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**Ungoverned Spaces, their Exploitation and Militancy: A
Case Study of the Un-governance of Pakistan's Former
Federally Administered Tribal Areas, and its Exploitation
by Tehreek-e-Taliban Pakistan.**

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ABSTRACT

Since the end of the Cold War, security threats emanating from the failed states have been the center of scholarly debate, especially when it comes to domestic, regional, and international security. Nevertheless, after the 9/11 attack by Al-Qaeda, the emphasis on security has been significantly shifted to ungoverned areas or territories. This dissertation entitled, “Ungoverned Spaces, their Exploitation and Militancy. A Case Study of the Un-governance of Pakistan’s Former Federally Administered Tribal Areas, and its Exploitation by Tehreek-e-Taliban Pakistan” addresses the intricate relationship between the ungoverned status of former Federally Administered Tribal Areas (FATA) of Pakistan and its implications on the emergence and sustenance of terrorist groups, with a specific focus on the rise and establishment of Tehreek-e-Taliban Pakistan (TTP) in the region. Former FATA of Pakistan, which now merged into the Khyber Pakhtunkhwa (KPK) province in 2018 resembled the characteristics of ungoverned spaces like those of Africa’s Sahel region. The study endeavors to shed light on the historical factors that have contributed to former FATA's persistent ungovernable status since Pakistan's independence and how this vacuum has paved the way for terrorist groups to create fertile ground and a strong foothold in the region. The study will specifically focus on TTP as a prominent example of a terrorist group that has exploited the governance vacuum in the region post-Afghan jihad and the US war on terror. By examining the historical context, poor governance structures, and exploitation of the territory by terrorist elements, the study seeks to provide a comprehensive understanding of the nexus between the ungovernability of former FATA, the spillover effect of Afghan Jihad, US invasion post 9/11, the rise of the terrorist group i.e., TTP in former FATA and its exploitation by this terrorist network.

LIST OF ABBREVIATIONS

DOD	Department of Defense
FATA	Federally Administered Tribal Areas
FCR	Frontier Crime Regulation
IQ	Interview Question
IR	Interview Respondent
KPK	KhyberPakhtun Khuwa
NWFP	North Western Frontier Province
PA	Political Agent
RO	Research Objective
RQ	Research Question
SR	Survey Respondent
TNSM	Tehreek-e-Nafaz-e-Shariat-e-Mohammadi
TTA	Tehreek-e-Taliban Afghanistan
TTP	Tehreek-e-Taliban Pakistan
WOT	War on Terror
WTC	World Trade Centre

GLOSSARY OF LOCAL (PAKHTO) WORDS

Jirga	Council of Elders
Khassadar	Tribal Local Militia
Mullah	Islamic Religious Leader, who also leads prayer at Mosque
Taliban	Knowledge Seekers in an Islamic School
Zamin	Land
Zar	Wealth
Zun	Women

DEDICATION

I thank Allah for bestowing me with knowledge, strength, and the ability to comprehend and put this knowledge to good use.

This Dissertation is dedicated to my beloved Father!

Over the past two years of grad school, your presence in spirit, cherished memories, and prayers have been my constant companions. You were my rock, the best support system anyone could hope for. Thank you for believing in me and giving me two most precious gifts in life: education and the freedom to choose my path. I owe my success to you!

As we continue to love each other in interstellar style, our souls may live in two separate worlds, but they are forever connected through the love that we shared.

I'll forever be by your Murph, and you, my Cooper!

A heartfelt thanks to my ever-supportive mother, your love, belief, and unwavering support mean the world to me. Your strength and perseverance inspire me endlessly, thank you for being so kind to me. And to my siblings Amber, Naureen, Ali, Kainat, Iqra, and Ahmed bhai. You are all my source of strength.

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Chapter 1 | Introduction

1.1. Overview

After the century-long imperial history, decolonisation enabled the independence of numerous newly formed states to exercise their rights and exhibit their territorial control. Nevertheless, decolonisation resulted in peaceful transitions in some parts of the world. In contrast, others faced protracted revolutions, uprisings, civil wars, and military rules or dictatorships. Some of the states that were formerly colonised and long-term targets of exploitation for their labour, raw materials, and natural resources now hold important geopolitical positions. However, even in the wake of post-colonialism, developing and under-developed states are still confronted with the issue of solidifying their domestic sovereignty and writ. This issue has been more prevalent in the peripheral areas of these states where the means, and writ of the state are either hard to manage or willingly withheld.

The post-colonial states used the "nation-state" concept to assist them in becoming organised nations. However, despite having this model, these states still encountered difficulties because the actual territorial control sometimes corresponded with the peripheral border areas. Additionally, in some instances, the populace living inside these borders might not completely recognise the legitimacy of the central government's rule, which could result in a contradiction between the state's assertion of international legal sovereignty and its actual domestic control. This can be observed in the post-colonial states of Asia, the Middle East, Africa, and the Pacific Islands, which may have a robust political centre but have little impact in the hinterlands.

It has been observed that Pakistan has yet to be fully able to assert its power across its geographical territory since the state gained its independence in 1947 (Khan, 2017). In this instance, most of the state's periphery's boundaries

and areas have remained beyond its jurisdiction, rendering them essentially ungovernable. Numerous studies have shown that over 60% of Pakistan's whole territory is made up of ungoverned territories (Synnott, 2009). The security issue, which focuses on the risk of Pakistani state inaction in these areas, has also received significant attention from international researchers and policymakers. This not only implicates domestic security but also plays the role of instability of the region, which poses a spillover effect on the governance of the neighboring states, particularly those of Afghanistan, Iran, Central Asia Republics, and India (Barthwal-Datta, 2012).

There are considerable differences and factors which cause the un-governability, and the challenges that Pakistani governance faces. Due to the exploitation of this situation, non-state actors gained control over some areas and replaced the Pakistani government as the dominant force. The Federally Administered Tribal Areas (FATA), Southern Punjab, Baluchistan, and to a lesser extent Karachi, are some of the regions impacted by this issue. Among these regions characterised by limited government control, the former Federally Administered Tribal Areas stand out as particularly prominent. Here, the state's authority for the past 70 years has been limited to absence (Rumi, 2012). The traditional tribal structures and local power dynamics have existed there and have had century-old presence and customs (Groh, 2006). This complicated and diverse situation has created a complex scenario where the governance void prevailed by the state actors, which struggled to assert their influence and control. At the same time, it allowed non-state actors to step in to fill the void of the state's governance vacuum and formed a parallel governance system.

The state's fundamental responsibility is to provide its citizens with collective goods and services while upholding their fundamental human rights. Economic possibilities, infrastructure, the healthcare system, education, food, safety, law, and order, etc. are some of these goods and services. The following are further imminent considerations.

- i. The state's writ and authority i.e., the governance system.
- ii. Democracies and freedom to vote.
- iii. Legitimacy in the domestic and international political domain.
- iv. Strong state infrastructure.
- v. Rule of law and accountability.
- vi. Protection of citizens' rights and liberty.

The exercise of power, governance, and control over its territory, including its periphery, as well as the provision of collective goods and services to its citizens, constitute the most critical elements for a state's survival among the abovementioned criteria. A state is regarded strong if it meets the preceding requirements, whereas a state will be considered weak if it cannot deliver these services to its population. In the latter scenario, where there is a governance gap, and the state's authority is either curtailed, absent or willingly ceded, as in the case of Pakistan's former FATA region, the people of that state are severely impacted. Along with the growing list of complaints, a sense of mistrust between the locals and the administration also begins to grow. Not only do the grievances start to accumulate, but also the factor of mistrust starts to develop between the government and the local people.

Under these circumstances, the ungoverned spaces become ideal places as safe havens for the non-state actors to exploit the status of the state's authority, establish control in the area and use these ungoverned spaces for their bases, networking, and terrorist's activities. This situation risks domestic stability and creates turbulence and insecurity for its neighboring states. Besides, after the creation of Pakistan, special status was given to former FATA, and it was governed as an autonomous entity (Khan, 2016). The Pakistani state extended the indirect rule of the British policies and strategies in the former FATA. For example, the 'Frontier Crime Regulation' (FCR) was imposed on the locals, and they were not given proper political rights and

political rights, whereas, socioeconomic developments were nonexistent, and there was poor infrastructure throughout the region with little to no health care system (Akins, 2017).

Additionally, the weak authority of the state prevailed throughout, mainly in the post-Soviet Invasion of Afghanistan in 1979. During the invasion, people from the tribal region supported the Afghan jihad against the Soviets and had ideological similarities across the borders. Based on the ideological support and region's location, massive support of the tribal people was seen, and they continued to cross the border to fight against the Soviet aggression by helping the Afghan Mujahideen.

The US attack on Afghanistan after the 9/11, there was substantial cross-border migration of not only the refugees but mainly the non-state actors i.e., Taliban and Al Qaeda networks run off to seek protection in the tribal belt of former FATA. This was made possible due to the already governance vacuum that existed, which was exploited by these terrorists' networks to establish their networks and cross-border attacks on NATO forces. After a while, the militants who occupied this region post-9/11 started to challenge the state's writ and established a parallel governance system by exploiting the norms and culture of the region and the preexisted governance vulnerabilities.

1.2. Aims and Objectives

This dissertation aims to unravel the nexus between the ungovernability of the former FATA and the rise of terrorist groups in the region. This study will investigate how the governance vacuum in former Federally Administered Tribal Areas became the bedrock for the emergence and survival of terrorist groups. The study has the following objectives include:

- To identify why FATA remained ungovernable since the independence of Pakistan.

- To inspect the poor governance structure in FATA.
- To investigate the exploitation of FATA by terrorist's groups i.e., TTP, due to lack of State authority

The objective of this study is to critically examine the pre-merger governance system in former FATA while thoroughly analysing and identifying the historical causes of the region's protracted state of ungovernability since Pakistan's independence. This will draw attention to the drawbacks and challenges of the region's effective governance and development. It will further examine the extent to which terrorist organisations, especially Tehreek-e-Taliban Pakistan, have taken advantage of the governance gap in former FATA to establish a presence there, recruit members, and engage in their activities.

1.3. Research Question

The dissertation developed the following research question to address the previously specified aims and objectives:

Q. How has Former FATA - as an ungoverned space/territory in Pakistan led to the establishment and rise of Tehreek-e-Taliban Pakistan?

1.4. Significance of the Study

The dissertation will offer a new paradigm to the policymakers and counter-insurgency experts in comprehending the main causes behind the former FATA becoming a terrorist safe haven and its exploitation by TTP. This dissertation becomes of paramount importance in the backdrop of the resurgence of TTP after the US withdrawal from Afghanistan as TTP is again gaining strength in the former FATA region and conducting frequent attacks against security forces. Thus, the findings of the dissertation will provide a framework/suggestion to the concerned authorities in Pakistan in lowering the

intensity of insurgency and its eradication from the root by addressing and solving the core issues that were exploited by TTP in the past as well as in the present era.

1.5. Limitations of the Study

Due to security reasons, it has been determined that direct interviews with TTP correspondents in Pakistan or Afghanistan are not feasible. As explained in the methodology chapter, the original plan was to conduct interviews and surveys on the ground in Pakistan to ensure the quality and accuracy of the research. However, this approach had to be reconsidered due to the high level of risk involved. Considering the research limitations and safety concerns, obtaining travel approval, and conducting in-person interviews and fieldwork with the respondents was not permitted. This decision was made to protect the safety and well-being of the researchers and respondents involved in the study. Instead, alternative methods for data collection have been explored to ensure that the research can still be carried out effectively and securely. These methods have been explained in the methodology chapter. Despite the challenges posed by the inability to conduct face-to-face interviews, the study aimed at producing valuable insights and analysis through innovative data collection techniques.

1.6. Chapter Outlines

This section will briefly give an overview of each of the chapters of this study. The dissertation is tailored in a way that assesses the ungovernability of the former FATA region and the threats that have emerged from the region in the context of terrorism after the Afghan Jihad and 9/11 timeframe.

Chapter First of the dissertation lays out a brief overview of the whole study. It has provided the overall background of the study, including the aims,

objectives, research question, significance of dissertation, limitations, and finally its organisation.

Chapter Second develops an extensive and in-depth literature review of the study. The literature review has been divided into five main themes. It provides a brief comparison traditional and contemporary viewpoint in the security debate, explored the concept of ungoverned spaces, and drawing insights from existing literature. It also addresses the historical, political, and social factors of weak states, threats, elements of state functions, and security gaps. It analysed the dynamics of the former FATA as an ungoverned space, and finally delves into the rise of Tehreek-e-Taliban Pakistan (TTP) in former FATA, examining how the group exploited administrative failures in the region.

Chapter Third focuses on the methodology of the dissertation. It develops the multi-dimensional theoretical/analytical framework to achieve the research objectives of the study. This chapter further outlines in detail the design of the study. The research design adopted includes the data collection tools i.e., survey questionnaires, interview schedules, and methods used for data analysis.

Chapter Fourth tests the former FATA region as an ungoverned space under the two theoretical/analytical frameworks developed in chapter third. The chapter discusses the historical background of the former FATA, tribal culture and regulations, geographical terrain, parallel governance systems, porous border dilemma, exploitation of legal principles, deficiency of the governance structure, and many other factors that will be elucidated to establish the ungoverned status of former FATA.

Chapter Five of the dissertation tests the 2nd analytical framework developed in chapter third on Tehreek-e-Taliban Pakistan as an actor. The chapter demonstrates how Tehreek-e-Taliban exploited benefits to establish its

control and gained conducive environment to carry out its terrorist networking and attacks due to the weak authority of the Pakistani state and the governance vacuum in former FATA region.

Chapter Six provides a comprehensive analysis of the conducted interviews and survey is presented in accordance with the research objectives and the main research question, as outlined in chapter first of this dissertation. This chapter delves into the principal findings extracted from the interviews, employing a thematic analysis approach to identify and organise the key themes and subthemes derived from the interview data. Additionally, the survey responses are thoroughly examined and presented, providing valuable insights into the viewpoints of the survey participants on the study under investigation.

Chapter Seven provides an overall conclusion of the study. This chapter will compile the essential findings and their significance in understanding the relationship between the governance vacuum and the emergence of terrorist groups in the former FATA.

Chapter 2 | Literature Review

2.1. Introduction

There is a great wealth of knowledge and scholarly emphasis on the security threats emerging from powerful states. Thus, the traditional debate often revolves around how strong states' agendas and pursuit of interests increase the likelihood of major wars, conflicts, and skirmishes (Mearsheimer, 2001). However, following the end of the Cold War, weak states, and ungoverned regions where states have fragile or limited control have been increasingly prevalent in literature (Arsenault & Bacon, 2014). The literature review is divided in five themes. The first section will briefly discuss the security debate, comparing traditional vs contemporary viewpoints. The second section will elaborate the ungoverned spaces based on the existing literature. The third section will shed light on the characteristics of the weak states, followed by the dynamics of former FATA as an ungoverned space. In section fourth, and last fifth section will discuss the rise of TTP in former FATA by exploiting the administrative failures in the region.

2.2. Security: Traditional vs Contemporary Overview

In international relations, the notion of conventional security can predominantly be attributed to the realist school of thought in the international relations domain. It underscores the importance of military supremacy and balance between states as essential elements for safeguarding a nation's security. This standpoint aligns with the maxim power reigns supreme under a realist paradigm. In the absence of any superior entity above individual states that can enforce international laws or secure nations, a state is condemned to

living in a state of anarchy. This predicament compels states to safeguard their own interests by relying on their own military might.

Waltz (1979), a prominent scholar of International Relations, points out that national security and power balances have been dominated by military power and power balances. He argues that the international system is characterized by a state of anarchy, where there is no higher authority above states to provide security or enforce international law. This means that states must rely on their military power to protect their national interests and to survive in a world where the potential for conflict and aggression is ever-present. The conventional perception of security has traditionally prioritised only military threats that are directed towards the state-centric paradigm.

As a result of the international system's fiercely competitive and fragmented *realpolitik*, Waltz argues that governments must engage in power plays to assert their control over resources and guarantee protection. Hence, states must prioritise safeguarding themselves against potential aggressors while securing their sovereignty, ensuring survival. Consequently, they must a certain degree of military readiness given the perceived likelihood of various hazards demanding vigilance. Realists acknowledge non-military factors such as economics or diplomacy as essential; however, conclusive evaluation exercise undertaken concerning state security always comes down to military strength emerging as an indispensable defender thereof.

The viewpoint in question has faced disapproval for its limited concentration on military threats while disregarding the intricate and interconnected nature of security concerns prevalent in contemporary times. Therefore, it is vital to implement a comprehensive approach to protecting our interests. This entails various factors and enacting measures that cover all the necessary aspects. Numerous scholars have elaborated the notion

of traditional security, including Buzan and Hansen (2009). As pointed out by scholars, the traditional security paradigm emerged during the Cold War period between US and USSR. During this period, international security was predominantly dominated by the threat of war looming between the aforementioned states. This eventually led to the focus on developing the nuclear strategies and the military power projection by the states as the two pertinent notions of the national security.

Buzan and Hansen (2009), criticised the traditionalist security agenda for being narrow focus and having the limited view of the security itself. They further argued that the traditional security concentrates solely on militaristic threats that threaten the state and overlooks other critical variables concerning non-traditional security issues- such as environmental, economic, and societal aspects. According to them, adopting an extensive view of security is imperative to manage the intricate and interconnected threats unfolding globally today. This led to the expanding the security definition, including the human security, environmental degradation, and other non-traditional security threats. This expansion of security paradigm over the decades has enabled the scholarly debate to take into consideration the non-traditional threats emanating by entities like non-state actors, and insurgents in various parts of the world, including grave issues like ungoverned spaces around the world, some of which are and have been exploited by the non-state groups. As mentioned above, the international politics has been dominated by the realist security agenda for decades. However, it has incorporated the security threat emanating from the ungoverned spaces since the deadly attacks on the World Trade Center (WTO) in September 2001.

2.3. Ungoverned Spaces and Their Typologies

First, the early reference of ungoverned zones will be discussed to understand what ungoverned spaces and their impact are. The onset of literary

references in the academic and political debate about ungoverned spaces started was documented in the late 20th century. As per the research conducted by the United State Department of Defense (DOD) ungoverned spaces are known as “the locations where terrorist organizations may operate, train, and plot attacks” (Byman et al., 2001). This report further validates the point that ungoverned spaces do pose greater security risk due to their mishandling.

According to Lamb (2008), there have been numerous regions for instance the former FATA region along the Pakistan-Afghanistan border, the south-eastern Arabian Peninsula, East Africa (mainly in the region around Somalia), the north Caucasus, West Africa, the Columbia-Chiapas border with Venezuela, and Guatemala which are linked to the ungoverned status either in the past or present. Clunan and Trinkunas (2010) present that mere concept of space varies, and its characteristics have crucial impacts states and international security. They argue that the significant security challenges in the 21st century can be associated with the categorising of “spaces” and “gaps”. These spaces and gaps can be subjected to geographical, social, or functional dimensions. Furthermore, these spaces can be either divided into the Westphalians system of state or ungoverned zones. In the Westphalian model of state system, the state has sole authority over the defined territory, and the jurisdiction is extended on the regulatory and legal spaces (Harrison and Boyd, 2003). In short, these spaces are controlled by laws and regulations. On the other hand, some of the spaces are left with gaps.

These gaps are in governance, authority, control over the territory, regulatory or functional gaps. Additionally, Clunan and Harold (2010) mentioned in their work that these spaces can be called as “dangerous spaces” because they can cause numerous security threats. Furthermore, in some cases, due to the gaps in regulatory aspects, other non-state entities attempt to fill these gaps and form competing governance. In this way, the non-state entities act as “regulators” and “surrogates” of the state. These contested spaces also provide

inadequate governance in which the authority comes into question. Clunan (2010) notes, when the top-down governance is insufficient, there is a surge of bottom-to-up forms of growth in society which tries to outrun the state's authority. Hence the poorly governed spaces of conflicting governance become the epicenter of illegal flow of commodities as an exploitation.

Rand 2007 'Ungoverned territories' report discusses the problematic nature of the abovementioned spaces. The report reaffirms that in international affairs, ungoverned spaces have been the subject of security issues (Rabasa et al., 2007.). This debate can be attributed to various security problems for instance, civil rights and humanitarian crises, along with the transnational crimes such as militancy. Rabasa notes that these spaces ultimately become the point of instability for the region and demand attention. Besides, the commission report of 9/11, highlights that the front lines regarding the War on Terrorism (WOT) are extremely connected with these ungoverned zones (US Department of Justice, 2004). Through these ungoverned spaces that terrorist organisations take advantage and form their operational bases there. Moreover, ungoverned spaces exist in both categories of states i.e., healthy and failed. However, the significant difference between the two is that in the healthy states, the states lose their writ due to activities of criminal gangs or flux of immigrants within their own territories. On the contrary in the failed states, the state writ of the central authority becomes so weak that it is unable to maintain its authority apart from their capital.

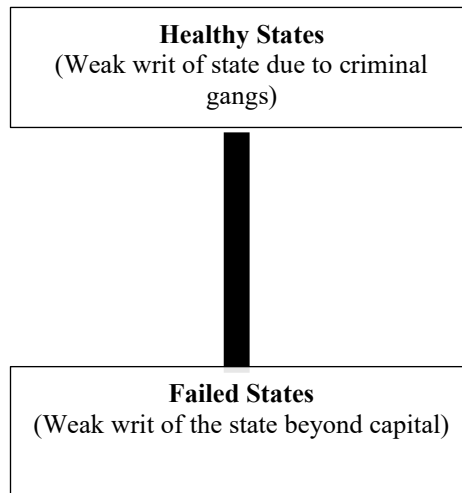


Figure 2.1 . Representation of the Categorisation of States based on Control and Writ

Besides, ungoverned areas are described as “*A place or situation that enables illicit actors to operate while evading detection or capture, including ungoverned, under-governed, misgoverned, or contested physical areas (remote, urban, maritime) or exploitable non-physical areas (virtual) where illicit actors can organize, plan, raise funds, communicate, recruit, train, and operate in relative security* (Lamb, 2008, p.6). The research also claims that these places could act as safe havens for terrorist or criminal groups to plot and carry out operations and increase crime. In simple terms it can be said that geographical areas or territories that lack effective government control, where there is no lawful authority or rule of law, are referred to as ungoverned spaces, sometimes known as ungoverned territories or areas. These regions may develop for several causes, including ineffective governance, existence of non-state actors, conflict, or civil war, weak or failing nations, or other factors.

2.4. Weak States: Threats, Element of State Functions and Security Gaps

There is a high link between militancy and other organised crimes, and the ungoverned spaces existed in the weak and failing states. The 2004 report titled “Commission for Weak States and US National Security” reaffirms the notion by arguing that the “Illicit transnational networks, particularly terrorist and criminal groups, target weak and failed states for their activities” (Center for Global Development, 2004, p.1). The commission report further affirms that it is the failed and weak states pose the central challenge for fighting against terrorism. The piece also emphasises how weak states with limited development opportunities are also where militant and extremist beliefs are more likely to flourish (Center for Global Development, 2004). Besides, Fukuyama, a famous professor of International Political Economy, notes that “Since the end of Cold War, weak and failing states have arguably become the single-most important problem for the international order” (Fukuyama, 2004, 92).

Moreover, in the famous op-ed “The Promise of Democratic Peace,” US Secretary of State, Condoleezza Rice, in addressing the issue argued that “*how weak and failing states serve as “global pathways” that facilitate the “movement of criminals and terrorists”*” (Rice, 2005). Furthermore, she argues, “*the phenomenon of weak and failing states is not new, but the danger they now pose is unparalleled. When people, goods and information traverse the globe as fast as they do today, transnational threats such as disease or terrorism can inflict damage comparable to the standing armies of nation-states*” (Rice, 2005).

Wyler (2008) also discusses that the end of cold war between U.S and the USSR, the emerging international society and security environment were starting to observe that failed, failing and weak states were becoming more

prone to crises, including terrorism, transnational crimes, humanitarian emergencies, nuclear proliferation and so on. Furthermore, according to the Wyler (2008) report, U.S government affiliates 'four elements on state function' on which the description of the weak states can be made. These are.

- i. Peace and Stability:** This factor demonstrates that fragile states are mostly in the state of conflict or at the risk of conflict and instability. In these states, security is much more likely an evaporated concept. Examples of such states are Sudan and Iraq.
- ii. Effective Governance:** This factor suggests that states with less effective governance are hindered by social evils like state corruption and poor civil rights. The state lacks the will to provide proper services to the citizens.
- iii. Territorial Control and Porous Borders:** Weak states lack the proper regulation of their borders. The lack or partial control of territory becomes the root cause for the instability. This further allows these unchecked porous borders and ungoverned spaces to be exploited by the militants. Example can be that of the Sahel region of northern part of Africa and Pak-Afghan border etc.
- iv. Economic Sustainability:** weak states tend to have hindered economic progress. This is due to the overall instability whether it is of political or security dimension. The drastic economic deficiency annihilates the proper functioning of the state.

Besides, the report "On the Brink, Weak States and US National Security" states that when the basic functions like ensuring security, meeting the basic needs of the citizens, and maintaining legitimacy are not fulfilled then as a result, a state results in gaps which potentially harm the security of the state, the international system along with a spillover effect on the neighboring states (Center for Global Development, 2004). These gaps can be named as "Capability Gaps" which are (Center for Global Development, 2004, p. 13-15):

i. Security Gap: One of the most crucial functions of the governing state is to ensure security. It is done by having i) monopoly over use of force, ii) capability to protect state by the threats of non-state actors whether they are emanating within the state or external in nature, iii) and preserving effective sovereignty in its territory. However, when states are unable to maintain this function, then the security gap emerges which is exploited by non-state entities, neighboring or other states, transnational terrorist networks and criminals. Security gaps can be seen all over the world including Africa, Asia, and other continents.

ii. Capacity Gap: Capacity means the ability of the state to ensure the basic needs of its citizens. these needs are of physical, and investment oriented in nature. With physical capacity comes the infrastructure of roads, schools, and healthcare centers, whereas investing in digital skills and structures contributes to the progress of the citizens. When states are unwilling to put effort into this or when the distribution of capital and infrastructural projects is uneven, as a result mass grievances rise along with the humanitarian crises and political upheaval. This results in capacity gaps.



Figure 2.2. The block diagram shows how there is a direct link between Security Gap and the Capacity Gap

It has been noted that most of the states which already face the security gap, are most likely to face the capacity gap. It is because states are most unlikely to fulfil the basic needs of their citizens if the security is not guaranteed.



Figure 2.3. Shows that Lack of Resources also lead to the Capacity Gap

On the other hand, capacity gaps may also follow from a shortage of resources, as in Cambodia and Mali, or from a government’s malfeasance in the face of overwhelming need, as in Angola, Haiti, and Laos.

iii. Legitimacy Gap: The third and final gap is that of legitimacy. Maintaining ‘legitimacy’ is an important pillar to ensure freedom of rights, accountability, and law enforcement. It allows the participation of the citizens in the political system in democratic nations. However, noted in the authoritarian and non-democratic states, the bridge between the citizens trusts and political agents starts to wear. This creates the legitimacy gap, which causes the regression of the political system. This causes instability and proves the root cause of greater political corruption which is subjected to exploitation.

According to the report by American Security Project, *“ungoverned spaces remain a core issue in the management of the threat posed by transnational terrorism* (Bartolf and Finel, 2009, p.14). It demonstrates that *terrorist* organisations can find refuge because of a government capacity gap. The report further elaborates that *“in some cases, the collapse of government authority creates an opening for extremist groups to gain legitimacy through the provision of public goods—minimally security, but in many cases services as well”* (Bartolf and Finel, 2009, p.14). The collapse of the government’s authority can be very much linked with the collapse of ‘four elements of the state function’ proposed in Wyler’s report, a) Peace and Stability, b) Effective governance, c) Territorial Control and Porous Borders, and d) Economic Sustainability. Along with the 3 fundamental gaps, a) Security Gap, Capacity Gap, and c) Legitimacy

Gap proposed by the Center for Global Development 2004 report. Additionally, U.S. Interagency Group report on international crime, argues that due to inadequate administration of the law and high levels of corruption within the government, weak states can serve as effective facilitators for the movement of illegal goods and the laundering of criminal revenues (International Crime Threat Assessment, 2000).

In the infamous congressional testimony, the Deputy Coordinator of the regional affairs for the U.S State Department, defines safe heavens as *“ungoverned, under-governed, or ill-governed physical areas where terrorists are able to organize, plan, raise funds, communicate, recruit, train, transit, and operate in relative security because of inadequate governance capacity, political will, or both”* (Villarosa, 2011, 27-28). It highlights that the epicenter of terrorism can potentially be a space which is not regulated by the state and either the authority of the state is absent or partial. Besides, Forest (2011) in his article *“Engaging local nongovernmental entities in U.S. security strategy”*, highlights how the existence of the ungoverned spaces and the weak nature of the state’s authority has become major concern for the major states like the United States. He notes in his work that if there is little to no infrastructure, element of invisibility, transportation along with difficult terrain then it causes rare advantages to the non-state actors which adversely affects their recruitment and support. In other words, there must be a certain level of communication setups or infrastructure.

Rand report also confirms this by stating *“if the territory is so undeveloped that terrorists cannot communicate, move funds, or travel from remote locations to urban areas, it will be difficult for them to organize and execute attacks”* (Rabasa et al., 2007, p. 16). As a result, *“completely ungoverned territories lacking even those basic assets would hold little appeal for a terrorist group that, like any organized entity, requires at least a semblance of structure to operate”* (Rabasa et al., 2007, p. 16).

2.5. Former FATA as an Ungoverned Space

The fourth theme of the literature review covers the rationales that rendered the former Federally Administered Tribal Areas (FATA) ungoverned and led to the uprising of militancy in the region. Former FATA consists of seven tribal agencies; Bajur, Orakzai, Mohmand, Khyber, Kurrum, North Waziristan, South Waziristan and six frontier regions; Peshawar, Kohat, Bannu, Laki Marwat, Dera Ismail Khan and Tank (Ali, 2018). It was and is recognised as the primary location of the various Pashtun tribes (Groh, 2006, p.49).

The research work of Norell (2010), it is highlighted that One of the most infamous British laws practiced in FATA was the Frontier Crimes Regulation (FCR) of 1901. This law was known as the draconian law due to its usage as a means of subjugation and to establish the writ of colonial authority. The FCR empowered the government to arrest anyone, anytime, anywhere and practiced collective punishment of the clan/family. The decisions were made by the tribal jirgas under the supervision of political agents. No proper state courts or judicial systems were present instead a parallel judicial system was running which was not under the jurisdiction of Pakistan's superior judiciary. This created the environment of the marginalized conducive growth for the elements which imposed the old aged systems rather than proper governance.

Furthermore, under the article 246 of the Constitution of 1973, the parliament of the state had no jurisdiction over FATA. Hence making this entire region geographically 'in' Pakistan but not 'of' it (Buheria, 2021). According to Rumi (2012), the newly developed colonial state of Pakistan in crux was not able to build a proper physical infrastructure, and development projects in FATA and the neglect of this area continued for decades. He notes that the administration was purely dependent on the traditionalist patterns, customs, and colonial systems.

Adding on to the perspectives of Arsenault, Bacon, Miguel, Satyanath, and Sergenti, Collier and Hoeffler, the scholar Feldman (2009) argues that apart from the weak administration, other conditions include disorderly and poorly regulated porous borders and easy access to weapons all contribute to the exploitation of terrorist recruiters. Numerous studies have highlights how porous borders are a major contributor in the emergence of ungoverned spaces. For instance, as per a report by Michallef, (2017) *“porous borders exacerbate governance challenges and provide opportunities for non-state actors to assert control over areas beyond state reach”*. From Michallef’s work, it can be said that the problem of porous border does impact the security environment of the state. If they are not properly regulated under the law and order, it can lead to severe issues for the state, from illegal trafficking to narcotics smuggling etc. These examples can be seen throughout the world.

The report further highlights the example of Sahel region, where the unregulated borders resulted in the drug trafficking, arms movement that challenged the state authority. This creates spaces where non-state actors can operate with relative impunity. According to Rabasa et all (2007) cases of Afghanistan and Pakistan were thoroughly mentioned due to the presence of porous border issue in the respective states. This situation enabled non state entities like Taliban and other terrorist groups to move freely across the border, establish safe havens, and launch attacks on both sides of the border while exploiting the ungoverned regions.

Thomas, Kiser and Casebeer (2005) make the case in their work that transnational terrorist organisations have expressed interest in taking advantage of regions where states are already having difficulty with resource scarcity, poor national institutions, unemployment, inexperienced security forces, and poverty. For instance, Al-Qaeda and Pakistan Tehreek-e-Taliban have exploited this governance vacuum in lawful control of the tribal territory by Pakistan. They have used this area for their sustenance and operational

purposes. Furthermore, it is also noted that the failure of the state to provide basic services to its citizens, the state's lack of ability or willingness to provide security within its territorial jurisdiction, and the state's lack of or weak legitimacy in the eyes of its citizens are all characteristics of weak states in this context that create an enabling environment for non-state actors (Arsenault and Bacon, 2015).

In a study compiled by Collier and Hoeffler (2004), it has been observed that political instability, measured by indicators such as ineffective governance, political violence, and political assassinations, is a significant predictor of civil conflict which disturbs the dynamics of the society. In such societies, economic opportunities are far limited. Keeping this in mind, various insurgent and militant groups offer the economic incentives i.e., economic resources and money to the locals for the recruitment purpose (Collier & Hoeffler, 2004). This ultimately suggests that such indicators start to threaten the writ of the state in that area. Miguel, Satyanath, and Sergenti (2004) argue that economic factors such as low income and high unemployment are also the significant predictors of civil conflict. Additionally, from the work of Arsenault and Bacon (2015) who provides a perspective that weak or poor governance results in these ungoverned zones, which are then exploited as safe havens by militants, terrorists, and insurgents to commence their activities, it can be concluded that they immediately endanger both domestic and international security along with highlighting the inter-relation between them.

2.6. Rise of Tehreek-e-Taliban Pakistan

In his book, Ashok notes that the growth of the militant groups who were inspired by Taliban was primarily taken for granted by the Pakistani state. In contrast, the demands of imposing the Islamic rule of law (Shariah) by such groups were dealt with commiseration rather than challenge for the state. He further mentions how Sufi Muhammad, head of Tehrik-e-Nifaz-e-Shariat-e-

Muhammad (TNSM), demanded to impose the Islamic rule in 1994 and subsequently launched his novel 'black turban' movement. Instead of curbing it as a security challenge, the then-governor of North Western Frontier Province (NWFP) introduced the 'Nizam-e-Shariat Regulation to appease these pressure groups (2021). According to the report compiled by Rana (2009), *'Taliban Insurgency in Pakistan'*, members of both organisations, Afghan Taliban and Al Qaeda infiltrated the tribal regions of Pakistan bordering Afghanistan after they were defeated in Afghanistan in 2001. They initially focused on the South Waziristan tribal territory and increased their support base among the local tribes through financial support, marriages within tribal families, and ideological grounds. This displays how the area and the people who were deprived of their legal rights by the state were exploited by the militants. Furthermore, Gul (2010), in his book, sheds light on an essential point that during this time, Tehreek-e-Taliban Pakistan (TTP) was formed in December 2007 as an umbrella organization for various militant groups operating in the tribal areas of Pakistan. The TTP aimed to establish Sharia law in Pakistan and overthrow the Pakistani government.

According to Sheikh (2016), the TTP was formed in response to the Pakistani government's military operations in the tribal areas and the killing of militants and civilians. The TTP's founder, Baitullah Mehsud, brought together various militant groups, including the Taliban, to form the TTP and to unite their efforts against the Pakistani government. The TTP became one of Pakistan's most violent militant groups and has been responsible for numerous attacks, including suicide bombings and assassinations. Their presence became more saturated in the Pakistan-Afghanistan border where they were exploiting the semi-autonomous status of FATA. During the time, the Pakistan-Afghanistan border was converted into the 'no-go' area making matters worse. Furthermore, the tribal areas became safe haven, training ground, networking

and communication area for these entities (Guranatna & Iqbal, 2012), which changed the security dynamics for the state of Pakistan and the entire region.

2.7. Research Gap

The majority academic discourse relates the root causes of the emergence of Tehreek-e-Pakistan in former FATA to the factors like radicalization drive commenced after the Soviet invasion of Afghanistan, Pakistani government support to Mujahedeen's and subsequently their successors, the Taliban. The previous studies however have not focused on the direct nexus between lack of the writ of the Pakistani state in former FATA since the independence of Pakistan (which is an internal factor), the exploitation of former FATA as an ungoverned space caused by internal factors, its proximity to porous border, and the influence people of former FATA established from the ultra-conservative Islamic government next door in Afghanistan, the incompetence of Pakistan government to eradicate the Afghan Taliban and Al-Qaeda members from the former FATA and the influence of the Afghan's government in mid-1990's because of their governance model resemblance with the Pashtun tribal code of Pashtunwali. These factors played an instrumental role in the establishment of TTP within former FATA region after the US invasion of Afghanistan, however, as mentioned above the previous studies have lacked data on these significant issues which were major and most crucial factors behind TTP's establishment and rise. The current study will shed light on these critical notions.

Chapter 3 | Methodology and Theoretical Framework

3.1. Research Design and Methodology

Research design and methodology are the rudimentary tools for conducting the social sciences research process. It allows the researcher to dive deeper into questions and obtain a more complete understanding to react to and analyse the research questions (Polkinghorne, 1983). The primary purpose of developing a research design or framework is to facilitate the researcher's study process. Gorard (2001) in his book research design states that research design in the social sciences is a way of organising a research project or programme from its inception in order to maximize the likelihood of generating evidence that provides a convincing answer to the research questions for a given level of resources (Gorard 2001). The research design is the researcher's overarching strategy to describe the study's design. It is the study's foundation (Mitchell & Jolley, 2007) to develop the research design, what is most important is to have a research problem to address. It is the research problem based on which the design for the study is based. The research design is a binding glue that holds the research project together (Mitchell & Jolley, 2007). The research design is a framework created to seek answers to research questions (Creswell, 2012). According to Blessing and Chakrabarti (2009), a research design methodology provides a framework for design research for individual researchers. It aims to provide guidelines for systematic research planning and helps identify the research methods and areas (Blessing & Chakrabarti, 2009. p 14).

3.2. Research Methods

Applying methodology plays a crucial role in dispensing with the issues that emerge while conducting the research (Nachmias & Nachmias, 1989). The study methodology discussed in this chapter includes approaches to the research, data collection tools, sampling procedure, sample size, data management, and data analysis. The ungovernability of former FATA and it being source of security threat to Pakistan was explored based on the qualitative study analysis. To ensure the validity of the research undertaken, case study, structured interviews and questionnaire have been used as methods.

Case study as a method is a valuable research approach to understand any complex phenomena. According to Cassel and Symon (2004) we can determine that case study research consists of the detailed investigation of the phenomena. It provides in depth analysis of the context and the processes which illuminate the problem being studied (p. 26). The method of case study was chosen, keeping in view the topic of the thesis. In the case of former FATA and the Tehreek-e-Taliban (TTP), there are complex historical, political, and social factors that have contributed towards the exploitation of former FATA as an ungoverned space and the subsequent emergence of TTP in the FATA. By using a case study approach as a method, a comprehensive understanding of these factors, their interplay and the real-world relevance will be drawn.

Interview as a method helps to explore the sensitive topics under study and provides a nuanced and comprehensive understanding of the topic (Kothari, 1990). This method was selected for two reasons. First, it provides the views and opinions of the participants, which can generate good qualitative data. Moreover, second, it can provide in-depth exploration of the topic. The selection of the interviewee participants was conducted through purposive sampling technique, also known as selective or judgmental sampling. This method allowed to target participants who possessed the expertise, research

experience, and knowledge relevant to research topic as a selection criterion. The interview respondents possessed in-depth knowledge about the rising issue of activism of non-state actors in Pakistan, role of ungoverned spaces and the region of former FATA. The age of the participants selected for interviews was above 30 years

Due to the research's sensitive nature, the interview mode was changed from in-person and video recording to audio recording only. The approved guidelines and platforms of the University of Glasgow conducted the online interviews. In total, ten interviews were conducted, which showed saturation points. The length of each interview was 30-35 minutes. The participants were provided with the Plain Language Sheet, which communicated the details of the study undertaken, volunteering, and associated risks. Additionally, verbal consent was taken at the beginning of each interview

Interview respondents' opinions were then evaluated using the thematic approach's five steps approach; 1. familiarization, 2. coding, 3. generating themes, 4. reviewing and 5. finalizing themes. Thematic analysis was chosen as analysis method as it helps in identifying key themes, i.e., patterns in the data that are important or interesting, and using these themes to address the research or say something about an issue (Maguire and Delahunt, 2017). This type of analysis provided validity to explore the patterns and themes. Furthermore, NVivo software was used to generate more authentic results.

Additionally, the design of this study broadly followed the second method of structured questionnaire. The purposive sampling technique, also called random or subjective sampling, was applied for this method. This approach was adopted for multiple reasons. First, it features "structured questions," which standardise the research process and limit the impact of

researcher subjectivity. Acquiring accurate and standardised data from a broad sample using structured questionnaires as a research tool could then be easily analysed and compared. This technique ultimately supported the study aims and added to the overall quality and credibility of the thesis.

Furthermore, the third method was data collection from secondary data sources. For this method, both primary and secondary data were consulted with and reviewed. These sources included internet browsing, research papers, books, journals articles, published PhD and MPhil dissertations, newspapers reports and other published sources.

3.3. Theoretical Framework

Research frameworks provide systematic and structured approaches for analysing multidimensional and complex problems and understanding the interconnections between different variables of the study. Scholars such as Yin (2014) have emphasised the importance of establishing sound theoretical frameworks to examine and identify research questions, patterns and drawing meaningful conclusions out of it. This chapter lays theoretical/conceptual groundwork in this respect.

Two theoretical frameworks have been selected for this thesis to explore the research question. With the help of the first framework, identification will be made that whether former Federally Administered Tribal Area (FATA) can be rendered the status of an ungovernable territory since the independence of Pakistan or not. The second framework will analyse different indicators through which ungoverned territory poses security threat to the state i.e., militancy and growth of various terrorist networks. With the help of second framework, the emergence of Tehreek-e-Taliban Pakistan as a terrorist group and exploiter the former FATA region will be explored because this framework

deals with the analyses of the conducive environment of a region or zone which provides safe haven to the militants and terrorist groups.

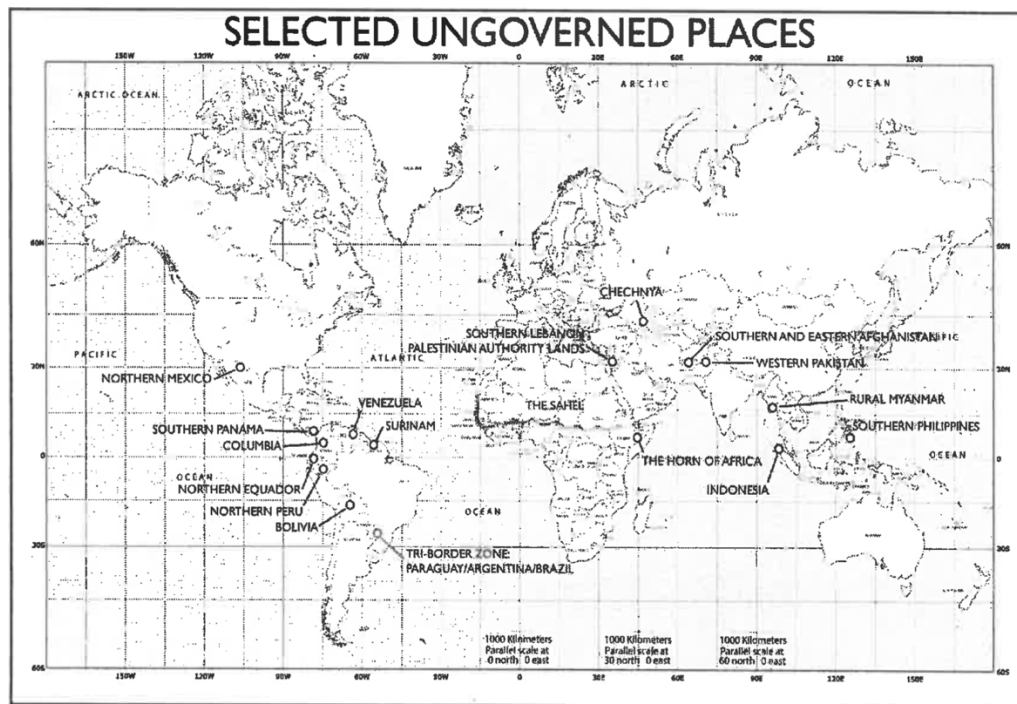


Figure 3.1. Demonstrating Problematic Ungoverned Spaces around the World (Galvano, 2007)

The literature so far has shed light that parallel zones of governance emerge due to the ungovernability of a region, space or zone. This makes lucrative environment for the militants to exploit that place for terrorism and their operational bases. Hence, ungovernability and militancy are directly proportional in the majority of the cases. According to Michael, the will and capacity of a state to extend its power across its territory is known as its infrastructural power of the state (1998). It is noted that in the post-colonial period, most of the states fell in the underdeveloped or developing categories having weak infrastructure. This has caused security challenges in smoothly extending its writ across its territorial jurisdiction (Michael, 1998, p.67).

3.3.1. Theoretical Framework I

Through the first framework of Francis Galgano's, 'Classification Matrix' of ungoverned spaces the qualification of former FATA as an ungoverned space will be tested based on the geographical assessment (Galgano, 2006).

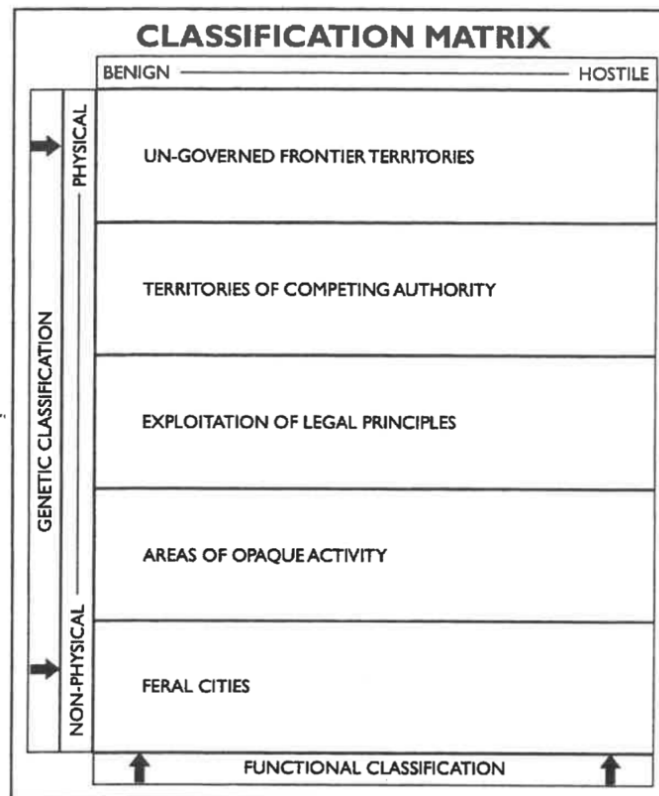


Figure 3.2. Theoretical Framework I (Adopted by Galgano, 2007)

The above figure shows the 'Classification Matrix' by Galgano. This matrix provides two types of hierarchies of ungoverned spaces i.e., the upper genetic hierarchy: physical and non-physical; and the functional hierarchy based on the activities within that region as shown in the (Galgano, 2006, p.73). Under genetic classification, the physical ungoverned category is known as the remote undeveloped territory, which is usually considered as a frontier region of the state (Whelan 2005). There is usually a lack of infrastructure development and limited economic freedom in such areas where the state is mostly unable/ willing to exert control. These physical ungoverned categories

are highly likely to be exploited by the terrorists and other militants for example, Al-Qaeda etc (Tallent, 2005). Examples of regions which fall in this category are Amazonia; the Sahel; the Horn of Africa; and parts of the southern Philippines. (Galgano, 2006, p.75). On the other hand, in the non-physical ungoverned category, the state intentionally relinquishes the control of that region in exchange of either political or economic incentive (Whelan 2005). It can also be the result of the state's lack of legal structures due to which it cannot enforce the law and order. These types of non-physical spaces are usually used by terrorists, where they can move and indulge in recruiting and exploitation purposes (Galgano, 2006, p. 75). Both of which aptly applies in the case of former FATA region.

In case of genetic classification, both physical and non-physical aspects overlap with the 'Functional Classification' of the matrix. Hence only 'Functional Classification' will be applied on ex FATA, excluding the indicator of 'Feral City' (though ex FATA did not exhibit rule and law, but it was not a metropolitan city, therefore 'Feral City' indicator has been excluded). The application following are the indicators under the Functional Classification are listed below.

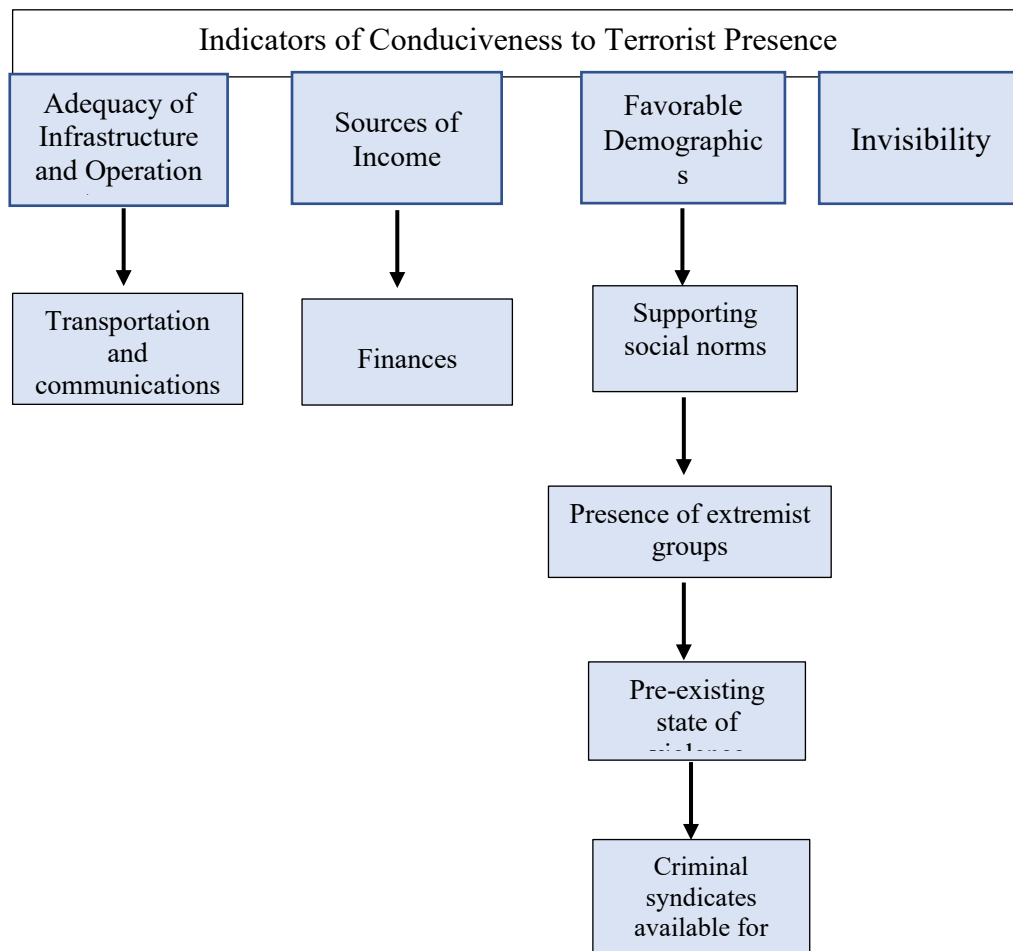
1. Ungoverned frontier territories
2. Territories of competing authority
3. Exploitation of legal principles
4. Areas of opaque activity

These above-mentioned dimensions and hierarchies will test former FATA's qualification of ungovernability in this chapter in detail.

3.3.2. Theoretical Framework II

In the second part of theoretical framework the security threat emerged from former FATA will be discussed by using the ‘Dimension of Conduciveness to Terrorist Presence’ proposed by Rabasa, et al in 2007. This part framework will be applied particularly on Tehreek-e-Taliban Pakistan. The indicators in this framework will help to explore how TTP had the conducive environment to assert its terrorist presence and carried out the exploitation of the un-governed status of former FATA.

Flow Chart 3.1. Theoretical Framework II (adopted by Rabasa et al, 2007)



According to Rabasa's framework, there are four primary dimensions which exist, along with their subbranches to investigate the conduciveness and terrorist presence of the non-state actors.

1. Adequacy of Infrastructure and Operational Access

- **Transportation & communications:** In this framework, the first indicator examines how the sufficiency of transportation infrastructure and communication facilities contributes to the ease of commuting and networking for terrorist actors and groups.

2. Sources of Income

- **Financial Services:** The backbone of any terrorist group's prosperity lies in its financial services. This indicator investigates how terrorist organizations exploit and acquire funds within the regions where they are present.

3. Favorable Demographic and Social Characteristics

- Presence of extremist groups
- Supporting social customs
- Preexisting state of violence
- Existence of favorably inclined NGOs
- Criminal syndicates available for hire

Within the framework, the analysis of favorable demographics and social characteristics explores how terrorist groups leverage local customs, social norms, values, state violence, and parallel criminal systems to bolster their authority, facilitate recruitment, and exert control over the affected areas.

4. Invisibility

- Invisibility of the terrorist groups refer to their ability to operate covertly and overtly. Non-state actors exploit the invisible hideouts and safe havens in remote or unmonitored areas. These locations provide them with a

secure base to plan and coordinate operations without fear of intervention from security forces. They can exploit hidden routes and networks to transport funds, weapons, and other resources necessary for their terrorist activities.

The above developed frameworks will be used in the study to answer the research question of exploring the ungovernability of former FATA and its exploitation by terrorist actor TTP by identifying the un-governance gaps and its manipulation.

Chapter 4 | Assessment of Pakistan's Former Federally Administered Tribal Areas (FATA) as an Ungoverned Space

4.1. Introduction

In this chapter the qualification of former FATA's as an ungoverned space will be tested through the first framework by applying Francis Galgano's 'Classification Matrix' (see Chapter 3). It is to be noted that this assessment will be carried out from a geographical perspective i.e., functional classification (Galgano, 2006). By utilising Galgano's framework, this study seeks to shed light on the extent to which the ex FATA region can be characterised as a challenging environment for effective governance. Through an analysis of its geographical features, this chapter will provide valuable insights into the unique dynamics and complexities that contribute to the classification of former FATA as an ungovernable space.

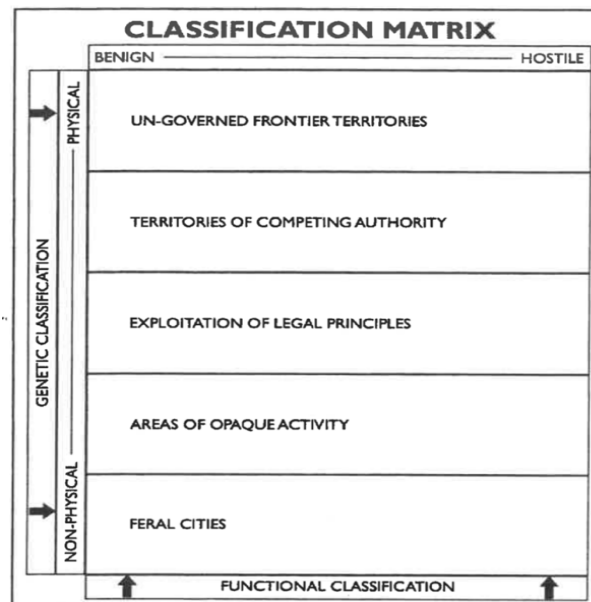


Figure 4.1. Theoretical framework I (adopted by Galgano, 2007)

4.2. Application of Theoretical Framework I on Former FATA

4.2.1. Ungoverned Frontier Territory

According to Galgano, ‘Ungoverned Frontier Territories’ are, “regions are almost exclusively physical un-governed space and are perhaps the most easily understood. Frontier territories are typically very rugged, remote and sometimes under-populated areas that include little government-sponsored infrastructure such as roads, airfields, water distribution, electrical grids, and other features common to modern society” (Galgano, 2007, p.76). On the basis of his definition, the region of ex FATA will be tested as an ungoverned frontier territory with the help of historical and demographic background factors.

a) The Historical Context: FATA as a Geopolitical Buffer Zone from Colonial Era to Independence of the Sub-Continent

The Pashtun tribal belt region and agencies that now constitute Pakistan and Afghanistan's border were previously known as Northern Western Frontier in the pre-independence period of British India (Baha, 1968). This frontier belt was mostly ungoverned and met fate of various wars, invasions, and skirmishes throughout history. Additionally, it carries a deep-rooted colonial and post-colonial history as this area was once under the British India Frontier and the Afghanistan before the division of Subcontinent into India and Pakistan on in 1947 (Khan, 2011). During the British colonial times, the tribal belt which was known as “North-western Frontier”, played a critical geopolitical and strategic role in the ‘Great Game’ era which was regional and geopolitical competition for gaining the control of Central Asia between the then British and Russian Empire (Modern History, 2016).

The role that this region played was that of a “buffer zone” between Russian Czars and the British Empire (Javed & Lal, 2018). The fear of Russian expansion towards the central Asia during the ‘Great Game’ compelled the British empire to launch two wars on Afghanistan in 1839-42 and 1878-79 (Modern History, 2016). During these two wars, this Northern Western Frontier Pashtun belt was caught in confrontation. The British faced major blow in the first war, however the result of the second war was fruitful as it was after the success of the second war that the tribal Pashtun belt came under the direct control of British empire (Modern History, 2016).

In the meanwhile, Russia began seeking for ways to increase its interests and influence in Central and South Asia as early as 1717, attempting to get a foothold in India's markets (Bradsher, 1985, p.9). The Russian empire eventually started expanding its empire further by the 1880s and were pressing on the Oxus River and Afghanistan itself. To counteract the growing territorial threat and the impossibility of going to war with the enormous Russian Imperial empire, British colonialists signed a pact in 1893 to safeguard the Khyber Pass in the Northern Western Frontier (Javed and Lal, 2018). This pact/treaty was carried out by British negotiating an agreement with Afghanistan to delineate the border between Afghanistan and British India. The new border was named ‘Durand Line’ after the Indian Foreign Secretary, Sir Henry Mortimer Durand. It was a division of the Pashtun tribal lands in two. Half of the Pashtun tribal region became part of British India, whereas, and the other half remained a part of Afghanistan (Kaura, 2017). Under the British government laws and regulations, this region was given a special status known as the semi-autonomous status (Yousaf et al, 2018).

After the birth of the newly independent states of Pakistan and India in 1947, the Muslim majority i.e., East Bengal, Punjab, Sindh, Northwest Frontier Province, and the state of Qalat (which is modern day Baluchistan) were merged

to form Pakistan (Khan, 2010) and the Hindu majority areas were merged into India (Khalidi, 1998). During the process the title of Frontier Western Province changed to Northwestern Frontier Province (NWFP) and it came under the territorial jurisprudence of Pakistan. Soon after the independence, Pakistan proceeded further to make an agreement to the autonomous tribes (ex FATA). Muhammad Ali Jinnah, who was then the Governor General of Pakistan, made a truce with the tribes residing on the Northwestern border that Pakistan would refrain from interfering in their internal affairs if they chose to join the country (Khan, 2017).

However, despite this assurance, the tribal belt continued to be subjected to the oppressive rule of the British known as the Frontier Crime Regulations (FCR). Following independence, this frontier region was largely neglected, lacking proper judicial and political infrastructure. Control rested primarily in the hands of Political Agents and the local-based Jirgas (local courts). Furthermore, due to the absence of any central or provincial jurisdiction over the Federally Administered Tribal Areas (FATA), it transformed into an ungoverned frontier territory (Khan, 2017).

b) Geography

Geography is the one of the most crucial aspects in the case of former FATA, which ultimately proves its status of ungovernability. The former Federally Administered Tribal Area, at that time, consisted of a narrow geographic strip measuring 600 km in length and 130 km at its broadest point, covering a total area of 27,220 sq km (Hameed, n.d.).



Map 4.1. Geographical Demonstration of the Border Area of Former FATA

This region is located along the durand line and was previously divided into six frontier regions and seven agencies before its merger in the Khyber Pakhtunkhwa province (Norell, 2010). The frontier regions and agencies are mentioned in the Flowchart 4.1 and Table 4.1 below.

Flow Chart 4.1. Description of Frontier Regions of Former FATA

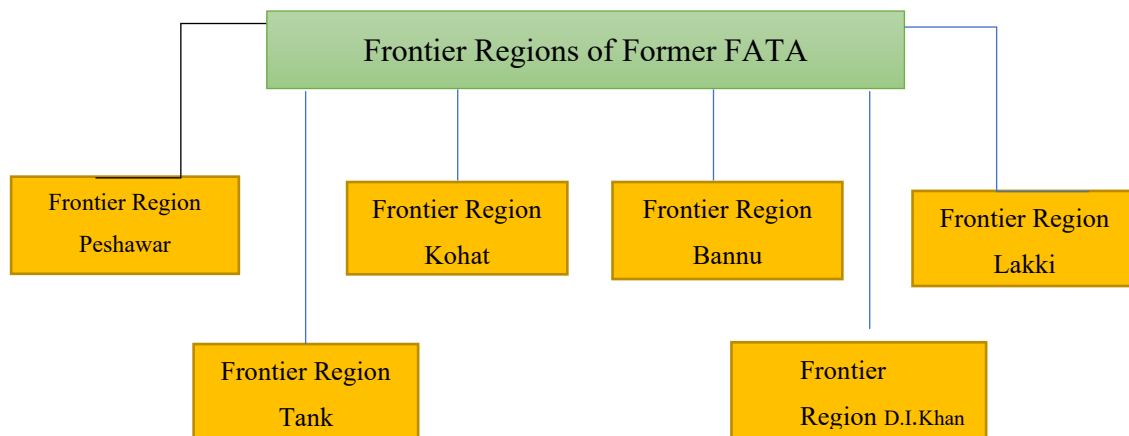


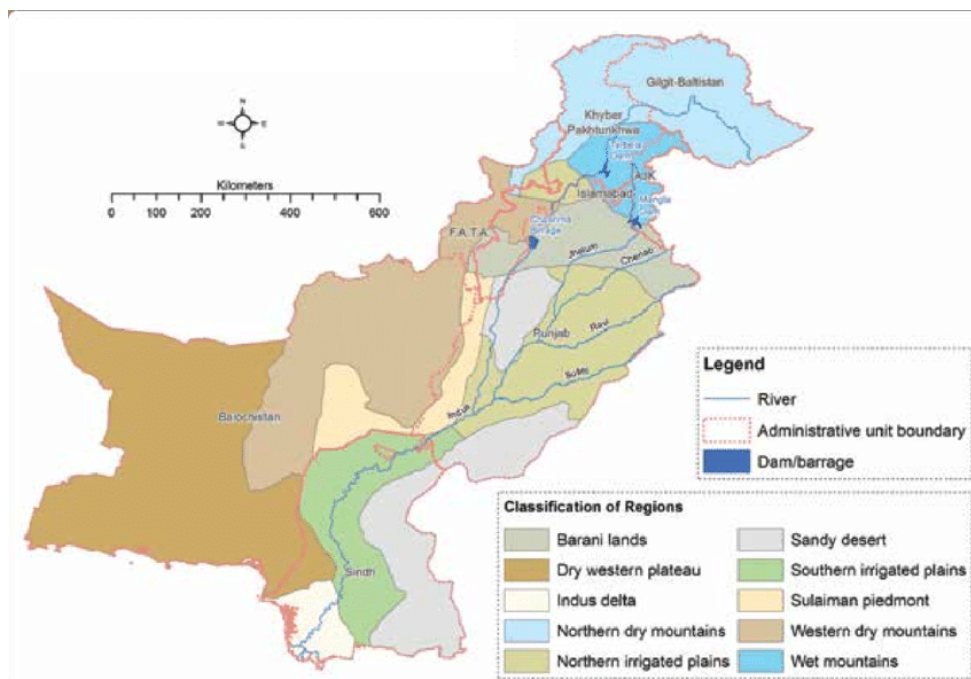
Table 4.1. Demonstration of the No. of Agencies of Former FATA along with their Population and Affiliated of Tribes (Source: Militancy in FATA by Magnus Norell)

Agencies	Population	Tribes
1. Bajaur Agency	600,000	<ul style="list-style-type: none"> • Tarkani, • Utman Khel
2. Mohmand Agency	350,000	<ul style="list-style-type: none"> • Mohmand
3. Khyber Agency	500,000	<ul style="list-style-type: none"> • Afridi, • Shinwari, • Mullagoris
4. Orakzai Agency	240,000	<ul style="list-style-type: none"> • Orakzai
5. Kurram Agency	450,000	<ul style="list-style-type: none"> • Turi, • Bangash, • Mangal
6. North Waziristan Agency	375,000	<ul style="list-style-type: none"> • Uthmanzai • Wazir • Dawar
7. South Waziristan Agency	425,000	<ul style="list-style-type: none"> • Mehsud, • Ahmadzai Wazir

Keeping in mind the geography of former FATA, this region becomes a classic example of a ‘Ungoverned Frontier Territory’ as it is a remote and far-flung region from the state’s capital i.e., Islamabad with an average distance of 304.5 miles, complimenting with Galgano’s definition of ‘Ungoverned Frontier Territory’. Additionally, this region is difficult to access and lacks structural amenities of state (Zissis and Bajoria, 2007). The population based in FATA is characterised by a strong Pashtun tribal structure and rich ethnic diversity (Hameed, n.d). The geography of this regions has been considered troublesome

by both the inhabitants and the state to exhibit its writ due to its rugged topography.

Apart from having plateaus, this region also has number of high peaks including the Hindu Kush and Safed Koh Mountain ranges alongside steep slopes, deep valleys, and high peaks. It is broken up by small basins or valleys that are occupied with villages and agricultural areas, although these mountains served as natural barriers and sanctuary for many remote valleys and tribal cultures. The terrain of is predominantly mountainous as shown in the Map 2 below and most of its land mass is hilly which is mixed with plateaus and valleys. Due to its inhospitable terrain and the nature of its mountainous topography made FATA isolated and hard to access from the rest of state which posed a challenge for a smooth governing mechanism and its social exile (Mohmand, 2018)



Map 4.2. Demonstration of Geographical Terrain of FATA region.

Source: Research Gate

According to reports and statistical data, out of the total 2,722,000 hectre area in FATA, only 8% area is under agriculture. As per the census in 1998, the overall population of FATA is more than 3 million with an average annual growth rate of 2.19% (FATA-Vision, 2012). However as per the last 2017 census, it rose to five million, a surge of fifty seven percent (Khan, 2017). There are a few livelihood alternatives offered to the people. The local economy is largely pastoral, with agricultural conducted in a few fertile valleys. Most households are engaged in primary-level activities, such as, subsistence agriculture and livestock keeping, or small-scale business done locally. Others are involved in trading inside the tribal belt or with down-country marketplaces.

c) *Lack of Border Controls*

In any state, territorial border is of vital importance as it is a sign of state's sovereignty and self-determination (Jelly-Schapiro, 2019). Borders are boundaries which are spaces with unique characteristics with regards to cooperation among neighboring states. In theory, borders mark the interface between nation-states; they serve as functional barriers where states control the transnational movement of people and goods (Geneva Centre for Democratic Control of Armed Forces, 2004). According to Harvey Starr, "*the location of states, their proximity to one another and especially whether or not they share border, energy time and again as key variables in study of international conflict*". He further states the point that according to the realism approach and the concept of Westphalian state system, the border itself acts a a) legal phenomena, and b) security (2006).

The border of Pakistan-Afghanistan again is the best example of ungoverned territory (Rabasa et. Al, 2007). The Afghan-Pakistan border region, in various aspects, existed outside the geographical jurisdiction, and control of the central government in Islamabad. The region held a unique constitutional

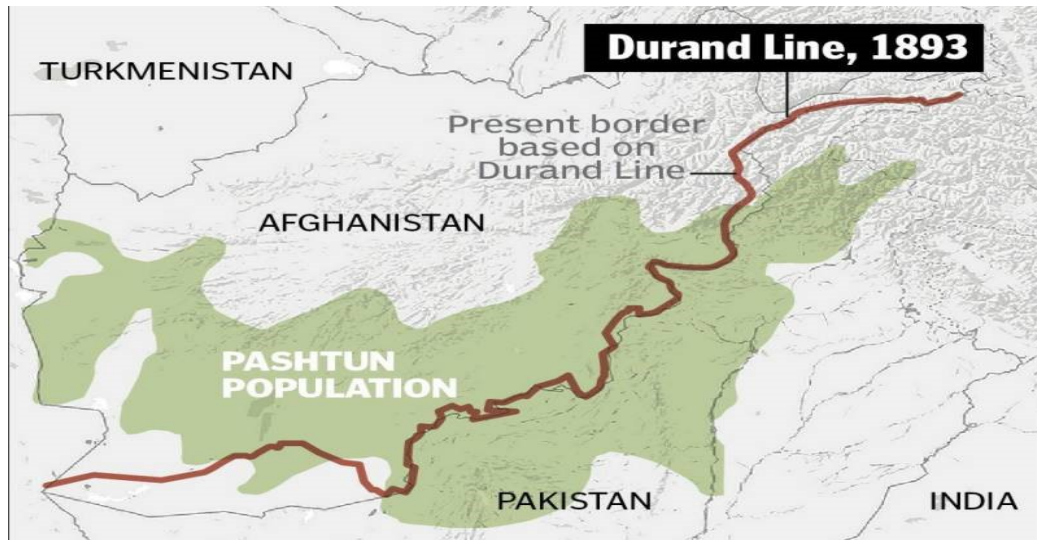
position in Pakistan, as its governing structure was rooted in the distribution of tribal power established during the British colonial period. In the tribal areas, neither federal nor provincial laws are enforced, and while the Ministry of State and Frontier Regions handles administrative and developmental funds, the agency-level authorities have the sole discretion to decide how these funds are utilized (Rabasa et. Al, 2007). Similarly, Pakistan's control over its border with Afghanistan has been largely ineffective in several aspects. The absence of proper roads along the frontier severely limits the ability to deploy security forces effectively.

Moreover, immigration and customs procedures were virtually non-existent, highlighting the presence of corrupt, under-equipped, and untrained officials. This situation is worsened by the challenge of regulating the movement of individuals who have tribal, clan, or family connections on both sides of the border. This is particularly evident among the Wazir tribes in the region, many of whom do not acknowledge the 'Durand Line' border, the official boundary between Afghanistan and Pakistan. (Rabasa et. Al, 2007).

d) Durand Line: A Border Dispute

It is one of the most prominent historical borders disputes between Pakistan and Afghanistan. It is an international border that stretches for about 1,600 miles between the states of Pakistan and Afghanistan (Khan, 2022). Historically, it was established in 1893 under the order of Sir Henry Mortimer Durand, the secretary of colonial government of India as the border between British India and Afghanistan (Rahi, 2022). The main aim of British India was to secure the control of the strategic Khyber Pass (as mentioned above), which they feared would be captured by the expansionist Russia (Kaura, 2017). The new border was the division of Pashtun Tribal Lands into two parts. Half of the Pashtun tribal belt became part of British India and the other half remained as

part of Afghanistan. However, this boundary was and has been viewed by the government and people of Afghanistan as a historical mistake which divided the families of Pashtuns across the borders.



Map 4.3. Geographical Demonstration of Durand Line

Source: The Nation

Soon after interdependence of Pakistan, the Afghan government in 1949 issued a resolution which condemned the covenants signed by the Afghanistan and British India and declaring the Durand Line as a bogus and fictitious border (Wolpert, 1982). The bilateral relation between the two states therefore have been non-friendly over the historical contestation of Durand Line and Afghan's support for the "Pakhtoonistan" movement in the norther province (Singh, 2022). As a state, this became a security threat to Pakistan (Qaseem and Durand, 2008). To make matters worse, for several decades during the independence of Pakistan, Pakhtoonistan and Durand line's rejection was the main Afghan foreign policy which made the border regulation troublesome.

In sum, by exploring all the factors under the first indicator of Functional matrix, ex FATA testifies being the ‘Ungoverned Frontier Territory’ as per Galgano’s matrix.

4.2.2. Territories of Competing Authorities

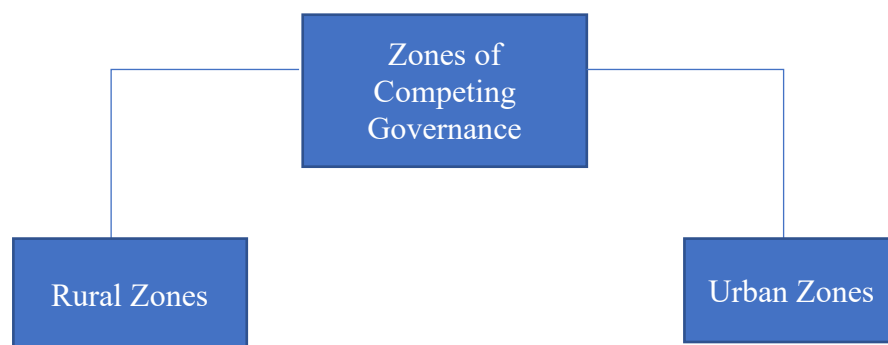
As Galgano’s 2nd indicator on ‘Territories of Competing Authorities’ states that these are the regions where the sovereign of the state is unwilling to exercise its authority. According to Norton in these regions “*a sovereign state may simply lack the resources to exert control over a discrete area or province, thus, the region remains selectively uncontrolled and consequently becomes disenfranchised, debilitated, and susceptible to devastating humanitarian disasters and/or exploitation by non-state actors*” (2003). In his work, Galgano himself has linked the tribal territories of FATA as an apt example of competing authority because of the lack of monopoly of force of the state and control of tribes and warlords in this region (p. 79, 2007). FATA being a ‘Territory of Competing Authority’ will be discussed by the following factors.

a) *Parallel Governance Zone*

Clunan and Trinkunas in their work argue that zones of parallel governance/competing authorities are referred as “*geographic territories which are beyond of control or where the government lacks effective sovereignty,*” and they are considered safe havens for insurgents and spoilers (Clunan & Trinkunas, p. 17, 2010). This builds not only the case of lack of state control which leads to the creation of ungoverned spaces but also makes an important case about the conversion of these regions into statuaries for insurgency or terrorism. The validity of the aforementioned point can be observed in Beckett's work where he notes that insurgencies are common in societies with weak and underdeveloped states (Khan, 2017). There is also a co-relation presented in his work related to terrorist organisations and

ungoverned areas. This point also agrees with the authors point of views mentioned above.

There are various types of competing government zones, including rural and urban zones around the world. The rural zone of competing governance is usually located far away from the presence of the nation state authority. This can be any type of challenging terrain, from deserts to dense forests for instance, the classic example would be ex FATA region. This type of zone provides maximal isolation, which is beneficial to terrorists because it allows non-state actors to travel freely (discussed in next chapter). Apart from ex FATA, jungles of eastern Peru, Moro communities on the Philippine Island of Mindanao, and parts of the Democratic Republic of the Congo are rural competing zones (Forest, 2010). While other zones of competing governance stretch multiple states' borders including the border of Pakistan and Afghanistan, in particular northwest part of Pakistan which include the population of the Pashtun tribes as the largest ethnic tribe. This space has been mostly targeted by non-state actors like Taliban, Al-Qaeda, and various separatist groups.



Flow Chart 4.2. Categorisation of Zones of Competing Governance

Forest (2010) in his work puts a great emphasis on the development of “zones of competing governance” in a state. He asserts that instead, it is

more often the case that criminal and terrorist networks thrive under the protection of local power structures (these can sometimes involve both state and non-state actors) in places where they can move and operate invisibly. For instance, the sanctuary of Al-Qaeda in the FATA. In fact, invisibility within a secure territory that has a functioning infrastructure may be the most important kind of safe haven a clandestine network can have. Rather than a chaotic, unstable ‘ungoverned space,’ these groups are much more likely to prefer places where someone other than the state is providing security and other basic services, and where their activities can be conducted with relative openness and impunity.

In essence, zones of competing governance can provide order and infrastructure, things absent in truly ungoverned territories. According to him, ‘zones of competing governance’, or ‘region with the governance structures’ are the places which are not governed at all. Here by no governance means, “the absence of governance by the legal frameworks of the state”. Instead, these regions are governed by non-nation state entities i.e., tribal leaders, warlords, clan patriarchs. There are numerous factors and conditions that cause the emergence of these competing authorities zones. The first and foremost condition is when the capacity of the state to provide the basic needs to its citizens is either limited or nil. In such a condition, this vacuum enables the opportunity of the alternative entities to establish forms of governance. In case of FATA, following factors have been discussed below.

i) Affected Higher Education and Infrastructure Crises

FATA is the most underdeveloped, isolated, and impoverished region of Pakistan, as is evident from an abysmally low literacy rate. It is estimated that only 2.7% of the population of FATA resides in established towns. Unique traditions, geography, proximity to Afghanistan and a different system of governance and political rights have given rise to various problems that

are unique to FATA (Khan, n.d). For the higher education in FATA, the government did not provide any adequate system neither in the past, nor in the present. There are no maintenance of schools and colleges. Additionally, there is extremely lack of proper educational staff, equipment and security given to schools for smooth functioning (Syed et al, 2010).

According to Education Management Information System (EMIS), around 44.2% of the children were never enrolled in schools in 2015 alone (Firdous, 2015). The report further puts emphasis on the alarming number of schools in FATA i.e., there are only 6,050 educational institutes in which around 612,556 students were enrolled along with only 22,610 staff members (Shinwari, 2016). Among 6,050 of those institutes, only 4,868 are properly functional that too with less equipment. The rest are not functional due to lack of proper infrastructure, militancy, and terrorism wave. Additionally, around 690 schools were destroyed by the terrorist throughout the FATA region and still there have not been any plans of reconstruction. The dropout rate spikes up to 73% before primary grade. Furthermore, approximately 3,146 schools have no toilet facilities and about 2,777 schools are deprived of basic drinking facility.

This shows how the state turned a blind eye towards FATA regions towards its development and educational projects. The absence of a poverty alleviation system in the area persists, rendering the local population more vulnerable to radical influences. According to a study conducted by the Asian Development Bank (Hamid, 2008), a significant 60% of individuals residing in Bajaur, Mohmand, and Khyber rely on subsistence farming. In the absence of adequate education and means of livelihood, the temptation to engage in illicit activities such as smuggling consumer goods, firearms, and drugs becomes as irresistible as the appeal of extremist ideologies.

Table 4.2. Data Showing the Literacy Rate of Former FATA

Name of agency/FR	Area Sq. Km	Population in thousands	Literacy ratio (%)		
			Male	Female	Both sexes
All FATA	27,220	3,138	29.51	3	17.42
Bajaur	1,290	597	22.32	3.38	13.41
Mohmand	2,296	332	19.11	1.92	11.325
Khyber	2,576	534	39.96	2.55	22.96
FR Peshawar	261	54	52.76	5.26	29.31
FR Kohat	446	91	50.79	10.12	31.615
Orakzai	1,538	224	19.65	1.28	10.63
Kurram	3,380	442	33.34	4.46	19.78
FR Bannu	877	20	17.25	0.64	9.71
FR Lakki	132	7	9.73	1.54	5.74
N.W.A	4,707	358	26.77	1.47	15.88
S.W.A	6,620	414	32.52	2.57	19.84
FR Tank	3,229	27	17.93	1.43	10.56
FR D.I.Khan	2,008	39	23.57	7.95	6.47

Source: Census Report of FATA (1998)

The FATA census report reveals that a minuscule fraction, approximately 17 percent, of the entire population possesses literacy skills. Shockingly, the literacy rate for women is as abysmally low as 3%. Higher education opportunities in FATA are extremely limited, with only a handful of facilities available. In total, there are 33 colleges throughout FATA, consisting of 22 for males and merely 11 for females (GoNWFP, 2005).

ii. Incompetent Health Care System

Health care is an important and basic rights of the citizen. However, the residents of former FATA region were deprived of event basic health care facilities (Yousafzai, 2015). According to a study complied, it was recorded that for a group of 4200 people, there is only one health facility whereas for 7,800 people there was only one doctor. This is itself shocking and affirms state of Pakistan was unable to serve the people of this region (Butt, 2015). Additionally, due to war on terror, this region itself faced massive destruction which the government of Pakistan could not control. For instance, during the US-Led war on terror, multiple healthcare facilities were targeted by drone attack in the hunt of Taliban Sanctuaries, which not only destroyed

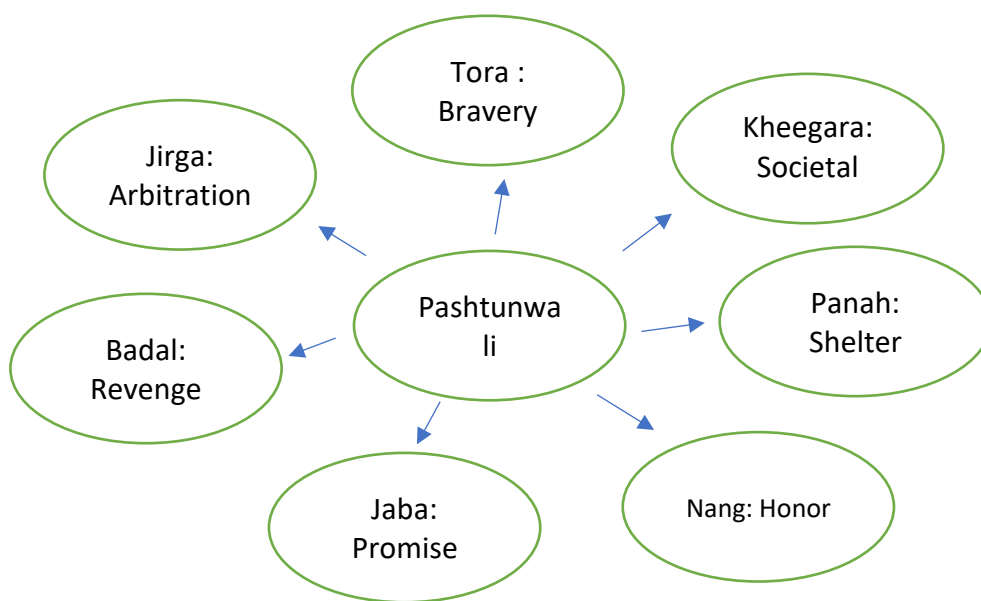
the already limited number of hospitals in the region but also resulted in killing thousands of infants, elderly, and other patients (Yusufzai, 2008).

The second condition is such in which the inhabitants, due to their historical or cultural roots, do not accept the state's claim of legitimate authority (Forest, p. 12, 2010). They ultimately direct their loyalties to the other power structures i.e., clans, tribal systems, or ethnic groups (Rabasa et al., 2007). In the competing zones of government, formal contracts or legal governance structure are not used instead, traditional customs, patronage system and informal structure run the space. For example, in the former Federally Administered Tribal Areas (FATA) in Pakistan is the perfect example of this case as the Pashtun tribe contain traditional customs, historical background of resistance of outside forces of authority and had their own legal and judicial systems from the ancient times (Ali, 2013). For instance, its application can be seen by the variables discussed below:

i. Pashtunwali Code

Majority of the Pashtuns live under a particular social system which is tribal in nature where each of the tribe has further clans, and sub-clans which are led by their own traditional customs, central authority, and a chief, who is usually called 'Khan' or 'Malik' (CRSS, 2018). The traditional custom and code of conduct, 'Pashtunwali' which dates back the pre-Islamic era is still followed by the Pashtun on each side of the Pakistan and Afghanistan's border (Ali, 2013). Gunaratna and Iqbal (2012) in their book 'Terrorism Ground Zero' state that Pashtunwali was deeply rooted and a historic custom in tribal areas. Pashtunwali is recognized as the code which used to govern the way of life in the Pashtun tribes and is even exercised today. The Pashtun code included a) *hujra*, which is the centre of a Pashtun society, b) *jirga* (it's a council formed to discuss and settle down disputes), c) *malmastia* (known to be a regulator of

host or guest relation), and d) *da khazoo dranaway*, which is categorized as the code for the respect for females. Furthermore, the code follows several six practices: *i. jaba* (promise), *ii. nanawatey* (to seek mercy), *iii. panah* (to give shelter), *iv. nang* (honor), *v. badal* (revenge), and *vi. sawara* (a female given as an act of compromise.) These these traditions, practices, and tribal spirit which portray as the identity and ethnic self portrait of Pashtuns are being practiced from centuries.



Mind Map 4.1. Representation of the Elements of Pashtunwali of Pakhtun Tribe

ii. **Jirga systems (Tribal Courts): Parallel Dispute Mechanisms**

Pashtuns through the history has their own self-governing systems as also mentioned above in Pashtunwali section. The disputes were settled though jirga systems especially when the tribal areas were excluded from the mainstream judicial systems, including the supreme and high courts of the state. No case or appeal could be registered by the tribal people in the judicial

institutions of the state. Under the Frontier Crime Regulation (FCR) all cases from civil to criminal activities were dealt in the local Jirgas (tribal courts) only. The proceedings of the cases were based on two systems i.e., a) Riway, which was the customary law and b) shariah, which was the Islamic law. There are three main types of tribal courts which practiced in the FATA region.

a) Sarkari Jirga: Under the FCR regulation, the Sarkari Jirga would be constituted by the Political Agents or assistant Political Agent. The jirga would comprise of a group of elder tribesmen who were appointed by the council headed by PA. the main purpose of the jirga was to rule the innocence or guilt of the alleged individual. They had their own traditional methods to investigate the matters of crime, dispute and blood feuds including Zun, Zar, Zamin which translates into women, wealth, and land.

b) Qaumi Jirga: Qaumi jirgas is formed to solve the intra-tribes' disputes. It is the representative gathering of elders of each tribe to convey the issue concerning their tribes such as the matters of collective property, rights, construction, irrigation, and land issues.

c) Shaksi Jirga: To resolve the dispute between families or individuals, the shaksi jirga is formed. In such jirgas, mostly the elder members try to make a compromise between the two parties in pursuit of giving justice to all.

It is to be noted that all these jirgas are not directly or indirectly represent the state instead, they are formed on the traditional and customary principles which drive their authority and credibility from the local people

4.2.3 Exploitation of Legal Principles

The examination and discussion of various instances where legal principles in the FATA region have been exploited will be conducted to test the third indicator.

i. Appointment of Political Agents

As a matter of fact, though FATA region came under the territorial and constitutional jurisdiction of the state of Pakistan, but it functioned as a semi-autonomous space in absence of a proper political integration. This region was controlled by the outdated laws which were implemented by the British in the pre-independence era when it served as the buffer zone between Russian and British India. Under the article 247 of the constitution of Pakistan, the executive authority remained over FATA remained with the President (Shah, 2017). The exercise of the authority used to carry out through the Governor of the NWFP. To assist the Governor, presidential agents, known as 'Political Agents' were deployed in the seven administrated agencies of FATA (Norell, 2010).

At the end of one unit plan, separate Political Agents (PA) were appointment for each of the agency of FATA. A political agent acted as a supreme authority in the tribal agencies where he was given the permission to act as an administrator, legislator, judge, revenue collector and economic power (Norell, 2010). Such unrestricted power led to unchecked corruption and impunity, which stoked residents' resentments. Furthermore, the state presence in FATA was limited to the political agents, who were known to be low level bureaucrats. They established a parallel system of authority alongside the maliks and 'lungi holders' or lungidars. A political agent was solely responsible for taking care of the inter-tribal disputes, use of natural resources, regulating trade of natural resources among different agencies, supervisory role for the development projects, recommending and approving development

projects (Yousaf et. Al, 2018, pg. 12). The political agents were allocated to each of the agency in FATA, depending upon the size of the agency. In the chain of hierarchy, political agents were further given 2 to 3 assistant political agents, about 3 to 4 'tehsildars' and between 4 to 9 'naib tehsildars' along with the required supporting staff. For the Frontier zones, District Coordination Officers (DCOs) were appointment. They oversaw looking after the administration of the Frontier Region (Norell, 2010)

Under the Article 247 of the constitution of Pakistan, which dealt with the administration of tribal areas, the laws made by the national assembly or provincial assembly were not allowed to be implemented in the FATA (Abbasi, 2018). Furthermore, the Supreme courts of the states were not permissible to have any jurisdiction in the tribal areas of FATA. In the 1973 Constitution of Pakistan, the jurisdiction of High court was not extended to FATA under the Article 247 and Article 248 Instead, the law-and-order situation or one may say policing was done by the *Khasadars* or local scouts who were raised from the local tribes who were highly untrained to look after the area. The provincial assembly of the Khyber Pakhtunkhwa government did not have the legal power and right to legislate in FATA, whereas the laws framed by the National assembly were also restricted when it came to implementation in FATA unless they were approved by the President (Behuria, 2021). No right for appealing against the verdict was given to the victim, making justice unachievable for locals.

This legal framework for years allowed the discriminatory behavior and practices towards the residents which continued until 2011 (Rumi, 2012), when the FCR was ended.

ii. Frontier Crime Regulation

After the independence of Pakistan on 14th August 1947, under the article 247 of the constitution of Pakistan, the fundamental rights were guaranteed to all the citizens of Pakistan, yet the provisions were not extended to the people of FATA region. Similarly, no to apply the Act of Parliament in these areas, special orders by the President of Pakistan were required (FATA Tribe). The Political Agents administered these areas under the pre-independence laws known as the Frontier Crimes Regulations (FCR), which was the special administrative framework set up to control the Northwestern Frontier Province, both in the Era of British India and post-independence (Gul, 2014). All the provisions of the Frontier Crime Regulation was a clear violation of Universal Declaration of Human rights (UDHR). These sections and sub-sections were commutatively known as the ‘Territorial Responsibility’, which suggested that punishment of the crime committed will be placed on every person of the tribe if the place of crime is within the said tribe (Norell, 2010).

FCR which was also known as the ‘Black Law’ comprised of 6 chapters, 64 sections and 3 schedules in total. All the sections were extremely discriminatory and subjected to the human rights violation, yet these were implemented on the residents of FATA zone. As per the sub-section (4) of Section 1, discriminatory provisions were applicable only to Pathans (which constituted 99% of the local population) and Baluchis (Norell, p. 30, 2010). Under section 21 of FCR regulation, only the political agent was given the right to announce a tribe/person as threat or hostile under the ‘Collective Punishment’ clause. If the case of any murder or crime, under this clause collective punishment was imposed on anyone in the tribe including the person, his/her blood or extended relative. He would be usually given the following options:

- The seizure and arrest of members; any of them or their property

- Confiscation of any of their property
- Imprisonment of the seized persons
- Prevention of the seized tribe/individual with the proscribed tribe/individual (Norell, p. 31, 2010)

Section 22 of FCR dealt with imposing and recovering fines from the whole tribe if the accused was from the said tribe. The Section 29 permitted a punishment of 5 years on mere suspicion alone. Under section 31 and 32, the tribesmen were not allowed to undertake construction within the 5 miles of the borderline and in case if any village or inhabitants were to be found on the military zones, there were to be removed respectively. Under article 33, no hujra (an important Pashtun's tradition of social institution) were not allowed to be constructed without the approval of Political agent. The sub-section of Section 38 stated "But this section gives a right to cause the death of a person against whom those portions of the FCR 1901, which are not of the general application, may be forced". This clause was used to pursue undue force as a normal measure in the administrative domain which itself is the violations of the system and power (Khalid Aziz, 2005).

The most notorious section of FCR was that of section 40, which dealt with the 'Collective Responsibility'. For instance, PA was given authority to punish, arrest and detained any tribe or for that matter sub-tribe on the bases of power and suspension. For example, if the crime took place in area A, the tribe inhabiting that area would be responsible even if the miscreants are from the other tribe. Furthermore, the basic constitutional rights were denied for example.

1. Right to appeal in court
2. The right of legal representation (Wakeel)
3. The right to present reasoned evidence (Daleel)

iii. Maliki/Lungi System

Under the old system, the government functioned through local-level tribal intermediaries. Khan and Amin notes that after the independence Pakistan pursued the British Maliki system in tribal areas as a method of connecting which was also influenced by the system in Afghanistan. Many stakeholders in the government of Pakistan perceived that the Afghan government was successful in enforcing the authority by using the same Maliki system. (Khan, 2005). The British Maliki system dates back in 1867 and was introduced by Robert Sandeman in Baloch areas of the Punjab province in which Northwestern Frontier Province, the then tribal areas and Khyber Pakhtunkhwa province. During the British occupation of subcontinent, the main purpose of this system was to create loyal subordinates to the crown by paying bounties to individuals, allowances, and certain benefits in exchange for their services. In this system, the chief of the tribe, 'Malik' was treated as an alliance between the people of his tribe and the political administration of the tribal areas. Furthermore, he was granted permission to settle down the intra/subtribe disputes of his clan as a member of jirga (which was associated with the law and order (2015)).

iv. Khassadari/ Protective Responsibility System

Khassadari was introduced in 1849 during the time of Afghan king, 'Shah Durarani' and was also exercised under the British rule. The concept of khassadars or Levies was similar to having a police to ensure law and order situation and the recruits were themselves comprised of tribesmen. The Political Agents were in charge of them. The same institution of Khassadari and Levies were implemented in FATA as its own local protective system as an alternative of police force

v. Militias and Rifles

Further to protect the region, military led Frontier Constabulary (FC), local militia Scouts and Rifles were in control to provide the security. Some of the Militia which were created by British were still operating in FATA. See below

1. Khurram Militia
2. Tochi Scouts
3. South Waziristan Constabulary
4. Mohmand Militia
5. Frontier Horse Militia Derajat
6. Changai Militia
7. Zhob Militia

Hence, FATA became an area where the parallel setup of governance competes with the state's writ because in such an area, a sovereign state willingly does not exercise or extend its authority (Theresa 2005)

4.2.4. Areas of Opaque Activity

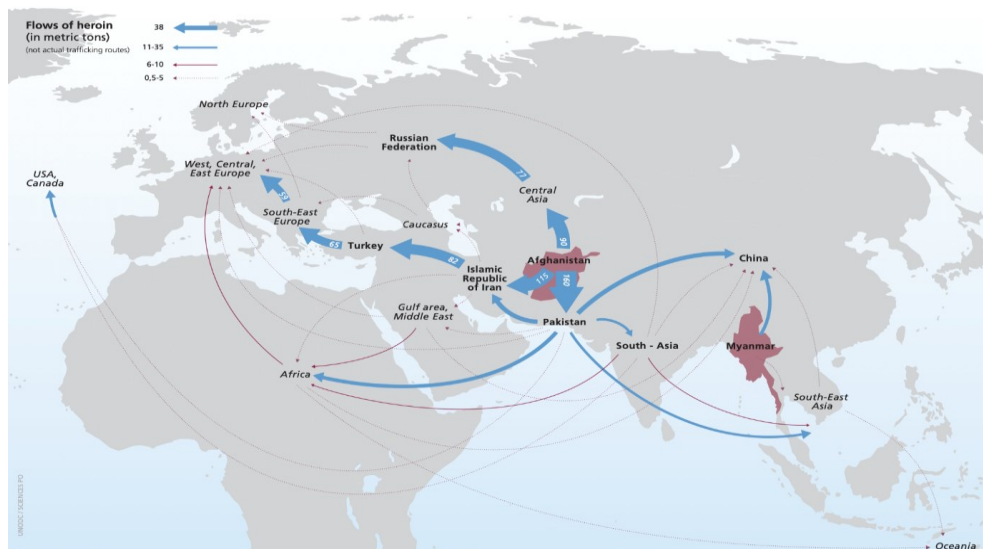
According to Whelan, 'Areas of Opaque Activity' are characterized by "*the inability of a government to monitor or control illicit transactions when they are conducted in a certain way*" (2005). In this example, the government lacks the technological or physical wherewithal to monitor activities occurring along the borders. Indicator 4 will be tested below by assessing criminal activities in ex FATA.

a) Smuggling of Illegal goods Across Border

Fata is also a classic example of area having opaque activities. During the Afghan war and subsequent instability in Afghanistan, FATA became an

important route for the smuggling of goods, including drugs, arms, and other contraband, into and out of Afghanistan. The porous and mountainous terrain of the region facilitated these illegal activities. This informal trade had a significant impact on the local economy of FATA, as it provided livelihoods to many people in the area. FATA became a hotspot of drug trafficking of illegal products, including the cultivation and smuggling of poppy and heroin, due to its geographic proximity to Afghanistan. In some areas of FATA, notably along the Afghan border, poppy cultivation primarily for the production of opium was common. Drugs like opium, heroin, and hashish were produced, processed, and trafficked throughout FATA as part of the illicit drug trade (Baloch, 2014). Utilising the area's porousness, criminal networks and smuggling routes crossed the Afghan-Pakistani border.

The Taliban insurgency and the unstable security situatio' in Afghanistan further exacerbated the problem. Various reports and studies indicated that the Taliban and other militant groups derived significant funding from the drug trade, including poppy cultivation and drug trafficking.



Map 4.4: Routes Showing Illegal Poppy Smuggling (Source: UNODC)

b) Arms Culture

Until recent years, several small manufacturing units and markets in Dara used to supply small and medium weapons - mostly replicas of Russian, American and Italian firearms - to clients across the country (Hashim, 2019). Dara Adam Khel to the south of Peshawar and Khyber to the west of the provincial capital were famous for these markets. Local tribes thrived on this trade but the growing presence of the army in various parts of FATA has adversely affected such markets. Media reports too speak of “unrestricted” smuggling (in the region) that severely hampers actual trade in the region.

In FATA, the possession of firearms was considered a symbol of power, prestige, and self-defense. The tribes in the region traditionally maintained armed militias and tribal structures that relied on a system of collective responsibility for security. Owning and carrying weapons was seen as a means to protect tribal honor, settle disputes, and ensure personal safety which is also related to the Kalashnikov culture” that extends beyond adults to teenagers and even children . Additionally, the deteriorating security dynamics and influence from Afghanistan further fueled the availability and proliferation of weapons in the region. Arms smuggling, including the trafficking of small arms, light weapons, and even heavy weaponry, was a significant concern. Areas like the southern part of Peshawar to Dara Adam Khel are filled with such markets which sell these replicas of American, Italian and Russian firearms to clients across the state.

4.3. Conclusion

In conclusion, this chapter has thoroughly examined the indicators of the first theoretical framework and their application to the geographical, historical, legal, and social aspects of ex FATA. Through this analysis, it has been established that the region can be classified as an ungoverned territory vulnerable to terrorist activities. The findings clearly demonstrate that the state

of Pakistan lacks the authority and control necessary to establish its presence and enforce law and order in these tribal belts. Moreover, the absence of functioning state institutions and instruments in this region has resulted in the deprivation of citizens' lawful rights. Moving forward, the subsequent chapter will delve into the exploitation of this region by the Tehreek-e-Taliban, a terrorist group, employing the second theoretical framework.

Chapter 5 | Tehreek-e-Taliban Pakistan's Role in Exploiting Former FATA as an Actor

5.1. Introduction

This chapter focuses on the systematic exploitation of the region by Tehreek-e-Taliban Pakistan (TTP), building on the findings of the preceding chapter, which established the ungovernability of the former FATA. This chapter will shed light on the crucial role played by TTP as a key actor within the region by adopting the 2nd analytical framework, (see Chapter 3). The indicators of the developed framework will examine how TTP first benefited from the special ungovernable dynamics of the former FATA, which ultimately fueled its expansion and influence.

5.2. Background

The former FATA due to its ungovernable status became a perfect hideout and breeding ground for terrorist organizations. Similarly, Tehreek-e-Taliban, a notorious terrorist organisation efficiently exploited the region's dynamics for its rise, growth, operations and recruitment purposes. TTP emerged formally as an organization in 2007 after various splinter militant factions agreed to form a single united organization under the leadership of Baitullah Mehsud (Meyerle, 2012). However, the group operated and existed before 2007 when the Islamic militants initiated their activities in the drop back of the US attack on Afghanistan in 2001 (Akhtar, 2018). Besides, the year 2003 reported the organised incidents of terrorism in various parts of Pakistan, conducted by multiple groups who later joined the TTP. However, internationally the name of Pakistani Taliban in 2005 came on mainstream after a militia operating in former FATA, named their outfit "*Pakistani Taliban*" (Walsh, 2006).

It operated with the same *modus operandi* as of Afghan Taliban. It collected taxes by establishing their writ and monopoly of force from various private toll plazas via transportation routes roads in former FATA. Additionally, this group created a maiden Islamic law court in the vicinity of Wana, South Waziristan that aimed at exploiting state's vacuum by showing sympathy justice to the already grieved people due to lack of state's interference in the region. The tactics used were like the Afghan Taliban Playbook i.e., a) to exploit the regions ungovernable aspects and b) to gain sympathy of the inhabitants. It is worth noting that TTP started exploited the governance vacuum left behind by successive administrations since 1947. The vacuum generated multiple issues of which the core one remained the "absence of monopoly on the use of force" in the former FATA. Nonetheless, the Pakistani government unintentionally facilitated the group's activities by instructing its local security administration not to impose restrictions, unaware of the group's potential threat at that time. This inadvertent support granted the group impunity, allowing them to establish a robust presence in the former Federally Administered Tribal Area (FATA) (Grare, 2006).

5.3. Application of Framework II on Tehreek-e-Taliban Pakistan

5.3.1 Adequacy of Infrastructure and Operational Access

This section discusses how the availability of easy access through roads & communication along with financials flow to move around the region facilitates terrorists in carrying out their operations. In the case of Tehreek-e-Taliban, this sections describes how this group gained incentive in reaching out to main urban centers and military installations located inside Pakistan through utilising infrastructure and operational access in former FATA. It is to be noted that to execute missions, a terrorist organisation requires two main things to

conduct its mission; a) transportation & communications for reaching out to their targets easily and b) financial services for the transfer of funds. TTP was able to have both of the abovementioned factors which significantly facilitated its growth and influence. Albeit, the former FATA was in Pakistan's periphery, its main towns lie on the border crossing between Pakistan and Afghanistan. The road infrastructure was rudimentary but the traffic flow because of transit trade and population inflow in the region was massive. Hence, it generated a heavy traffic flow on daily basis which assisted TTP in sending its terrorists/suicide bombers to other areas of the region effortlessly because it didn't have to arrange special arrangements for its terrorist's movements.

Additionally, the key targets for TTP were not far away from its base of operations which were; Mir Ali and Miran Shah. For instance, the capital city of Islamabad, and the Head Quarters (HQs) of the Pakistan army were located in Rawalpindi, adjacent to Islamabad. Apart from various military installations, the HQs of intelligence agencies were also happen to be located in these two twin cities; Islamabad and Rawalpindi. Moreover, the diplomatic targets were also situated within the zone of Islamabad. For example, head offices of international NGOs, major hotels hosting foreigners, prime media houses, and key government buildings. The access of TTP terrorist to these key cities remained because of their established link with former FATA via national highways. Although TTP had its presence in all former FATA regions. Table 5.1 shows the approximate distance of commuting by TTP terrorists to reach key cities of Pakistan from the two of its main headquarters which were in Miran Shah (South Waziristan) and Mir Ali (North Waziristan).

Table 5.1: The distance from TTP's Head Quarters to the main cities of Pakistan

City	Approximate Distance from Former FATA Miran Shah/ Mir Ali to key cities of Pakistan
1. Peshawar	260 km / 236 km
2. Nowshera	294.7 km / 269.7 km
3. Mardan	315 km / 290.1 km
4. Islamabad	391.1 km / 366.8 km
5. Rawalpindi	391.2 km / 366.8 km
6. Lahore	607.9 km / 520.1 km
7. Multan	429.8 km / 404.8 km
8. Quetta	634.4 km / 718.2 km
9. Karachi	1295 km / 1270 km

Source: Google Maps

i. Transportation & communications

The former FATA was connected to the other areas and provinces through two main national highways as abovementioned. N-55 and N-5 are two main highways that provide connectivity from the Afghan border near Torkham to Karachi. These two became the main routes used by TTP to transport terrorists and weapons to their planned targets.

The region lacked telephone and cellular services because of its geography. However, TTP used satellite phones and satellite internet for internet usage and calls to keep its communication link open. Walkie-talkies handsets were utilised as well for close-range talks. But the main source of communication remained satellite phones. Additionally, the group adopted the two old ways of communication: human couriers and letters. For connectivity and evading interception by Pakistani intelligentsia, TTP used Afghan sim-cards because of their proximity to Afghan border (Shah, 2013).

There was no logistical issue because people used to cross the border daily and bring new sim-cards along with mobile cards for re-charge/top up. The Afghan sim-cards provided TTP with substitute enabling them to have continuous connectivity with their comrades without fear of being blocked and intercepted. Thus, along with satellite phones, and walkie-talkies, Afghan sims proved to be a third wing of the TTP communication network. It's fair to say, TTP had troika of networks immune to jamming, interception, and blockade, a type of desire that each terrorist organization would prefer to have in its safe haven.

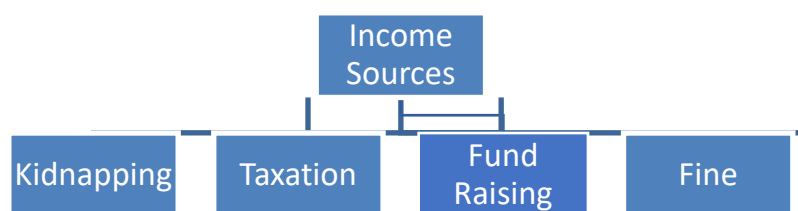
ii. Financial Services

Financial services remained indispensable for sustaining and running operations and banks are the prime way of doing that. Former FATA lacked this facility, but TTP was operating in Pakistan where a local system of financial service known as "hundi/hawala", or reference culture exists that allowed the people to send money to their intended target anywhere around the world (Acharya et al, 2009). This mode of transaction became successful because in Pakistan majority didn't deposit their capital in banks. One school of thought considers it Un-Islamic, while the second one wanted to evade governmental taxes. This profoundly helped TTP to do its transactions around the country and even from outside. TTP was successfully receiving money

from outside countries, especially Gulf countries, and then sending it to its operators and abettors for operations.

5.3.2. Sources of Income

Any terrorist group cannot thrive without adequate sources and funds fuel. Adams (1986) argues for any group to advance from being a fringe extremist to being a recognized terrorist group, they must first and foremost be able to support themselves financially. Money offers physical resources for standard terrorist operations like recruitment, infrastructure development, and maintenance (Gillespie, 2002). Additionally, money is used to organize and carry out terrorist practices. So, having sufficient funding is just as important for terrorist operations, highly motivated agents, and training facilities. The ungoverned territory tends to be highly conducive for making money through illegal activities, trade, and smuggling and the former FATA gave TTP with the same loopholes to benefit from. TTP took maximum benefit from the absence of governance and law-enforcement, and adopted the means used by any other criminal outfits. The flowchart 5.1 will show the methods and means used by TTP to generate its funds.



Flow Chart 5.1. Division of Income Sources

TTP abducted people for ransom and the ones who could afford to pay a large amount of money like employees of foreign companies working inside Pakistan, Pakistani security personnel, and Pakistani elite. For example, it

abducted the Pakistani ambassador to Afghanistan, Mr. Tariq Aziz-ud-din and released him only after the government paid a huge amount of 2.5 million US dollars claimed by Pakistan's Dawn News (Khan, 2008). Moreover, TTP abducted above 1,000 security personnel during 2007 only (Rana, 2009). Similarly, in early days when TTP existed in the form of splinter groups, it used to kidnap people for ransom and the one of the cases is that of Chinese engineers abduction in 2004 (Two Chinese, 2004).

Furthermore, it imposed taxes and fines on the inhabitants of the region and those who wished to cross it for trade or transits. The initial taxation and fine were formally initiated by TTP in 2006, after a peace deal with the Pakistan military (Taliban slap, 2006). The areas included were;

- i. Miramshah-Ghulam Khan Road
- ii. Deerdani checkpoint I
- iii. Miramshah
- iv. Tablighee Markaz
- v. Miramshah and Mirali road (Taliban slap, 2006).

The fines, penalties, and taxes imposed in 2006 are mentioned in Table 5.2 below, highlighting the established network for generating revenue.

Table 5.2

Fine / Tax	Amount of Fine
• Robberies & thefts	Up to 500,000 rupees
• 10-wheeler truck (twice a year)	1,500 rupees
• Six-wheeler truck (twice a year)	1,000 rupees
• Petrol pumps (twice a year)	5,000 rupees

Source: Dawn News.

On the other hand, TTP also started a protection tax on the residents of South and North Waziristan and made them pay 100 Pakistani rupees from each household (Acharya et al, 2009). At that time the total number of households was 110,469 (Acharya et al, 2009). This resulted in millions of rupees of revenue being generated each month for TTP. TTP manipulated the governance vacuum of the state and collected this money on the notion that it will provide security to residents. Additionally, it also used drug sale for financing and running its operations because it was the easiest way of creating a large amount of money in a shorter period. TTP albeit claiming itself to be an Islamic organization, banned drugs, however, it was the one responsible for drug activity going on in the former FATA. It was due to TTP protection of drug smugglers and farmers that permitted this group to use drugs as its primary income source. Furthermore, the city of Karachi used to be a critical financial source for TTP (Aziz & Birsal, 2009). TTP terrorists frequently visited Karachi for taking a rest from the fighting after a month on a routine basis and during that period it collected money by involving in activities like 'bank robberies, and street mugging' (Khan, 2009).

Their source of income was not only restricted to taxation and other coercive methods rather they vigorously ran open fund-raising movements across the region. It is worth noting that in Pakistan the religion is prominent in the country as historically it came into being based on the notion of separate religious identity, therefore people were used to heavily donate towards the religious section i.e., mosques and madrassas. TTP exploited this venture efficiently, which enabled it to generate and collect funds locally. Furthermore, this was used to send money back to HQ, to accumulate the TTP's central financial center. This became the best and easiest source of funds generation until the government of Pakistan banned this activity. Moreover, TTP became familiar with the system, and rather than collecting overtly, TTP started to

collect funds covertly because it was exploiting religious sentiments in a state where people is abundant religious extremism.

5.3.3. Favorable Demographic and Social Characteristics

Ungoverned areas are not demographically barren spaces. They are house to highly developed communities, some of which are amenable to terrorist infiltration and others which are not. The presence of radical groups or societies that are open to coercion or intimidation; the existence of social norms that are supportive of such groups; a former state of violence or ethno-religious divisions that could be manipulated to suit extremist agendas; and the existence of well-meaning nongovernmental organizations (NGOs) are examples of demographic and social characteristics that would attract a terrorist group to an ungoverned territory. The section will discuss them one by one and only NGO's part will not be covered because a proper set up of NGOs was not established in former FATA and had no role in the emergence of TTP.

i. Presence of Extremist Groups

Novel terrorist organisations need a region where extremist groups reside pre-dated to their commencement of operations. The former FATA had seen the presence of extremist individuals residing there because of the Soviet invasion of Afghanistan (Burki). The region housed extremists in three phases who fought in the Soviet invasion, then fought in the Afghan civil war in the 1990s, and lastly saw the retreat of Taliban and foreign fighters in 2002 after suffering at the hands of US forces deployed in Afghanistan (Gall and Khan, 2006).

Many foreigners didn't go back to their homes and instead chose to permanently reside in the former FATA region (Williams, 2011). Additionally, the migration of extremists happened from Ferghana Valley during the 1990s to Afghanistan and subsequently Pakistan's former FATA (Sanderson,

Kimmage & Gordon, 2010). The aforementioned dynamics resulted in the presence of foreign extremists, of which the majority belonged to Uzbek, Afghans, and Arabs in the former FATA region.

Besides, the foreign fighters, locals from Punjab and other areas too migrated towards the border region post-2001 invasion. They used the region as the launch pad for fighting jihad in Afghanistan against US forces. This was not the first time when people from Punjab and other provinces came to former FATA in the name of carrying out 'Jihad' (fight for freedom) in Afghanistan from 1979 to the post-2001 period. However, approximately 2,000 residents from Punjab moved to the former FATA and established their base for carrying out activities in Pakistan and Afghanistan (Abbas, 2009). They proved to be useful allies of TTP and worked along with them because they were willing to die till their last breadth (Abbas, 2009). These exponentially facilitated TTP because after it was the commencement of its movement, the region already had the presence of extremist people. It made matters easier for TTP to recruit additional fighter that are already trained and eager to fight.

ii. Supporting Social Customs

Terrorists find it attractive to operate and hold their ground in an area whose customs are identical to their own. The Pashtuns of the region followed the code of "Pashtunwali" (Ali, 2013). It has sub-sets under it (as explained in the last chapter), but it's one tenet became the main focal point which was providing security and safety. This traditional custom is considered mandatory for any Pashtun to extend its hospitality, protection, and security to its guests, regardless of the consequences. This factor became the rationale behind TTP establishing its operational bases, training bases, and formal command and control in the former FATA. Furthermore, some of the people of former FATA assisted the TTP terrorists due to coercion and others because the groups had most of the recruits those of who belonged to their tribes (Gall and Khan, 2006).

iii. Pre-existing State of Violence

Personal animosities, family disputes, and tribe wars accounted for the majority of the violence that had been an unavoidable component of Pashtun civilization for ages (Khan, 2023). This somehow promoted the norm of violence within Pashtun society over the years. It didn't work in isolation but one of the main driving force was the custom of "Badal" or revenge under the Pashtunwali (Zia, 2020). The custom legitimized the violence although it was in retaliation and in the name of honor. Additionally, the 'Gun or Arms Culture' existed in the society of former FATA and whole Pashtun community for generations, and they considered carrying a weapon outdoor to be "as vital as wearing sandals" (Craig, 2015). Besides, in some of the Pashtuns tribes, arms are considered to be men's jewels, carrying a gun (Baldauf, 2001). The Pashtuns even celebrated the newborn with firing towards the sky. Besides, culture makes its mandatory for each Pashtun man to own one gun (Baldauf, 2001). These two customs normalize the violence in the society albeit it was in the name of custom and culture. They helped in creating preexisting state of violence. TTP benefitted from it because a terrorist organization needs a play ground where extremism exists before it could launch its operations.

iv. Criminal Syndicates Available for Hire

The former FATA was the desired destination for outlaws, murderers, criminal gangs, and dacoits from all over Pakistan because it provided them with a safe refuge. Absconders from justice from across Pakistan went to former FATA for hiding because they can easily cross the border, no presence of a traditional policing system, no implementation of Pakistan's constitution as the former Fata was governed by FCR; a special constitutional arrangement, and finally, it was rugged terrain with deep and thick forests, a suitable place for criminals to hide. These parameters become the foundations for criminals and militants to migrate to the former FATA. TTP or Pakistani Taliban had the

luxury of the availability of criminal people for recruitment when they launched their furious campaign against Pakistan's government.

5.3.4. Invisibility

Rabasa's, last indicator invisibility, was available to TTP in two distinct forms: mountainous rigged terrain along with valleys covered with dense forests on the geographical front and a homogenous population of former fata. These two factors in acted served as instrumental in permitting the TTP terrorists to remain invisible. Firstly, the former FATA is Pakistan's peripheral territory located on the border along its western neighbor and has narrow and steep impassable mountains, sandwiched between Pakistan and Afghanistan (Darr, 2018). As Zaidi (2006) argued these high and rugged hilly ranges provided terrorists a safe haven, and to hide themselves from their adversary. Additionally, the land is dominated by ethnic Pashtuns, and thus the region was and still is homogeneous. People belonging from other ethnicities visited the region only if they had to travel to Afghanistan or they are visiting their friends or for some other business.

5.4. Conclusion

In conclusion, this chapter has provided a comprehensive examination of the exploitation of former FATA by Tehreek-e-Taliban Pakistan (TTP) terrorists in the post-2001 scenario. By utilising the analytical framework presented by Angel Rabasa et al. (2007) "Conduciveness to Terrorist Presence," the chapter successfully analysed the extent to which TTP, as a terrorist organisation, exploited the ungoverned zone of former FATA. Through thorough analysis, it was successfully established how TTP strategically exploited various aspects of the region. Traditional customs, religious sympathies, transportation and communication networks, and social norms were all misused by TTP to establish a firm foothold in the region and facilitate its operations for terrorist activities. Furthermore, the findings also

underscore the significant role played by the unique ungovernable dynamics of former FATA in enabling TTP's exploitation. In sum, the absence of effective governance and control in the region provided fertile ground for TTP to exploit the vulnerabilities and manipulate local customs and networks to its advantage.

Chapter 6 | Analysis and Discussion

6.1 Introduction

The research study delves into the exploration of the causes that led to the establishment and rise of the notorious terrorist group Tehreek-e-Taliban Pakistan (TTP), in the former Federally Administered Tribal Areas (FATA) region of Pakistan. The study sheds light on the rationales pertaining to the former FATA becoming a safe haven for terrorists and how its proximity to the porous border with Afghanistan played a vital role in this development. To examine the intricacies of this complex issue and to gain comprehension insights, the following section provides the findings and data gained from the in-depth interviews. Thematic analysis was applied to the interview responses of 5 participants from diverse backgrounds.

6.2. Demographics of Interview Participants

The interview panel consisted of five members of which one was female and the remaining four were male. The age group of all the interviewees remained above 45. To ensure the credibility and effectiveness of the subject, the interviewees were selected both from within Pakistan and outside of Pakistan. Two interviewees were from Pakistan, one from Singapore, one from Australia, and one from the USA. Table 6.1 shows in depth details of the interviewees, and along with the mode and schedule of the interviews.

Table 6.1 Demographics of the interview participants

Demographic category	Gender		Age group	Professional Background	Interview mode		Date of Interview
	Male	Female			Audio	Video	
Variables			45-50				
IR 1	X	✓	✓	Associate Professor & Department Chairperson	✓	X	27.05.2023
IR 2	✓	X	✓	Senior Associate Fellow	✓	X	31.05.2023
IR 3	✓	X	✓	Senior Journalist	✓	X	01.06.2023
IR 4	✓	X	✓	Senior Research Fellow	✓	X	03.06.2023
IR 5	✓	X	✓	Research Professor	✓	X	8.06.2023

Thematic analysis was applied on the interview's responses. There was a total of 5 questions that were asked to the participants to answers to ensure creditability and non-biasness in the data gathered. To fulfil the research questions (RQ) corresponding to research Objectives (RO), the 6 main themes, 19 sub-themes were generated and no of participants quoted are shown displayed in Table 6.2 below. The transcription of the interviews, main themes of the interview questions and their sub-themes was completed both manually and by using NVIVO software to ensure double effectiveness of the results.

Table: 6.2. Themes Generated Through Analysis

Main Themes	Sub Themes	No of Participants Quoted
Perspective on the lack of state's writ in former FATA	History	03
	Grievances of natives	02
	The downfall of the Tribal/Malik system	02
	1979 and 9/11 invasion of Afghanistan	04
The governance vacuum in the former FATA contributed to the emergence of insurgency in the region	Governance vacuum- Principal cause	03
	The porous border along with state's	05
	Lack of interest	01
The proximity of the former FATA to the porous Afghanistan-Pakistan border played in the transformation into a terrorist safe heaven	Porous border facilitated Cross-border movements	04
	Safe heavens existed because of the region lying close to the border.	04
Opinion on the impact of Afghan-based non-state actors on the peace situation in former FATA	TTP enjoyed the support of the Afghan Taliban (TTA)	03
	TTP and TTA had close ties.	03
	Non-state actors from Afghanistan assisted TTP	05
Rise of Tehreek-e-Taliban (TTP) in former FATA and Why	Lack of Governance	03
	Ignorance of Government	01
	Initiation of Massive Purge of Maliks	02
	Youth Exploitation	01

6.3. Findings and Discussions

6.3.1 Findings and Discussion Correspond to Research Objective 1 (RO1)

Under the research objective 1; “*To identify why FATA remained ungovernable since the independence of Pakistan*”, following interview question 1 (IQ1) was prepared.

IQ1: *Can you share your perspective on the lack of state's writ in former FATA between 2001 and 2010?*

Based on the responses of interview respondents (IRs) to interview question 1(IQ1), following these sub-themes were generated.

1. *History*
2. *Grievances of natives*
3. *The downfall of the Tribal/Malik system*
4. *1979 and 9/11 invasion of Afghanistan*

- ***Viewpoint of Interview Respondents in IQ1***

After analysing the responses expressed by the interview respondents (IRs), it was clear that all interviewees agreed that former FATA remained ungovernable since the independence of former FATA. Each of them attributed the cause of lack of state’s writ to four sub-themes which are displayed in Figure 6.1, and Table 6.2

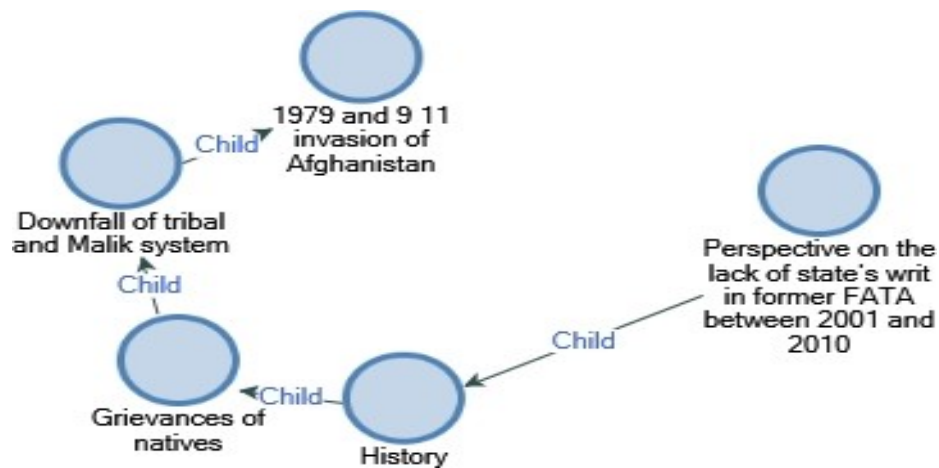


Fig 6.1. Mapping Diagram (Perspective on the lack of state's writ in former FATA)

3 out of 5 respondents referred to the cause of the ungovernability of the former FATA under the history sub-theme historical of the region as per their view, the colonial history between British India and the Russian Empire during the Great Game played a crucial role in this issue. For instance, the interview respondent 1 stated,

“The lack of state writ in FATA post 9/11 didn't come out of the blue but it had a long history commencing from the British imperial rule.” – (IR1#)

This above viewpoints toward the historical paradigm of the region and argues that the notion of ungovernability associated with the region had a long history and predates independence. Basically, the region was used as a buffer zone under the great game fought between the British and Russian empires. This was reaffirmed by the response of interview respondent 2

“It was that the tribal agencies were the craft of the British imperial rule. And they were regarded as a buffer zone. So, what they regarded as a part of the buffer zone versus the Russian Empire.” – (IR2#)

British ruled this region through political agents. Their aim was to control the allegiance of the local population. Their main rationale was to counter the Empires located in the region's surroundings, especially the Russian Empire. Interview respondent 4 sheds light on this point by arguing;

“The British Empire had to deal with these regions bordering Afghanistan and of course, it's served their purpose because they wanted to have Afghanistan as a buffer state between the Soviet Union and of course the British Empire in the Indian subcontinent and British interests in the in the Middle East, larger Middle East from here onwards”. – (IR4#)

Furthermore, the British never intended to exercise strict control over the region and opted to leave it relatively lawless, viewing it as a buffer zone between neighboring empires. Tragically, this approach was later adopted by successive Pakistani governments, leading to a significant governance deficit in the former FATA (Federally Administered Tribal Areas).

As illustrated by figure 6.1, grievance's sub-theme also contributed to the lack of governance because it demonstrated that the state was not interested in governing the area and abandoned it for most of the history since the independence. Out of 5 respondents 2 respondents expressed how the grievances of the local people must be taken into consideration while discussing the lack of state's writ as it has affected the native of these tribal agencies which were left on their own. It was reaffirmed by interview respondent 2 who argued that,

“The lack of state writ was there in that era because of local grievances and resentment towards FCR, also known as a black law, enforced by the British.”
(IR2#)

“FCR also known as a black law was enforced from the British times and the government of Pakistan didn’t bother to change it and did nothing in the facilitation of granting the constitutional rights to the people of former FATA resulting in the rise of local grievances which led to the local non-compliance to draconian law, thus, eroding state’s writ”. – (IR2#)

Similarly, the lack of access to Pakistan's justice system has significantly contributed to the accumulation of grievances and has led people to be reluctant in adhering to the authority of the state. This further complicated the regional governance dynamics. Additionally, the history of the employment of centralized control Frontier Crime Regulation (FCR) law, too influenced the state to adopt it in the same manner because it was an easy way of governance with no accountability. However, these systems had major disadvantages as it was not meant to govern the region but to control the people’s loyalty. Thus, it was bound to fail.

Some of the respondents expressed that the lack of state’s writ happened due the downfall of local tribal system known as Mullah system, which demonstrates subtheme 4. Some of the statements which reinforce the subtheme 4 are stated below,

“FATA saw a lack of state writ since 2001 because of the downfall of the existing governance system by the elimination of tribal elders and Maliks by radical Mullahs” –

(IR4#)

“TTP started eliminating the maliks and remember these maliks were the symbols of the writ. Every time Malek was killed you know it went one scale down. So whatever limited moral authority, political authority that the state exercise, was systematically eroded, undermined, eliminated”. (IR2#)

4 out of 5 respondents have asserted that the aftermath of the 1979 Jihad and the 9/11 invasion of Afghanistan had a spill-over effect, resulting in a weakened state authority in these regions. Two of these responses are provided below.

“The state loses its writ in the region because, in the post 9/11 scenario, Pakistan’s military had to move in the tribal regions part of UN compulsions, but locals resisted because they viewed Pakistani State forces as a force on behalf of the behest of America”. – (IR1#)

“These groups from Afghanistan particularly Al Qaeda remnants started moving from Afghanistan and started pouring into FATA. the presence of Al Qaeda and other foreign elements caused the rise of militancy and they were challenging the just monopoly” (IR2#)

Alongside the weight of history and grievances, the collapse of the malik system, and these events served as the primary reasons behind the region's persistent state of ungovernability since Pakistan's independence. This debate further strengthens the conclusions drawn in previous chapters, emphasizing that the government's choice to keep the region outside the constitutional framework of Pakistan played a crucial role in allowing ungovernability to take root in the former FATA, leading to its continued lack of government control since independence.

6.3.2. Findings and Discussion Correspond to Research Objective 2 (RO2)

Under the research objective 2; *“To inspect the poor governance structure in FATA”*, following interview question 2 (IQ2) was prepared,

***IQ2:** To what extent do you believe the governance vacuum in former FATA contributed to the emergence of insurgency in the region?*

Based on the responses of interview respondents (IRs) to interview question 2 (IQ2), following these sub-themes were generated.

- ***Sub-themes Generated***

1. *Governance Vacuum*
2. *Porous border*
3. *Lack of interest*

- ***Viewpoint of Interview Respondents in IQ2***

After analysing the responses expressed by the interview respondents (IRs), it was clear that all interviewees' participants agreed that the governance vacuum in former FATA played a significant role in the rise of militancy in the region.

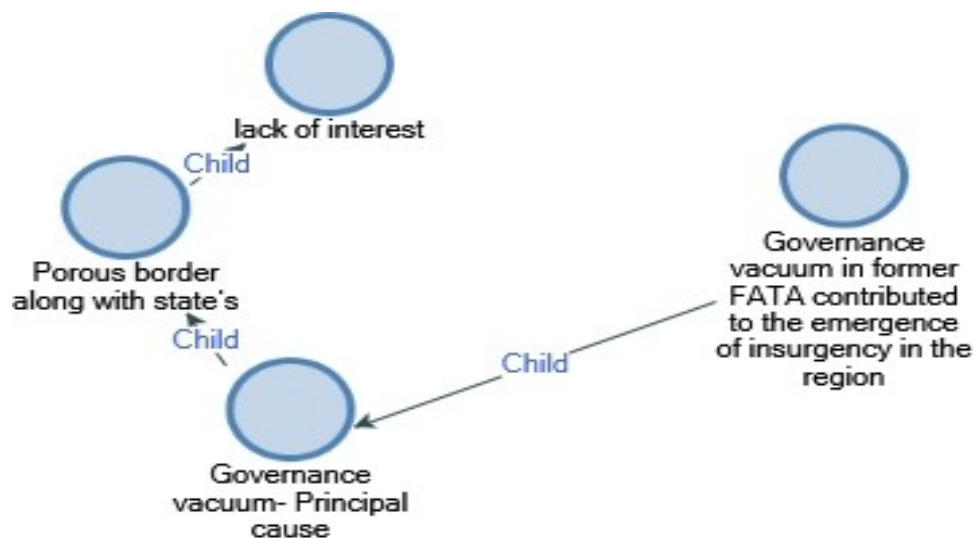


Figure 6.2. Mapping Diagram (governance vacuum in the former FATA contributed to the emergence of insurgency in the region)

Out of the 5 respondents, 3 specifically pointed out that the primary cause of militancy's emergence in former FATA was attributed to the absence of a proper governance mechanism. First and foremost, it is reiterated from the previous chapter's debate that the region was running on an ad hoc basis with no proper government bureaucracy structure and the state lacked interest in governing the region. Moreover, the lack of state interest in the former FATA

also led to the poor governance structure in the region which is the sub-theme 1. Interview respondent 1 and 2 both argued vigorously on this issue mentioned below,

“Once Pakistan, inherited these areas they were given a special status. So, they were not part of the provincial administration but were directly controlled by the federal government and were considered peaceful areas by the federal government, thus attracting less attention, and leading to governance failure in the region”. –(1R1#)

“As you know back in the day, these areas were governed through intermediaries, President used to appoint a political agent, rendering the setup directly under the president's thumb theoretically. However, this centralized system had loopholes and with no checks and balances made it a poor system of governance”. –(1R2#)

The abovementioned response highlighted the problems in the centralised system of governance were the primary reason behind the poor governance structure in the former FATA region. The controlling of territory from the capital that was far away from the peripheral areas of the former FATA made it impossible for the central government, especially the office of the President to smoothly run the governmental affairs in the region. However, the state pursued this policy because it was never interested in governing the region.

On the of a porous border (sub-theme 2), all 5 participants have mentioned the factor of the proximity of the porous border as a sub-element of the governance vacuum. The statement of IR3 added here noted the porous border as one major reason by arguing that:

“I think there were two major factors. One was the state's ignorance towards FATA and the second was the presence of a porous border that prohibited tight governmental control over the territory”. -(IR3#)

These rationales demonstrate that Pakistan’s government perceived thinking regarding the region being a periphery and not requiring much attention served as a major factor behind the lack of governance. Furthermore, it is concluded that the state was less attracted to the region

Besides, on the lack of governmental interest (sub-theme 3), the argument was reaffirmed by respondent interview respondent 3 by stating that,

“Mostly for decades since the birth of Pakistan the state ignored these regions albeit it was part of Pakistan. But as far as the state, the administration was concerned it was remotely controlled. It was not controlled by the provincial government but under the direct federal control who appointed the political agent system inherited from the British. They acted as if they were operating on foreign-occupied land and rendered the people alien to them”. – (IR3#)

This highlighted the presence of a deficient governance structure in the former FATA, as the President was unable to directly oversee and manage affairs in the region. The President's appointed representatives, known as political agents, displayed minimal interest in addressing the region's issues and concerns. Their mindset seemed rooted in a colonial-era approach that hindered them from effectively resolving the problems faced by the people. This lack of commitment and adherence to outdated practices became a significant reason for the region's poor governance structure.

6.3.3. Findings and Discussion Correspond to Research Objective 3 (RO3)

Under the research objective 3; *To investigate the exploitation of FATA by terrorists' groups i.e., TTP, due to lack of State's authority*, following research question (RQ); *How has Former FATA as an ungoverned space/territory in Pakistan led to the establishment and rise of Tehreek-e-Taliban Pakistan?* was prepared. To answer this research objective and research question, following interview questions 3, 4 and 5 were prepared and their sub-themes were generated as shown below;

IQ3: To what extent do you believe the governance vacuum in former FATA contributed to the emergence of insurgency in the region?

- ***Sub-themes Generated***

1. *Porous border facilitated Cross-border movements*
2. *Safe heavens existed because of the region lying close to the border.*

IQ4: What is your opinion on the impact of Afghan-based non-state actors on the peace situation in former FATA?

- ***Sub-themes Generated***

1. *TTP enjoyed the support of the Afghan Taliban (TTA)*
2. *Tehreek-e-Taliban Pakistan and Tehreek e Taliban Afghanistan (TTA) had close ties*
3. *Non-state actors from Afghanistan assisted TTP*

IQ5: To what extent do you think the issue of lack of governance contributed to the rise of Tehreek-e-Taliban (TTP) in former FATA? Furthermore, how did TTP manage to successfully exploit the conditions to carry out their terrorist activities?

- ***Sub-themes Generated***

1. *Lack of Governance*
2. *Ignorance of governance*

3. *Initiation of Massive Purge of Maliks*

4. *Youth Exploitation*

- ***Viewpoints of Interview Respondents in IQ3***

4 out of 5 interview respondents in stated that the porous border facilitated Cross-border movements of non-state actors which transformed former FATA into a terrorist safe haven.

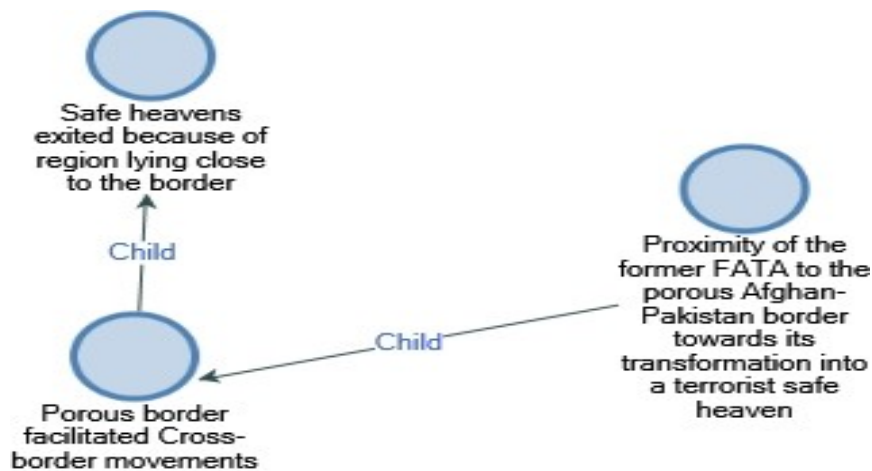


Fig 6.3. Mapping Diagram (Proximity of the former FATA to the porous Afghan-Pakistan border towards its transformation into a terrorist safe haven)

Firstly, addressing the porous border subtheme that permitted non-state actors like TTP to flourish in the tribal areas of the former FATA. This led to the situation in which the Pakistan government lost its state's writ that allowed the terrorist groups and miscreants to strengthen their foothold in the former FATA. Of the non-state actors present in the region, TTP was the principal group that exploited the porous border situation. Moreover, they were roaming freely in the region and crossing porous borders at their will. Furthermore, they created their government in the former FATA outside of the laws of the constitution of Pakistan. This demonstrates how successfully TTP exploited regional governance. Besides, the respondents IR1, IR3, IR4, and IR5

statements considered porous borders as a key source of turning into a safe heaven. The statements are mentioned below

The porous border was a major problem because it allowed cross-border movements and turned it a favourable place for TTP terrorists to stay.” – (IR1#)

“Border was not fenced. So, for the militants, it was too easy to cross the border to go to Afghanistan, come back, hit their targets.” (IR3#)

“Yes, the porous border makes FATA an asset heaven for the militants and terrorists.” – (IR4#)

“This is absolutely true that porous border turned it into a safe heaven”. (IR5#)

- ***Viewpoint of Interview Respondent in IQ4***

Traditionally, it is history that the non-state actors who are working against Pakistan’s national security interest will seek refuge in Afghanistan, and that refuge most of the time provided to them was from the Afghan Taliban (TTA).

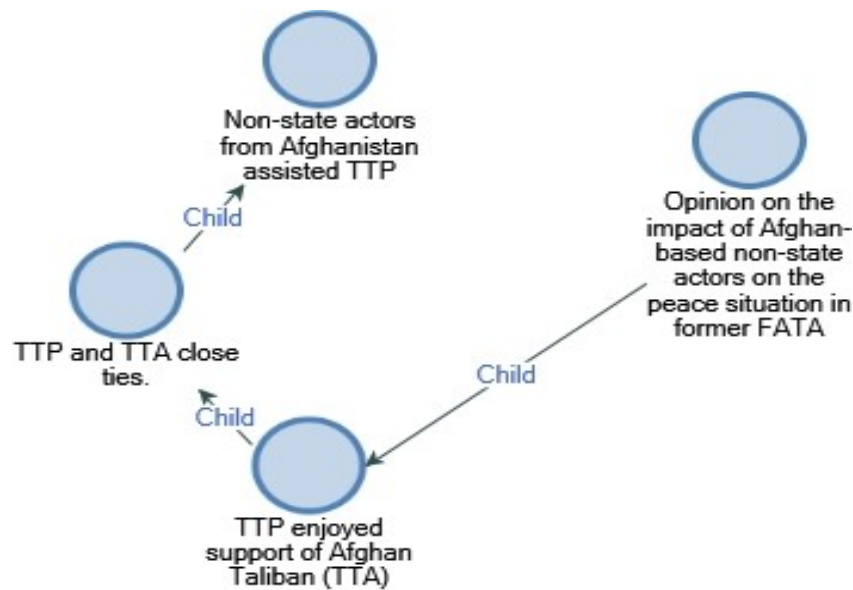


Figure 6.4. Mapping Diagram (Opinion on the impact of Afghan-based non-state actors on the peace situation in former FATA)

The close linkages of TTP with TTA are well recognised by the interview participants of which 3 out of 5 unambiguously confirmed the historic ties and relations between the two and the help that TTP got from TTA. The responses of interview respondents 2 and 4 are mentioned below to further clarify their positions.

“TTPs enjoy the protection umbrella of the Afghan Taliban”. – (IR#2)

“Pakistan's TTP has historic relations with the Afghan Taliban”. –(IR4#)

Additionally, the TTP declared themselves as followers of the TTA sharing a strict adherence to the same religious ideology. The prevailing political vacuum in Afghanistan created favourable conditions for non-state actors to coordinate with one another, as Afghanistan presented an ideal environment for their activities. Besides receiving material support, the TTP also gained moral

backing from the TTA, which is based in Afghanistan. Taking advantage of this support, the TTP utilised Afghanistan as their secondary operational base, launching attacks from there and retreating back when faced with difficult situations in Pakistan's border regions.

- ***Viewpoint of Interview Respondents in IQ5***

Finally, coming towards the addressing of the issue of how the TTP got its rise and which factors it exploited to achieve its objective.

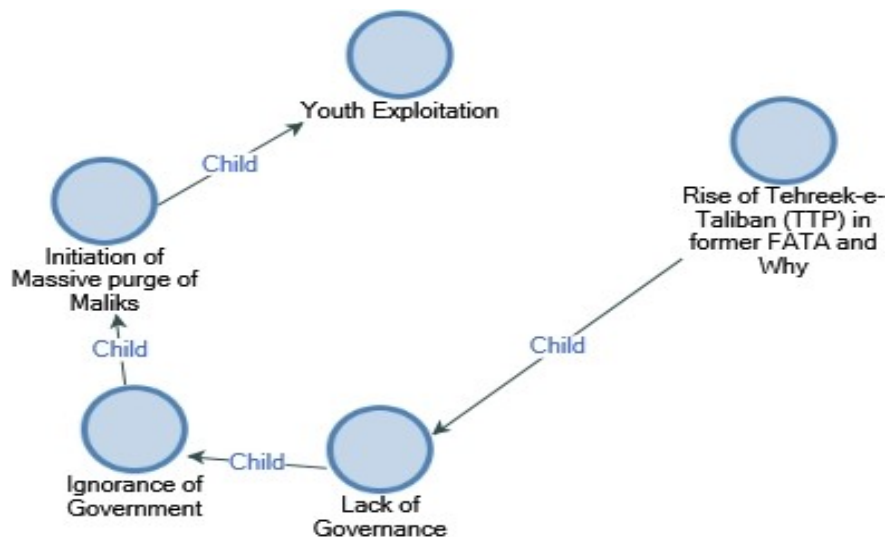


Fig 6.5. Mapping Diagram (Rise of Tehreek-e-Taliban in former FATA and Why)

The youth of former FATA (subtheme) come first that was manipulated by TTP to achieve its goals. As discussed earlier the state was weak, the state institutions were least interested (subtheme 1 and 2) in providing security to the people, securing the people, and safeguarding the region's people's interests. This provided the best opportunity for anti-state groups like TTP to thrive. TTP successfully exploited this vacuum. The above discussion was affirmed by respondent interview respondent 3

“TTP controlled the people's minds especially the young” – (IR3#)

Besides, one additional factor benefited the rise of TTP apart from youth: the purge of Maliks and tribal elders (sub-theme 2). TTP after the initiation of its activities, commenced challenging the monopoly of Malik and Hujra. And in doing so, TTP began the massive purge of maliks by TTP and eliminated the tribal structure. A vacuum was created and TTP filled this vacuum by introducing the role of the Mullah- Masque nexus. This is reiterated by interview respondent 2,

“TTP challenged the just monopoly of malik and hujra and started their purge”. (IR2#)

Furthermore, 3 out of 5 respondents called the lack of governance to be a principal factor behind the rise of TTP because once the state has no writ over its territory, it encourages the non-state actors to rise and fill that vacuum. The state ignored the region and abandoned it as previously mentioned and the region was to called as “**Elaka-e-gair**” meaning the ‘Alien Territory’ on which no one holds its law. IR1 and IR5 reiterated the debate by stating,

“Not only lack of governance but the kind of governance that existed in former FATA helped TTP rise”. – (IR5#)

“And of course, the fractures in governance caused militancy”. –(IR1#)

Thus, it is reaffirmed that three key subthemes played a decisive role in allowing the TTP to prosper in the region of which ungovernability, exploitation of youth, and the fall of Malik-Hujra system remained pivotal.

6.4. Findings and Discussions

6.4.1. Demographics of the Survey Participants

The dissertation adopted the survey tool along with the interviews to analyse the validity of research objectives under consideration. This process involved the creation of twelve questions that were circulated into the informed audience, mostly students studying international relations and its derivatives degrees.

Table 6.3: Overview of the Demographics of Survey Participants

Demographic Category	Gender		Age Group		Level of Study	
	Male	Female	18-23	23-29	Bachelor	Masters
SR1	✓	X	✓	X	✓	X
SR2	X	✓	X	✓	X	✓
SR3	✓	X	X	✓	X	✓
SR4	X	✓	✓	X	✓	X
SR5	✓	X	X	✓	X	✓
SR6	✓	X	✓	X	✓	X
SR7	X	✓	✓	X	X	X
SR8	X	✓	✓	X	✓	X
SR9	X	✓	X	✓	X	✓
SR10	✓	X	X	✓	X	✓
SR11	✓	X	✓	X	✓	X
SR12	X	✓	X	✓	X	✓
SR13	X	✓	X	✓	X	✓
SR14	X	✓	✓	X	✓	X

SR15	✓	X	✓	X	✓	X
SR16	✓	X	X	✓	X	✓
SR17	✓	X	✓	X	✓	X
SR18	✓	X	X	✓	X	✓
SR19	X	✓	X	✓	X	✓
SR20	X	✓	✓	X	✓	X

6.4.2. Findings of Survey Respondents' Correspond to Research Objectives

To fulfill the research question (RQ) corresponding to research objectives (RO) survey was conducted. These survey respondent analyses provide valuable insights into the perceptions and opinions of the participants regarding governance, security, and related issues in the former FATA region. The results shed light on the challenges faced by the area and can be used as a basis for further research and policy considerations. The following graph provides the comprehensive data collected from the 20 surveys conducted.

In response to the survey questions, a majority of 17 out of 20 survey respondents expressed the opinion that the former FATA region was not governed properly since Pakistan's independence. This indicates a widespread belief among the participants that the governance in this region has been lacking over the years. 19 survey respondents acknowledged the existence of a poor governance structure in the tribal agencies, which subsequently resulted in grievances among the local population. This highlights the detrimental impact of ineffective governance on the well-being of the people in the region. Regarding the flow of weapons in former FATA, all 20 participants unanimously agreed that it was indeed happening. These findings underscore a concerning security issue in the area. The survey also examined the influence of external interference from

Afghanistan on the security dimensions of the former FATA region. Out of the participants, 17 agreed that there was significant external interference, while 2 respondents disagreed, and one remained neutral on the matter.

Another key concern raised by the survey participants was the lack of a robust security apparatus in the region. 17 respondents believed that this absence of security measures led to the exploitation of the area, while 2 disagreed, and 1 remained neutral. In terms of safety during the 2000s, 16 survey participants expressed that there was no sense of security and safety during that period. Among them, 2 remained neutral, and 2 disagreed with this assertion. The survey explored the issue of non-state actors' movements from Afghanistan and found that all 20 respondents supported the notion that the Pakistan-Afghanistan porous border played a crucial role in facilitating these movements. This underscores the significance of border control measures in countering such activities.

On the topic of governance, 15 participants agreed that a parallel governance system was established in the former FATA, while 4 remained neutral, and 1 disagreed. When it comes to institutional reforms, 16 respondents believed that there were no significant institutional changes in the former FATA, while 4 respondents held a differing opinion. Regarding the state's approach towards the region since independence, 19 respondents felt that the state's negligence towards former FATA contributed to grievances among the local people. The survey also addressed the issue of militants exploiting tribal values, with 18 participants supporting this notion. Finally, concerning the nexus between militants and their establishment of power and influence through illegal means, 17 respondents agreed with this observation, while 1 disagreed, and 2 remained neutral.

Chapter 7 | Conclusion

7.1. Specific Findings

The presence of ungoverned spaces in the international system has emerged as a pressing concern since the 1990s, with widespread recognition that such areas are a significant source of instability and security threats all around the world. These ungoverned spaces manifest in diverse forms, arising from various mechanisms that sustain their existence. Meanwhile, the absence or weak presence of effective governance by the state makes the central concept of ungoverned such spaces. In these regions, the state fails to perform its fundamental functions, including providing security, administrative services, access to justice, and socio-political public goods to the people inhabiting these areas, as exemplified by the former Federally Administered Tribal Areas (FATA) in Pakistan.

The dissertation has investigated the intricate patterns of state neglect, which created an enabling environment for non-state actors to exploit these territories for their vested interests. In the context of former FATA, it was evident that the lack of effective governance since the independence of Pakistan served as a critical internal factor leading to the region's ungoverned status. This, in turn, facilitated the emergence of Tehreek-e-Taliban Pakistan (TTP) and other extremist groups in the region. While external factors such as radicalization following the Soviet invasion of Afghanistan are often cited in academic literature for the exploitation of former FATA by TTP, this study demonstrated that internal governance issues played a more significant role in shaping the region's vulnerability to exploitation. The dissertation answered this gap by proposing that several significant internal factors along with the external influences contributed to this region an ungoverned space. For example, the region's proximity to porous borders facilitated cross-border movements of Tehreek-e-Taliban members and provided a safe haven for their terrorist

activities and networking. The influence of Afghanistan's ultra-conservative Islamic government and the resonance of Pashtunwali, the traditional Pashtun tribal code, in the region further fueled the emergence of extremist ideologies. Moreover, the Pakistani government's failure to effectively counter the presence of Afghan Taliban and Al-Qaeda members in former FATA, especially after the US invasion of Afghanistan, further compounded the situation.

7.2. Broader Policy Implications

The existence of ungoverned spaces undoubtedly poses significant security threats not only to the state directly involved but also to the broader region. To counter these threats, it is imperative for the Pakistani state to extend its governance and build strong institutional frameworks in former FATA. By actively addressing governance deficits, providing essential services, and ensuring political representation for the local population, the state can gradually strengthen its control over the region and mitigate security risks.

1. The policy implications drawn from the study provide clear guidance for the Pakistani government and policymakers in addressing the challenges posed by ungoverned spaces.
2. Taking a coercive approach in dealing with tribal areas should be replaced with a focus on their development.
3. Prioritising the provision of public goods and social services is paramount, necessitating the establishment and strengthening of effective institutions in these regions.
4. To foster sustainable change, profound social and political reforms should be introduced, granting greater rights and political representation to tribal people within the national political landscape.
5. Investment in physical infrastructure such as transportation, telecommunication, and roads can improve mobility within these areas and foster economic growth.

Furthermore, recognising the regional nature of ungoverned spaces, cooperation among neighboring states becomes essential. Regional initiatives and collaborative efforts can bolster state authority projection in these areas, helping to reduce security threats emanating from ungoverned spaces. Moreover, support from regional organisations can bridge the governance gap and strengthen local governance structures. Finally, addressing entrenched corruption in tribal administrations is crucial to ensure the effective implementation of governance reforms. By promoting transparency and accountability, the government can enhance the legitimacy of its governance and gain the trust of the local population.

Overall, the study has shed light on the complexities of ungoverned spaces and militancy nexus, by focusing on the case of former FATA and Tehreek-e-Taliban Pakistan. The findings underscore the urgent need for the Pakistani government to adopt comprehensive and inclusive policies that prioritise governance, development, and regional cooperation. Through proactive efforts, the government can not only reclaim control over these territories but also foster stability, security, and prosperity for its citizens and the entire region. Only by addressing the root causes and employing a multifaceted approach can ungoverned spaces be effectively transformed into areas of governance and opportunity, thus diminishing the threat posed by non-state actors and extremist groups.

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Appendix

Privacy Notice for Participation in Research Project

governance of Pakistan's Former Federally Administered Tribal Areas, and its

will be what's known as the 'Data Controller' of your personal

governance of Pakistan's

'C Sheet'

subjects may also have the right to restrict the processing of the personal data and to data portability. You can request access to the information we process about you at any time.

If at any point you believe that the information, we process relating to you is incorrect, you can request to see this information and may in some instances request to have it restricted, corrected, or erased. You may also have the right to object to the processing of data and the right to data portability.

Please note that as we are processing your personal data for research purposes, the ability to exercise these rights may vary as there are potentially applicable research exemptions under the GDPR and the Data Protection Act 2018. For more information on these exemptions, please see [UofG Research with personal and special categories of data](#).

If you wish to exercise any of these rights, please submit your request via the [webform](#) or contact dp@gla.ac.uk

Complaints

If you wish to raise a complaint on how we have handled your personal data, you can contact the University Data Protection Officer who will investigate the matter.

Our Data Protection Officer can be contacted at dataprotectionofficer@glasgow.ac.uk

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner's Office (ICO) <https://ico.org.uk/>

Who has ethically reviewed the project?

This project has been ethically approved via the College of Social Sciences Research Ethics Committee or relevant School Ethics Forum in the College.

How long do we keep it for?

Your **personal** data will be retained by the University only for as long as is necessary for processing and no longer than the period of ethical approval (30 September 2023). After this time, personal data will be securely deleted.

Your **research** data will be retained for a period of ten years in line with the University of Glasgow Guidelines. Specific details in relation to research data storage are provided on the Participant Information Sheet and Consent Form which accompany this notice.

End of Privacy Notice



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Verbal Consent Form

Title of Project: **Ungoverned Spaces, their Exploitation and Militancy. A Case Study of the Un- governance of Pakistan's Former Federally Administered Tribal Areas, and its Exploitation by Tehreek- e-Taliban Pakistan.**

Verbal Consent Clause

1. I confirm that I have read and understood the Participant Information Sheet (or Plain Language Statement) for the above study and have had the opportunity to ask questions.
2. I understand that the nature of the research is sensitive, and that the confidentiality may be impossible to guarantee. However, my participation is completely voluntary
3. I acknowledge that participants will be referred to by pseudonym in any publication arising from the research
4. I consent to interviews being audio-recorded.
5. I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason.
6. I acknowledge that the material will be destroyed once the project is completed.
7. I acknowledge the provision of a privacy notice, verbal consent and plain language sheet in relation to this research project.
8. The material will be treated as confidential and kept in secure storage at all times.



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Interview Questions

1. Can you share your perspective on the lack of state's writ in former FATA between 2001 and 2010?
2. To what extent do you believe the governance vacuum in former FATA contributed to the emergence of insurgency in the region?
3. Do you think the proximity of former FATA to the porous Afghan border contribute to its transformation into a terrorist safe haven?
4. What is your opinion on the impact of Afghan-based non-state actors on the peace situation in former FATA?
5. To what extent do you think the issue of lack of governance contributed to the rise of Tehreek-e-Taliban (TTP) in former FATA? Furthermore, how did TTP manage to successfully exploit the conditions to carry out their terrorist activities?



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Survey Questionnaire

1. Do you think former FATA region was governed properly since the independence of Pakistan?

- Yes
- No
- Maybe

2. Do you think poor governance structure existed in the former FATA?

- Yes
- No
- Maybe

3. Was there easy access to weapons in the former FATA region?

- Yes
- No
- Maybe

4. Do you think external interference from Afghanistan influenced the security dimensions of the former FATA?

- Yes
- No
- Maybe

5. Did the lack of security apparatus by the Pakistani state lead to the exploitation of the former FATA?

- Yes

- No
- Maybe

6. Was there a sense of safety and security present in the former FATA during the 2000s?

- Yes
- No
- Maybe

7. Pak-Afghan porous border situation acted as a catalyst for free movement of non-state actors from Afghanistan during the time frame between 2000-2010?

- Yes
- No
- Maybe

8. Parallel governance system was formed in the former FATA due to lack of state's writ?

- Yes
- No
- May be

9. Was there institutional reform or development in the former FATA?

- Yes
- No
- Maybe

10. Did the state's negligence towards former FATA since independence create grievances in the local people?

- Yes
- No
- Maybe

11. Were the tribal values and culture exploited by militants to seek local support in former FATA?

- Yes
- No

- Maybe

12. Do you think militants established power and influence in ex FATA through illegal trades and black markets?

- Yes
- No
- May be



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Plain Language Statement (Participant Information Sheet)

1. Study title and Researcher Details

Institution: University of Glasgow, United Kingdom

Faculty: School of Social and Political Sciences

Degree: Erasmus Mundus Joint International Master in Security, Intelligence and Strategic Studies

Project Title: Ungoverned spaces, their exploitation and militancy. A case study of Tehreek-e-Taliban Pakistan in Former Federally Administered Tribal Areas.

Supervisor: Dr Marcin Kaczmarek

2. Invitation paragraph for participants

I would like to invite you to participate in my research study. Before you make a decision, it is important for you to understand the purpose of the research and what it will entail. Please take the time to read the information provided carefully and discuss it with others if you like. If you have any questions or concerns, please feel free to ask me for more information. Take as much time as you need to decide whether you would like to participate. Your participation is completely voluntary.

3. What is the purpose of the study?

The purpose of this study is to examine, and investigate the underlying factors that contributed to the creation of a governance vacuum in former Federally Administered Tribal Areas (FATA) which allowed terrorist groups to establish and thrive. This created serious security challenges and endangered the lives of many people, affecting their daily lives, education, and resources.

The study will seek to identify and analyse the role of external actors and internal factors through a detailed analysis. It aims to shed light on the complex and multi-faceted nature of the governance vacuum in FATA, and to provide insights into how this vacuum has contributed to the emergence and survival Tehreek-e-Taliban Pakistan in the region.

By doing so, the study hopes to contribute to a better understanding of the challenges facing the region, to inform policy efforts aimed at addressing these challenges, and to provide valuable insights and data that will help to raise awareness of the subject matter among the wider public and relevant stakeholders.

4. Why have I been chosen?

Please know that you have been chosen to participate in this study based on your expertise and relevant academic background which is aligning with the theme of the study.

If you choose to participate, you will be requested to complete a questionnaire and/or participate in an interview. Please know that your responses for the questionnaire or during interviews will be kept confidential and the privacy will be respected.

As a participant your insights and perspectives will be valuable to the research being undertaken. It will not only help to improve understanding of the topic being studied but will also help to fill gaps in the current knowledge base and provide valuable information for future research and policymaking. Once the study is complete, you will be provided with a summary of findings, so you can see how your contribution has helped advance our understanding of the topic.

5. Do I have to take part?

It is important for you to know that your participation in this study is entirely voluntary, which means that you have the right to decide whether or not you want to take part. No one will force you to participate, and you are under no obligation to do so.

If you do decide to participate, you are free to withdraw from the study at any time, for any reason, without any negative consequences. This means that you can stop participating in the study even if you have already begun, and your decision will be respected.

6. What will happen to me if I take part?

If you choose to participate in the research, your information and responses will be kept confidential. The estimated time of interview will take around 35-45 minutes and will be recorded for transparency. For the questionnaire, you will be able to access it by clicking on the link, and it will take around 10-15 minutes to complete.

7. Will my taking part in this study be kept confidential?

All information which is collected about you during the research will be kept strictly confidential. You will be identified by an ID number and any information about you will have your name and address removed after the end of the research.

- Please note that assurances on confidentiality will be strictly adhered to unless evidence of wrongdoing or potential harm is uncovered. In such cases the University may be obliged to contact relevant statutory bodies/agencies.

8. What will happen to the results of the research study?

I have no intend to retain personal data and as per University's rule and regulation, I will dispose/destroy all the personal data at the completion of research project/award of the degree by

shredding of paper documents and deleting electronic files. The written summary of the results of the undertaken study will be sent to the participants.

10. Who has reviewed the study?

The project has been reviewed by the College Research Ethics Committee, University of Glasgow.

11. Contact for Further Information

If you have any concerns regarding the conduct of the research project you can contact the UofG's School of Social and Political Sciences Ethics Officer: Susan.Batchelor@glasgow.ac.uk
