect local customs and traditions (Dawn 2017).[ix]

ii)   Geographic Proximity with Conflict-Ridden Afghanistan

The tribal districts have always remained an easy target for any spill over impact from neighbouring Afghanistan, especially in the post-9/11 milieu. The presence of Afghan refugees and semi-sanctuaries of the Afghan Taliban and foreign terrorists in the region in the post-September 2001 was one major factor in the extension of Afghan conflict into the erstwhile FATA. According to an estimate by Pakistan's Ministry of Finance, the country suffered a loss of USD 123 billion between 2011 to 2017, due to the war on terror (Ali, 2019).[x] The instability and anarchy in Afghanistan has allowed establishment of semi-sanctuaries of Pakistani Taliban on the Afghan side of the border who continue to conduct cross-border attacks in the region and act as spoilers of peace (Priest 2012; al-Jazeera 2018; RFERL, 2019).[xi] The cross border infiltration of Pakistani Taliban fugitives, smugglers, drug and weapon cartels are few of the core challenges which KPTDs face, primarily due to the conflict and instability in Afghanistan.

The rise of Afghan Taliban into power in August 2021 was viewed by many having spillover implications for Pakistan in terms of security. Pakistan has shown utmost support and resolve to bring lasting peace in Afghanistan. In the current context, the fate of the TTP militants seeking refuge in Afghanistan is a huge cause of concern and source of tension between Afghan Taliban and Islamabad. There is a need to incorporate a DDR component in the overall SSR framework, in order to disarm and rehabilitate these retuning militants into civic citizens. The institutional and policy void

can provide these militants with an easily available vacuum to push KPTDs back into the vicious cycle of conflict and violence.

In order to mitigate the threat of terrorism, emanating from the neighbouring Afghanistan, the government of Pakistan in 2017 began an effort to tighten the border security by fencing the Pakistan-Afghanistan border for addressing the challenge of cross border infiltration (DW News, 2017).[xii] The border fencing has positive outcomes in the form of reduced terrorist activities in the KPTDs. However, this particular border management approach is having negative implications for the easement rights of the tribes, where the tribes on both the sides of the border usually cross into each other territories in search of economic opportunities and they hold agricultural lands and kinsman, run various businesses, including transportation, for the delivery of goods in both Pakistan and Afghanistan.

iii)   Militancy and Extremism in Tribal Areas

Militancy has remained an acute security problem of the former FATA region since the post-9/11 US invasion of Afghanistan. The security situation is deteriorating in the KPTDs after a hiatus of many years. There are several instances in which the militants seem to have returned to the tribal districts to pursue their so-called Jihadist agenda and attack security and LEAs in the volatile region. Small scale attacks in the shape of improvised explosive devices (IEDs), ambushes and target killings have increased in the KPTDs since 2018 (Siddique, 2019).[xiii] During January-June 2019, a total of 64 terrorist attacks were reported from the volatile region, while only 35 such incidents were reported during the corresponding months in 2018.[xiv] Most of the attacks in the KPTDs took place in the volatile North and South Waziristan tribal districts, and have specifically targeted security personnel (Dawn 2019; Daily Times 2019; Samaa TV 2019).[xv] A worsening security situation has twice forced the government to postpone the holding of provincial assembly elections in the KPTDs (Pakistan Today, 2019).[xvi]

The external challenges to KPTDs stability remain profound. The fugitive Taliban terrorists belonging to the Tehrik-e-Taliban Pakistan (TTP) and other associated terrorist groups fled the region in the wake of military operations by Pakistan (2008 – 2015) and took refuge in Afghanistan. These Taliban terrorists continue to conduct cross-border attacks on security and law enforcement personnel on the Pak-Afghan border as well as inside the KPTDs. While the capabilities and opportunities for these terrorists to conduct terrorist attacks in the region have greatly shrunk, nevertheless they continue to act as spoilers of peace by undertaking small scale attacks in the shape of road-side IEDs, target killings and rocket attacks. On April 23, 2019, the proscribed TTP distributed a pamphlet in South Waziristan tribal district warning the police to leave the area and asked people to sever ties with the local administration (Dawn 2019).[xvii] Moreover, Pakistan blames certain foreign hostile agencies to be involving in aiding these fugitive Taliban elements to disturb the fragile security in the region, and disrupt the China-Pakistan Economic Corridor (CPEC) which trails close to the KPTDs (Reuters 2017; The News 2017).[xviii]

iv)   Small Arms Proliferation in Tribal Areas

In any post-conflict state and society, the chances of revival of conflict increases if there is availability of small arms and light weapons (SALW) in abundance in the hands of local population. The availability and access to small arms contribute to the increasing level of violence. The grievances of local communities can be transformed into small scale conflicts and violence. After the end of conflict, the presence of SALW further poses challenges as people can settle their disputes on

their own using these weapons thus affecting the rule of law and overall socio-economic development of such fragile places.

In the context of former FATA, the threat compounds in the presence of militants in the region and the tribal culture of gun carrying. Darra Adam Khel is the prime location where the production of SALW takes place and the weapons produced in the region are famous worldwide. The increasing demand for the SALW to fight the post-9/11 insurgency both by the Afghan and Pakistani militants further gave boost to the proliferation of SALW in the region (Malik, 2016).[xix]

Pakistan army took several steps to de-weaponise the tribes with the purpose to restore peace and order in the region. In this regard, during Operation Zarb-e-Azab weapons were taken away from the tribes living in North Waziristan tribal district. But rest of the tribal districts remain a security concern for the stakeholders due to the easy availability of the SALW. There is a need to take into consideration this aspect of the security landscape of the KPTDs while devising the SSR policies.

v)   Illicit Business and Associated Challenges

Another important feature of the security landscape of the former FATA region is the existence of the smuggling routes which are being utilised for the purposes of illicit drug trafficking, weapons supply and smuggling goods between Pakistan and Afghanistan. These routes were once controlled and guarded by the militants of TTP to generate funding for their movement. On the Pakistani side of the tribal borderland there are six such crossing point which have remained historically famous for being utilised as smuggling routes, which are Ghulam Khan pass in North Waziristan, Angoor Adda in South Waziristan, Torkham Pass in Khyber, Arandu in Chitral, Gursal in Bajaur, Nawa Pass in Mohmand, Kharlachi in Kurram and Chaman is on border in Balochistan.

The militants on both sides of the border have taken utmost benefit from the indecisive nature of the border and raised finances to continue with their militant activities. They have also used the above mentioned border check points as attacking points on US-NATO convoys going from Karachi to Afghanistan several times in order to incur damage to the US-NATO operations in Afghanistan.

vi)   Parallel Security Structure in KP

In Khyber Pukhtunkhwa province (KP), the police acted under the Jurisdiction of the British era's Police Act of 1861, which was replaced by the Police Order 2002 and duly adopted by the KP police force. Up until May 2018 merger of the KPTDs, the security apparatus in the tribal districts was managed by the Federal Capital Territory of Islamabad, hence resulting in two different policing systems in place in one province. Post-merger a major challenge was to bring that parallel security structure under one single administrative authority. To an extent, this particular purpose has been achieved after the merger of FATA with the KP province, but there are still divisions within the decision makers to fully implement the Police Act on the Levies and Khassadar forces.

In September 2019, the decision was made to incorporate both the Levies and Khassadars into the KP police force but with no full perks and privileges provided to the regular KP police. An All FATA Khassadar Force Committee was formed to push for the full integration with the KP police. In early 2020, the government approved the demands of the *Khassadars* and Levies and merged them fully into KP police. Nevertheless, the process is still going on and these newly merged security forces also require time to adapt to the new system under KP police. They require modern training and equipment both in order to serve in the regular police force and most importantly they need to be stationed in areas outside the tribal areas.

An Analysis of the Government Security Policies in KPTDs

The government of Pakistan has devised a strategy for the KPTDs, which is primarily based upon the strengthening of the Levies and Khassadars force and to transform them into formal police force to attain the security objectives in the region. That is the need of the hour to have strong LEAs in the KPTDs. Nevertheless, the SSR in KPTDs are not an all-encompassing framework including all important aspects of the security layout in the region. Some of the neglected areas in the SSR in KPTDs are as follows;

a) There is no discussion on the issue of coordination between police and army, which is extremely needed to counter the multiple and complex security challenges in KPTDs, emanating from within the region and coming from across the border. Without any coordination framework amid various stakeholders involved in the SSR, the effort will not bring the desired results.

b) Moreover, there is emphasis upon the increase in numbers of the security personal and less attention on increasing their capacity and improving their skills through various trainings as counter-terrorism, counter-insurgency and as law enforcement force.

c) The SSR framework is completely silent on the challenge of drug trafficking and weapons smuggling via important routes in the area. This issue needs proper placement in the SSR framework as it may result in financially supporting the terrorists and also give rise to cycle of conflict.

d) There is no such deliberation available in the government policy to devise a mechanism in which the SSR will be complemented by the transitional justice reforms in the KPTDs. It is extremely important that both the justice reforms and SSR should complement each other in the ongoing mainstreaming process in KPTDs.

e) The SSR framework proposed for the KPTDs does not take into consideration the local realities of the region especially the tribal aspect of the security apparatus. The tribes still feel pride in their tribal identity and want to retain it within the new proposed setup. The government should not ignore this important aspect of the tribal districts and devise any strategy keeping in view the tribal norms and culture.

The implementation of SSR is not without challenges in the tribal districts. On the internal front, there has been strong opposition to the said reforms from the society and the existing security and law enforcement institutions operating in the KPTDs, as well as administrative bottlenecks. On the external front, the volatile situation in Afghanistan as well as the presence of Pakistani fugitive terrorists operating from across the Pakistan-Afghanistan border poses a serious threat to the smooth implementation of the said reforms. In April 2019, the Pakistani Taliban through pamphlets distributed in South Waziristan, warned the police to leave the tribal district, otherwise they will be targeted (Wazir, 2019).[xx]

Envisaging Comprehensive SSR Framework for KPTDs: A Way Forward

Considering the fragile security situation in the KPTDs, the following suggestions are being put forward to alter and improve the SSR framework to cope with the internal and external security challenges;

i)   *Numbers Not Important:*
It is a common practice in all post-conflict states and societies to initiate the process of recruiting fresh army and police force in order to meet the new security requirements. Usually, there is too

much focus on increasing the numbers of these forces. Too much focus on the quantity of the proposed force may result in neglecting the quality of the force. The stakeholders involved in the SSR in KPTDs require a well thought out capacity building plan for the former *Khassadars* and Levies forces to adjust to the new job/professional structure under the KP police.

ii)　　Too Much Focus on Law Enforcement Aspect of Security Sector Reform

The SSR framework in any post-conflict state and society deals with a broader set of issues including raising and restricting the police and armed forces, complementing a fair and efficient judicial system, developing civil institutions to ensure smooth working of the security apparatus and ensuring a viable Disarming, Demobilizations and Reintegration mechanism. In case of KPTDs there is too much focus on the law enforcement aspect of the SSR framework and other important aspects are either being ignored or dealt with separately, thus leaving a coordination vacuum. The government needs to include the issues of personal safety and security in the tribal areas such as presence of landmines and unexploded ordnance (UXOs) and small arms, in the broader SSR framework.

iii)　　Introducing Coordination Mechanism between KP and KPTDs Security Departments

The success of security sector reforms largely depends upon cooperation among various actors ranging from police, army, border security force, intelligence agencies and those responsible for rule of law. Within former FATA there are multiple actors involved to take up the daunting task of SSR. During the transitionary phase of next 10 years, there is a need to ensure co-operation among various actors involved in the tribal areas.

Conclusion

The SSR in KPTDs is one important component of the overall mainstreaming agenda in the region. There is a need to understand the unique tribal settings of the region, which give rise to a particular set of issues and challenges the autonomy of any outsider element. Although, post-merger, the tribal people are ready to surrender their tribal autonomy to an extent but not fully. Moreover, it is a time consuming process and may take several decades to have a new generation of stakeholders with changed outlook and perspective having little imprints from the tribal culture and identity. At present, the challenges of local complexities further compounds with the uncertain situation in Afghanistan after US withdrawal, having direct implications for the security of the KPTDs. Therefore, it is the need of the hour to have an all-encompassing and comprehensive SSR framework taking into considerations the local intricacies and external challenges.

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