

## War Against Terror and the Writ of the State of Pakistan in Khyber Pakhtunkhwa 2001-2015

د ترهگری پر ضد جگړه او په خیبر پښتونخواه کی د پاکستان د دولت بنسکیل والے 2015-2001

<sup>1</sup> Abdul Qayum

### ABSTRACT

*This paper aims to describe that in what ways and at what level, terrorism and terrorists (TTP) challenged the writ of the state of Pakistan in the province of Khyber Pakhtunkhwa (KP) in the period between “2001-2015”. Methodologically, this research is descriptive as well as qualitative. Descriptive due to the current nature of terrorism and qualitative is in order to know in-depth the militant encounter of TTP— for ‘bringing in’ its own sharia-based rule— and Pakistan’s security forces— to defend Westminster model of rule in KP. Largely the secondary sources have been consulted for this research.*

*This research focuses on Taliban making its own state in Swat and its subsequent removal by security forces as well as two jailbreaks in KP. This research finds that terrorism could not turn Pakistan into banana republic status, however, it has been proved a new problem with a capacity over which Pakistani state would stumble over again and again at least in KP for years.*

**Key Words:** Khyber Pakhtunkhwa, Pakistan, State’s Writ, Swat, Terrorism, TTP.

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<sup>1</sup> PhD scholar in the National Institute of Pakistan Studies, Quaid-e-Azam University, Islamabad, Pakistan.  
[qayumkhan2006@hotmail.com](mailto:qayumkhan2006@hotmail.com)

**Introduction:**

Pakistan likes Taliban rule in Afghanistan what it disliked within Pakistan in the war against terror. Since August 15, 2001 when Taliban took control of Afghanistan, the current government of Pakistan, the state elites, the media and the common people of Pakistan feel sense of déjà vu over 'the defeat of America and Nato countries' in the war against terror. Pakistan's government holds conferences, meetings, and discussions with various leaders of the world that 'let's Taliban rule in Afghanistan be recognized'<sup>1</sup>. However, this stance of Pakistan's likeness of Taliban rule in Afghanistan reminds us its own dislikeness of it in the recent past (2001-2015) when security forces militarily resisted and opposed the TTP (Tehrik-e-Taliban Pakistan (Movement of Taliban in Pakistan)) attempt to establish sharia-based government in KP<sup>2</sup> (Khyber Pakhtunkhwa) or/and challenge the state's writ of Pakistan in the war against terror. This paper is about Pakistan's own recent past with respect to the fighting against Taliban in the war against terror.

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<sup>1</sup> Prime Minister of Pakistan Imran Khan talked to Russian President Vladimir Putin <https://www.dawn.com/news/1642580> <https://www.cfr.org/article/pakistans-support-taliban-what-know> ; Pakistan intelligence chiefs, ISI DG Lt-Gen Faiz Hameed visited Kabul <https://www.dawn.com/news/1644463> ; Pakistan held a conference of intelligence chiefs of the regional countries <https://tribune.com.pk/story/2319712/security-in-focus-as-regional-spy-masters-meet>. The common people with whom I have interacted are feeling victorious over the withdrawal of America and Nato from Afghanistan. Their interpretation of this withdrawal is that: Taliban with the support of Pakistan defeated 42 countries of the Nato in Afghanistan.

<sup>2</sup> NWFP (North West Frontier Province) is renamed as Khyber Pakhtunkhwa in 2010. Earlier in the region three different administrative units were present. British used term 'Frontier' for all. These were tribal areas, princely states of Swat and other and settled districts lying largely on the West side of the river Indus. Though the princely states were merged with Pakistan in 1969 and FATA (Federally Administered Tribal Areas) has been merged with KP a year ago. This research as such does not take into account the FATA, however, where FATA policies of British or Pakistani state has bearing on the state or terrorism then it has been included in.

War against terrorism started in the world when terrorists attacked World Trade Center and Pentagon in America on September 11, 2001. This attack is referred to as 9/11. The 9/11 attacks have thus become a defining feature of the world politics for the past twenty years. A new world order had been in-making underlined by terrorism, WMD (Weapons of Mass Destruction), Axis of Evils, pre-emption strike, frequent violation of UNO (United Nations Organization) mandate and International law and conventions, and direct military intervention into another sovereign country in the name of terrorism or terrorists (Kakihara, 2003) (Kumar, 2014) (International, 2013)

The war against terror started in Afghanistan in October 2001 when Taliban government refused to hand over Usama Bin Laden and expel Al-Qaeda whom the America considered the prime suspect responsible for have been carried out the 9/11 attacks.<sup>3</sup> Since Afghanistan is a neighboring country to Pakistan, therefore, America sought, in

commanding manner, Pakistan's support in fighting terrorism and terrorists in Afghanistan and

beyond too.<sup>4</sup> Once Pakistan took the bait of fighting against terrorism in 2001, it has, since then, been unable to omit it rather terrorism is increasingly becoming an 'essential feature' of the state, politics and society. That is why the government of

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<sup>3</sup> Taliban were demanding from America proofs of the involvement of Usama and Al-Qaeda in 9/11 attacks. Even after the takeover of Kabul on August 15, 2021 once again by Taliban they

reiterated Osama's non-involvement in 9/11 attacks. <https://www.aa.com.tr/en/asia-pacific/taliban-reiterate-claim-there-is-no-proof-bin-laden-behind-9-11-report/2347189>

<sup>4</sup> The American President, George Bush (Junior) request of help was order in fact as he expressed this request in question format 'you are with us or against us. President Bush was well aware of this that Pakistan could not go against America interest, because historically Pakistan has always been remained supportive of America's interests despite the fact that Pakistan had had its own national interest and good relations with the Taliban government in Afghanistan. Even Pakistan was threatened to be sent to the stone age if it goes against American war against terror. <https://www.reuters.com/article/us-sept11-pakistan-usa-idUSTRE7890HS20110910>

Pakistan in 2008 accepted though grudgingly, war against terror as 'our war' (Reuter,

War on Terror is Pakistan's Own War, 2008). So, Pakistan on one hand, got an

international status of 'non-NATO' ally and 'frontline' state in the war against terror and on

other hand, war against terror became its own war. Within Pakistan, it is the province of

Khyber Pakhtunkhwa (KP) that is the 'frontline province' in fighting this war. This frontline

province status of the KP has been primarily due to its geographical proximity to Afghanistan.

This province has been used as a 'campground, dumping site and launching pad' for

America/NATO's war's materials and ammunition to be crossed over to Afghanistan to fight

war against terror there. As Pakistan had assumed in the beginning that it would be war

business of transient nature of one truck or two to be passed on from KP to Afghanistan and

then the American and other NATO's countries

interest in war against terrorism in Afghanistan would die down. And if any 'imbalance' in the

socio-political landscape of KP is created, it would sooner than later automatically adjust to the

'balanced' position after the closure of war transaction within one or two months. But all the

readings of Pakistani policy-makers proved wrong as war against

terror has developed a 'persistent and unending' (Malik, 2018) character in the world, in

Pakistan and in the province of KP as it has been now 20 years that this war is going on. This

study discusses the state and terrorists encounter in KP (from 2001 to 2015) with focus on the

bearing that this encounter has had for the writ of the state of Pakistan. The writ of the state is

analogically explained through the magnet and the magnetic field. As the magnet creates

magnetic field around it wherein the force and power of the magnet is exerted that influence the

behavior of the objects in the field. Similarly, the state works as magnet that creates its own writ

(like magnetic field) around in the polity through the use

of force of law and punishment. In other words, the writ of the state means the order of the state or the jurisdiction of the state law and state institution. When the writ of the state is not violated, the state is considered 'as being successful'. However, this research does not take into account the trivial and inconsequential violation (like theft, corruption,

etc) of the state's writ. Rather it takes into account the struggles of people who wants to bring into existence a totally new writ of new state by uprooting the existing state and its writ in the society. It is in this backdrop that this research attempts to explain the war on terror between Pakistani security forces and TTP<sup>5</sup> directed at maintaining the Westminster model<sup>6</sup> of state's writ by security forces and 'bringing in' Sharia-based state and state's writ particularly in the province of KP by TTP (CISAC, 2022). This making and unmaking of the state in KP in the period of 2001 to 2015 is focused of this research. **TTP's Challenges the Writ of the State in**

#### **KP After 9/11:**

In 1999, the military dictator, Pervez Musharraf removed in a coup civilian prime minister of Pakistan, Nawaz Sharif. Pakistan as a result faced an international isolationism due to military rule. When 9/11 attacks took place, it also provided a window of opportunity to the military ruler of Pakistan to say 'yes' to all the demands

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<sup>5</sup> Taliban is plural word of Talib that literally means seeker (of knowledge). Taliban word is used for the students of religious seminary. These students and their supporters formed a movement in 2007 named as Tehrik-i-Taliban Pakistan (Taliban Movement in Pakistan). TTP was/is an umbrella organization of various militants' groups. Fazal Ullah was a leader of the Swat chapter of TTP. The government of Pakistan on August 25, 2008 under the Anti-Terrorism Act 1997 declared TTP as a banned terrorist organization. <https://nacta.gov.pk/wp-content/uploads/2018/12/Proscribed-OrganizationsEng-1.pdf>

<sup>6</sup> India was the colony of the British and after 1858 British parliament regulated the affairs of British Government in India. In the time of Independence in 1947, India was partitioned by British into two countries: India and Pakistan. Pakistan inherited all institutional and constitutional instruments from the British and did not change this institutional-constitutional framework legacy of British governance after 1947

necessary for American's war against terrorism. Subsequently, for Pakistani rulers, it was not just a onetime yes but a changing list of 'yes, to do and to do more' in war against terrorism (Reuter, 'In Pakistan, Making Sense of "Do More" Mantra', 2010). On

account of these obedience's, Musharraf got legitimacy for his military rule as well as some other economic and loan facilities. Pakistan's gave stay to American forces in Pakistan, usage of its air space and land transit route to Afghanistan and other intelligence help. Above all, Pakistan took U-turn on its Afghan policy. Earlier, Pakistan with other several governments had officially recognized Taliban's government in Afghanistan. After the collapse of the Taliban government in Afghanistan in the wake of US/NATO attacks, Taliban entered into tribal areas and Khyber Pakhtunkhwa. Pakistan sent its forces into tribal areas against Taliban in 2002.

With the entry of Taliban into Pakistan, getting its local support for operation, for recruitment, for

funding and for its ideology, Taliban started a new movement as White writes about it:

*a “neo-Taliban” insurgency has emerged in the Pak-Afghan border areas which has grown into a complex religio-political movement with three distinct but overlapping objectives. One is focused westward on fueling the Afghan conflict and overturning the Karzai government. A second is oriented globally toward providing a safe haven for al Qaeda and its affiliates to plan attacks against Western interests. And a third is focused on Pakistan itself — on carving out a sphere of influence within the “tribal” agencies of the Federally Administered Tribal Areas (FATA) and the nearby “settled” districts of the North-West Frontier Province (NWFP) for the establishment of Islamist rule, and on destabilizing the Pakistani state.... (White, 2008)*

Taliban pursued the third objective with such ideological commitment and force of gun and ammunition that the authorities feared that the state of Pakistan may fall to Taliban sooner than later. International concern raised globally about the ‘future of Pakistan’ as Pakistan security forces one after the other carried military operation against militants (Cohen, 2011). However, militants resolve to fight against the security forces was equally strong. In this period, various writers characterized Pakistan as a ‘dangerous, weak, fragile, failing or failed state’ (Hussain, 2012) (Cohen S. P., 2006) (Gupta, 2009) . The media daily reported the militants as a threat to the state’s order. Militants style of attacks created a general impression as if there was no state’s order at all because one had to come across on daily basis the stories of killing, bombing, mortar shelling, troops movement, kidnaping, unidentified dead bodies, and explosions all around. The government functionaries usual and prompt reply to all this scenario was that: ‘Pakistan is not a banana republic’ (OneIndia, 2008). Militants by then had established and recognized themselves as known category of non-state actors pursuing the agenda of capturing the state of Pakistan as they have done in the past of establishing government in Afghanistan.

Militants was on the fighting spree against all those who in anyway were hurdles of realizing this dream of them. For this objective, militants changed its operational area from one place to other; its fighting strategies from fighting forces to fighting against community leaders; and, from fighting against human to against inhuman national building, national symbols and culture, and its oppressive measures from gun fighting to suicide attacks, sabotaging, kidnaping, target killing, jail breaks, etc. The reign of terror ensued.

Militant did try to do away with all that by what the political order is known in society or recognized or accepted. On the other hand, Pakistan security forces carried out one after another operation against militants struggling to keep up the

states order intact and people association and loyalty with it abiding. However, their reminded, what Akhtar calls, 'fragmented hegemony', in the war against terror, according to time and space framework in KP after 9/11 (Akhtar, 2016). The militants demonstrated its power potentials as a 'new master' in the region after 2006 when suicide attacks on police stations, in bazars, in Juma prayer, in public transport and place, public square along with kidnaping of influential people and state officials and the like became a routine matter in KP. Though in day time, the state order was in place: one can see police force; court functioning; office attendance; transport mobility; people in bazars; and, students in educational institutions. However, the fear, tension, mistrust and uncertainty were embedded to all activities in the day time as well. One could come across the security check post after every two or three kilometers; one could come across warning board about terrorism; one could come across new gates-in-making for security reasons; one could come across placement of tanks and machinegun on the officials building; and, one could come across ambulances, smoke and panic people indicating that right now bomb blast has taken place in vicinity. After the sunset, the state used to be absent in totality.

The society was left to be at the mercy of the militants. Police left patrolling at the time of night. The militants moved at ease on the road, streets and carried out attacks where they wished. As one of the police officers told me that we had to usually vacate the police station at the time of night out of militants' fears (Shahid, Personal Communication, June 15,202). He also told that when one of the influential homes was attacked, he made several calls to police station for

help but there was no response from the police department. Even, the police feared the most as it was considered by militants to be the first hurdle in creating alternative political order in Pakistan. When police team was assigned to the government degree college Hangu for protecting it from militants' attacks, at the night time, one professor told me that police locked herself double at the top of the building pleading that you (professor community) is not the prime target but it is we (the police) that militant kills (Ayub, Personal Communication, December 12, 2020). Police left the people to provide security rather used people as shield for own security. Due to militants, state left its basic fundamental function of security. Though, the people in KP knew the militants' powers and the time of rule after the sunset, however, the rest of Pakistan and the world at large was not yet aware of this 'new master'.

However, in 2008 and after, Taliban became officially recognized force to be

considered for war as well as for peace and an actor in the making and unmaking of the political order in KP. This realization dawn upon provincial governments in KP and in Islamabad and the world at large in the wake of Taliban success in breaking two jails and established a parallel government in Swat and in other areas in various districts.

Taliban under the command of Fazlullah established its own government in Swat. In the beginning, Fazlullah had FM radio through which he popularized his religious sermons and publicly name the individuals who donated him money for his religious mission in the area. Again, he publicly refused to obey the Pakistan Westminster model of rule and parliament and instead preached for

Islamic sharia-based rule in Pakistan. Seeing his popularity, people approached him for conflict resolution. He dispensed justice instantly for the conflict that were ages old and what Pakistani courts could not resolve in decades. Similarly, he used to speak against economic and other social injustice in the idioms of religion of Islam. To all that scene, Pakistan military was silent spectator but rather left him to groom in power and prestige (News, 2007). From other regions, Taliban moved to Swat. Anybody who criticize Taliban or Fazal Ullah was to be found killed next day. In this way a killing and bombing spree started in Swat. In the wake of killing spree, Taliban created for itself the position of power and prestige in Swat. They started giving rulings in any case or conflict between and among the people. All that 'making-of-new state' of Taliban was taking place under the nose of the Pakistan security forces. Accepting Taliban is a force, the government signed three peace deals with them in May 2007, May 2008 and February 2009<sup>7</sup> (Dawn, 2008) (Roggio, 2008). The common point of these peace deals was that Taliban had to accept the government writ in Swat and Malakand region. Not only peace deals failed within months but Taliban further consolidated and expanded their rule and writ in the meanwhile. Taliban established more than 70 sharia-based court and 41 parliamentarians were summoned to these courts; maintained private militia, shura (consultative body),

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<sup>7</sup> 2008 and 2009 peace agreement are considered by some as a one agreement. It was decided in 2008 agreement the provincial government will introduce Nizam-e-Adl Regulation (Islamic Justice System) in Swat and Malkand region. This Regulation needed time to be passed through parliament, therefore after due time, it was implemented in Swat in February in 2009 (therefore some consider it fresh new agreement of 2009 whereas some consider it as part of 2008 agreement). However, even after the introduction of Sharia-based justice system, the peace agreement failed.

Bait-ul-Mall (Finance Center); and, established checkpoints on the road to collect taxes

(Khan, 2009). Taliban banned female education in the area. Finding closure of the state institutions (police stations, schools, revenue and magistrate offices, post offices, etc) one after other helped Taliban to uproot the Westminster-model political order of the Pakistani state in Swat. But after last peace deal failure, Taliban had summoned the courage to knock out the state altogether. Encouraged by conquering Pakistani state in district Swat, Taliban then marched towards the districts Shangla and Buner. Buner control was signpost of the beginning of the end of the Pakistani state writ (Times, 2009). Pakistan security forces were engaged 'with and against' Taliban in Swat since 2007. However, when Taliban succeeded to form a parallel state in Swat in 2008-2009, military started full-fledged (Rah-e-Rast) operation against 'Taliban order'. Vacating village after village from public and subject it to bombing from airs and physical control by ground forces. A pitch battle started between Taliban and military. In some localities this fighting was so bloody that controlling each inch costed several human bodies. Clearing one after the other localities from Taliban proved very costly for state forces. Within three months military had taken the control of Swat and other adjacent areas once again from Taliban. The Westminster model of state was once again resuscitated into life in Swat.

In the rest of KP, though Taliban did not succeed to establish in 'proper sense' an alternative model of rule, yet they were equally successful to 'drive the wedge between the public and the state'. Daily attacks of bombs, suicide,

kidnaping, beheading, sabotaging and disrupting communication lines and tax and fund collection under the gun barrel in Khyber Pakhtunkhwa was an open secret despite official refusal of the potentials of Taliban to establish any alternative model of rule.

However, Taliban two attacks, after Swat removal, rocked the imagination of the public in the Pakistani state. These were the jail breaks of Bannu and D.I. Khan. On the night of 15<sup>th</sup> and 16<sup>th</sup> April about 1:00AM in 2012, Taliban broke one of the well-protected jail in Bannu to free 400 prisoners including 20 hardcore militants. Out of 200 heavily armed militant Taliban including 150 suicide bombers participated in this attack and took control of the jail for two hours freeing 384 prisoners including Adnan Rashid who had attempted in 2003 to kill military ruler of Pakistan, Pervez Musharraf (Farooq, 2012). The jail is within two kilometers of three police stations. Four policemen injured; two climbs over the trees to saves lives and two wore

prisoners' uniforms and run away along prisoners from the jail. The Express Tribune

quoted one policeman who reported that the militant standing at the main gate after the breaking saying to the prisoners: go, go, you are free now. Just pray for us. Do not forget to spare your life for Allah. (Ibid) Militant after few days released three minutes video of the jail break featuring that how they break huge black steel gate ripped open by explosions and broken doors of prison cells (Dawn, Militants Attack Bannu Jail, Nearly 400 Inmates escape, 2012). Taliban once again after the Swat demonstrated its dangerous powers of ability to challenge the state. This also dent the impression created by the military after the successful operations against militants in Swat that the Taliban back is broken. The express tribune reporter Farooq reported on April 25, 2012 this as follow:

After a successful military operation in Swat in 2009, the public was willing to believe government claims that it had managed to successfully establish its writ in volatile Khyber-Pakhtunkhwa(K-P). However, after a planned Taliban operation in Bannu jail led to hundreds of prisoners breaking out of prison, this claim has come into serious question. It also raises concerns over the jail's current security set-up – a common sentiment is that if 150 militants can travel down the hills and take command of the jail, they could just as well take control of Bannu city. (Farooq, 2012)

The provincial government suspended 27 officers over this incident. The inquiry committee 'held civil administration, prison department, law enforcement agencies and intelligence agencies responsible for the biggest prison attack in the country's history. The government had not yet come fully from this embarrassment when another jail breakup took place in D.I. Khan. Taliban attacked the jail on the night of 29/30 May 2013. Around 100 militants including suicide bombers attacked the jail, freeing 250 inmates including 35 hard core militants', shouted slogan, 'God is Great', 'Long Live the Taliban'. TTP

claimed responsibility for attack. It was sophisticated attacks, further highlighted state weakness, capacity and will to rein in the militants. The inquiry committee termed Taliban attack 'just like blitzkrieg' as whole administrative machinery crashed like house of card, and no writ of the government could be seen anywhere. Above all this state of affairs, killing of Osama Bin Laden by American forces on May 01, 2011, in Abbottabad, raised the question that what is the utility of maintaining such huge military when it could not defend its external sovereignty. This war on terror that Pakistan had assumed to be short-

lived has actually questioned the internal and external sovereignty of the state of Pakistan.

### **Conclusion:**

The state's writ in Pakistan has been eroded in a sense that the various

political- as well as politico-religious- groups and parties have challenged it in the past. However, the way Taliban did and does is very different in scope as it want to take over of all Pakistan for introducing their own system of governance based on Islamic Sharia. In comparison with other group or parties who challenge the state, Taliban are more lethal, more dedicated to its cause and modern in its operational activity. They have demonstrated their potentials of war and powers not just by being able to bent down the units of Pakistan forces and provincial government of KP to sign peace deal and fulfilling their demand of Islamic legislation, they also established parallel system of government in Swat for short time thereby questioning the very basis and strength of the Pakistani state.

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