

RELIGIOUS MILITANCY, MALIKI SYSTEM IN FATA (KP) POST 9/11

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Abstract

The tribal chief (Malik) holds a key position in Pukhtun society as for as social and political activities are concerned. The tribal chief acted as a judge and remained on key position. His words were considered final to end a conflict among the conflicting families and tribes. The conflicting parties respected and accepted his words and decisions were regarding final. As a chief spokesperson of his clan he was the main source of connection and represented his tribe. He was a representative of the tribe as well as government on both the sides simultaneously. On the other hand the government and state also communicated through him with the tribes whenever needed. The newly inducted agencies of FATA have now formally part of the province Khyber Pakhunkhwa where Malik is still a vital role in the society. It is also the most affected part from the war on terror. The Maliki system was shattered and replaced by the Taliban and dismantled the socio-political set up of the tribal region. After 9/11 Pakistan became the front line ally due to its proximity with the Afghanistan. The militancy ruthless forces of the Talibans disturbed the already existed Maliki system that maintained peace and stability in social and political circles of the society. Situation became anarchic a vacuum created. The paper focuses how this Maliki system was a source of stability and social system. It also purports to know the factors of incompetence and losing grounds especially in the newly inducted regions of FATA in Khyber Pakhtukhwa. The paper will also analyse that how the Maliks can regain the lost status and position to safeguard the interest of the government and society and eliminate militancy in the region.

Keywords

FATA, Malaki System, Militancy, Religion, Pukhtun society

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Historical background

Maliks were the outmoded socio-political powerbrokers of Pashtun societies in FATA now constitutionally merged with Khyber Pakhtunkhwa. *Maliks* were chosen and selected from the wealthy and influential land owning backgrounds whose positions were passed on hereditarily. The British colonizers fully supported and strengthened the maliki system to mobilize and control the Pashtun societies. They bought the allegiance and support of these *Maliks* through paying them allowances for their certain interest. (Omran, 2009) The federal Government of Pakistan has principally used the same practice to organize the tribes. It was the 1973 Constitution of Pakistan that gave the authority to 37,000 *Maliks* to represent their concerned constituencies. (Khan, 2010) Some of these *Maliks* were picked up by the then authorities for certain vested interests and they never enjoyed the popular support as well. These were the *Maliks* through which they bargained with the people of certain tribes. The Pakistani government tried to transform Malaki system to smoothly run the affairs of the malik-government bond and address the grievances of the people. (Khan, 2010)

The hereditary institution of *Maliks* along with strong manuring of authorities was weakened with the introduction of the adult franchise to the residents in 1997. (Khan, 2010) Some of the power and authority was already shifted from *Maliks* to mullahs in the last decade of the twentieth century. The policy of islamization by General Zia-ul Haq was the overall project to counter the communist soviet regime in the late 80s. These tribal regions were the epicenters of change at that time. As a result the traditional maliki system was mainly replaced by the conservative mullahs of thousands of madrassas. (Rashid, 2008) As a result the power of *Mullahas* increased to an unparalleled level. (Yousafzai, 2010) Historically mullahs had a very little say in the political and social activities of the society. They were only given a religious duty in the gatherings and people took advice on religious matters. (Khan, 2010) As a consequence Taliban came in power that shifted the authority and powers from *Maliks* to mullahs. An environment of fear and control was created. Anarchy was established where the powerful warlords took control over all the religious, political and social matters of the society.

Thousands of power brokers resolved conflicts among the families and groups before the war on terror affected the region. All the members were exclusively male as female members were strictly prohibited in the outside affairs of the society. One *Malik* was usually

elected to represent ten to fifteen houses. (Ahmad, 2010) The tribal region has this process of representation which is centuries old and it helped in governing the region easily. (Shinwari, 2008) There was always an international pressure to amend this Maliki system due to its shortcomings and it was in a unstable state even before this current militancy erupted in the region after 9/11. (Amnesty International, 2010)

The decline in authority and influence of *Maliks* occurred in the last decade of the 20th century as mullahs became more powerful and gained control. (Khan, 2010) Conservative mullahs exploited the situation by attracting those segments of the society who disliked *Maliks* and maliki system. They highlighted the inequalities in the system related to taxation and resource allocation. Mullahs were then noticed by many as the existent powerbrokers in the region and many *Maliks* had fled to other cities. Most of the few remaining ones had a very little say in power. (Khan, 2010) On the other hand Mullahs authority and influence increased. Certain NGOs were given initially permission by mullahs to conduct development projects. They funded mullahs and gained support and permission in return. (Ahmad, 2010) A survey was conducted in 2009 which showed that mullahs were the most trusted authority of the time. It showed that mullahs are the actual authority and people support them as well. (Shinwari, 2009) It is an unparalleled development in Pashtun society. The shift in authority from *Malik* to mullah is not a natural one rather an imposed one as historically mullah has always been kept aloof of the other social and political activities.

The militants targeted the tribal elders intentionally to replace them. The precise number of those who have been killed is unknown, though estimates swing between 600 and 1,000. These *Maliks* were the local influential individuals who had a popular support base and a strong working relationship with the concerned state authorities. The shift of power from *Maliks* either killing them or sending them in exile has deeply crumbled the indigenous structure. (Khan, 2010) The culprit is not known as no body accepts the responsibility of killing the *Maliks*. They have been ruthlessly murdered and killed. (Shah, 2010) However, it is obvious that the militants are the real benefactors as they have replaced them. (Galula, 2008) This has brought a double faced tactical advantage to the militants. The commanders physically filled the gape created by the mullahs and took control to give orders to audience from the mosques. An Afghan Pashtun elder's expressed that militants killed *Maliks* who were the leaders of different tribes for the reason to eliminate the leadership in the whole region for their own nefarious

plans. They aimed to deprive Pashtuns of their leadership and direction. Anybody who is recognized as such has been abolished." (Siddique, 2010) Secondly, abolishing these elders had a substantial mental impact on the populations of tribal regions. The dissented ones were then attracted by the militants. (Yousafzai, 2010)

The old platform of peace and authority in Pashtun social structure was eroded intentionally. Militants did not aim to organize and govern people rather to use them for creating an insurgency. The militants took orders of their *Amir* the commander and disregarded the cultural codes of conduct of Pashtuns. They disgraced the elders, women and children to set their fear in the hearts and minds of the people. (Ayaz, 2010) In Naveed Shinwari's words, "Taliban culture and Pashtun culture are not compatible."(Abbas, 2014)

Introduction

Eruption of ferocious religious militancy in the Khyber Pakhtunkhwa (FATA) since 2004 has hit the country like a bolt from the blue. It picked up pace after the establishment of Tehreek-i-Taliban-i-Pakistan (TTP) in 2007 in the wake of military commando action on Lal Masjid in the heart of Islamabad in which a leading cleric of the mosque and a hundred of seminary students, many belonging to tribal regions were killed. TTP, an organization of forty odd jihadi groups, formed in the tribal area in 2007 declared an all-out war against the state of Pakistan. It led a battle of terrorist attacks both against military and civilians including 467 deadly suicide bombing attacks so far. This terrorist campaign has inflicted a heavy damage leading to more than 58,387 civilian's casualties including 6227 security personal. (Qazi, 2012) The declared objective of TTP has been the implementation of Shariah in Pakistan, jihad against the US and NATO troops in Afghanistan and against their ally Pakistan as well. The writ of the state practically disappeared from all the seven agencies of tribal regions where militants established their parallel administration and used the area as a base to hit both civilian and military targets throughout the country with impunity.(Daily News, 2014) They hit the General Headquarter (GHQ) of Pakistan army in 2009, security and intelligence installations of law-enforcement agencies, airports, military bases besides hitting the innocent civilians in mosques, hotels, markets and places of common people's gatherings. They did not spare even the schools children when they brazenly attacked Army Public Welfare School in Peshawar, killing more than 145 innocent-school children and faculty members on 16 December, 2014.(Roger, 2010) The

military launched the operation Zarb-i-Azab in tribal areas in June 2014 following a terrorist attack on the Jinnah International Airport Karachi. Although the terrorist incidents have been drastically reduced since the launch of the operation, but it is premature to say whether religious militancy in tribal regions will be rooted out entirely. This paper seeks to report the following questions: What has been the cause of such ferocious eruption of militancy in the tribal areas of tribal regions? What domestic factors have been responsible for its escalation? How the *Maliki* system worked in the social and political spheres of the Tribal society? How this traditional structure of *Malikism* was replaced by the Taliban and mullahs that lead to the militancy in the tribal society?

Tribal region consisted of seven agencies now formally been part of the Khyber Pakhtunkhwa. This region came in the limelight due to US invasion after 9/11. This region became a hot zone as it became the safe haven for the militants due to its geographic and strategic location. The militants easily crossed the border as it is not fenced from both the states. Numerous foreign intruders entered the region that destabilized it politically, socially and religiously. They were trained and indoctrinated with the religious ideology of extremism against the foreigners in Afghanistan. They dismantled the *Maliki* system and peace was replaced with fear and lawlessness.

Malik and his Role in Tribal Society

The tribal chief *Maliks* historically held a hereditary position with a strict code of honor the Pashtunwali. Pashtun social drapery has this code in unwritten form that is key to its affairs. The Pukhtoonwali cuddles all the doings from the framework to the grave. Direct interventions, proxy wars and sometimes friendly policies by the Britishers administered the region to secure their interests. It was Sandeman who introduced the system of tribal *Maliks* and chiefs along with khasadars and tribal levies. It was consolidated latter on and is still valid. These tribal chiefs and *Maliks* granted safety and to the colonial troops and representatives in the region. (Bangash, 1996)

Subsequently, the British bought the loyalties of the tribes and chiefs and built roads and passages. Huge amount of grants and subsidies were awarded to The *Maliks*. (Crisis Group, 2006) Frontier Crimes Regulation (FCR) was established that replaced the earlier peer group of laws. The FCR gave a direct control with absolute authority to the British rule over the local cultural customs and *riwajs*. The FCR was never aimed to serve the interests of the locals rather increased the control of the British that became a major reason of resentment by the

people. It was regarded a draconian law and against the will of the people. The most criticized portion or sections of the regulation are 21-24 which deal with the notion of collective responsibility. These clauses are the most hated and debated one's that overpowered the Political Agent. It is through collective responsibility that a Political Agent punished the whole tribe for punishing a single individual. It is inhuman to make responsible the whole tribe for the offense of a single individual. Political Agent imposed heavy fines, imprisoned individuals, and demolished property anywhere in the country. (News Special, 2008) After the inception of Pakistan FCR was the law applied with the same fervor and zeal without considering the contextual realities of the region. The Indian Independence Act of 1947 revoked the special treaties. The first Governor General of Pakistan Muhammad Ali Jinnah signed the instrument of accession with the *Maliks* to rule the region and allowances were awarded to them in return. Tribal region of Khyber Pakhtunkhwa today is constitutional part of Pakistan. However its people are still living like a colony where the overall condition of the infrastructure and living standard of people are far behind the rest of the people in Pakistan. The ignorance and intentional dishonest policies on the part of the central governments has hindered stability and economic development. (Nichols, 1995) The Political Agents directly granted tribal elders to maintain the status quo of Malik. PA also has capricious powers to control Malik's powers. PA also had other rights to choose the Councils in concerned areas. He also recommends the Jirga. This structure of control and power in the tribal region is supposed by many as a feature in the rise and success of violence in the region.(Rashid, 2008)

Tribal Region as a Ground for Extremism

Militancy and insurgency in the region extensively spread in the region after 9/11. The power relation of *Maliks* as a power broker was inverted by mullahs and militancy held its roots. The tribal institutions were undermined. The state authorities signed several agreements with the insurgents in the shape of mullahs showed a shift from the traditional maliki system to the new actors. The time and situation demanded new strategies to address the situation in the region. (Boggs, 2012) The militants and insurgents targeted Political Agents and tribal *Maliks* which ensued breakdown of the current system. Certain areas in North Waziristan were entirely under the influence of the reordered radicals. The Mujahidin Shura of North Waziristan killed more than 150 *Maliks* and warned them not to meet any official and people as elders. (Ghumman, 2006) Traditional conduit of influence in

the region was bypassed by the government and insurgents. This was the beginning of something never welcomed by the local people and the *Maliks* that were a true structure of the peaceful system. (White, 2008)

The surfacing of an auxiliary power after 9/11

The new intruders like Al-Qaeda and Taliban emerged in the tribal arena after US invasion of Afghanistan. They started to fill the power vacuum through their mercenaries. They gave fatwas to wage jihad against the then Pakistani regime in August 2007. Al-Qaeda leaders called for a mass mobilization against the Pakistani government. (Reuters, 2009) *Maliks* were the potential force who could turn the local population against the Taliban. Taliban feared *Maliks* therefore they started to kill them and replace them in the system. More than two hundred *Maliks*, or elders were either killed or forced to leave the area. More than 100 *Maliks* were assassinated since 2004 on distrust of spying. Many of the elders who played key role in maintaining peace and resolved conflicts left the native areas and migrated to other cities. Military operations also were also responsible for the emergence of new actors. Young blood with strong commanding skills from Afghanistan took the charge of power in the region. Gradually the vacuum was filled by the new actor known as mullah or the talib with ruthless use of power and suppression. As a result more than 600 *Maliks* or tribal chiefs were killed since 2007 (Sial, 2009) or according to another source till 2009. Due to increasing talibanization in the tribal region the *Maliks* (Chiefs) lost sizeable say to the local warlords. They trained the local people for jihad in Afghanistan. Even still *Maliks* are reluctant to return to their respective areas after Pakistan military operations inside the tribal region. One Malik from the Mamond tribe was murdered on his way to a meeting with the Prime Minister in July 2008. (Khan, 2008) A group of *Maliks* from the certain tribe attained at the office of the then Chief of Army Staff in a car with full security protocols. (McGrick, 2010)

Similar situation emerged in Afghanistan after the elimination of khans in the 1980s and writ of government was challenged. Taliban emerged in the 1990s as a social movement. The swing in the structure of power from political administration to the army and from the *Maliks* to the militants occurred. Mullah became the new arbitrator between the tribes and the state. Mullahs or clergy developed independent revenues and did not need the *Maliks* for financial support. Initially, in the 1980s, the Mullahs' money was channeled into the area for the Mujahedeen. Later on money was received from al-Qaeda in exchange for hiding and sheltering its members.

Several deals with the army helped militants to have an upper hand. In Shakai, the army came to meet Nek Mohammad in a JUI-F madrassa where he said: "I did not go to them, they came to my place. That should make it clear who surrendered to whom?" (Khattak, 2004) Militants pronounced the deal as a ceasefire accepting them as equally powerful and legitimate. Militants got legitimacy and were allowed to consolidate by attaining the deals. The tribal society was restructured around the militants. They became the alternative centers of power capitalized on the local fear and anger. Lawlessness and might is right prevailed in the region that better served their interests. The Pakistani Taliban thus established alternative centers for administering justice and settlement of disputes. Consequently the tribal Jirga and elders were replaced. Application of Sharia was announced by the Taliban in March 2006 in South Waziristan that buried the role tribal elders and chiefs.

The disadvantaged segments of society especially the young locals were attracted by the new Taliban commanders and they built a new power base in no time. Unemployment, the sense of alienation, the slow pace of development projects in the region paved way for the establishment of these mullahs. Several military operations also killed members of many families and the disgruntled young ones sided with the mullahs as well. Some of the educated young tribal also backed them. Moreover, these mullahs were considered a good occupation than any other income generating business. Tribal people fought against their own security forces for almost three years in the North Waziristan Agency but did not conciliate on their traditions. (Yousafzai, 2006) Once hospitality is granted, to give it up under exterior pressure would demonstrate that Pashtuns do not have mastery over their own circumstances. Majority of Pakistanis continue to believe that Pakistan is fighting a war on behalf of USA. The civilian governments failed to convince the local people that it is not fighting somebody else's war. It was not a proxy war of a major power rather an internal challenge to its own security.

The politicized structure of economy of tribal region in the interests of both *Maliks* and mullahs has further soared the situation. Therefore, a new way of providing economic opportunities needed to be explored. Pakistan could have easily ended this deprivation by replacing FCR with its own constitutional reforms. New economic opportunities should have been created to counter the centrifugal forces. The legitimacy of tribal structures has been a age-old problem. Both the authority of *Maliks* as well as the Frontier Crimes Regulation

by the British Raj is considered to be an illegal way to rule this region in the modern world. (Haider, 2009)

Young militants of madrsaas were already taking grounds during 1970s that helped mullahs after the 9/11. Furthermore, the appearance of the Army directly dealings with the tribes and militants have also regarded a further blow to the legitimacy and relevance of local *Maliks*. (Yousafzai, 2010) The local Taliban and foreign militants have also fought against the Pakistani Army. Both have built a blood bonds between them. (Gunaratna & Nielsen, 2008).

Induction of New *Maliks* and Reforms in Tribal Region KP

The British authorities awarded *Maliks* with lungi and were the most sought-out title that still exists. Roughly 6,000 tribesmen have been appointed as powerbroker and allowance lungi owners during the past few years. It shows the indifference of ruling parties for presenting reforms in Fata. The mainstream political parties including PPP and ANP seemed helpless in front of the powerful establishment although they had promised in their electoral manifestos to bring reforms. Prime Minister Yousuf Raza Gilani had authorized 2,000 titles of *Maliks* and lungi holders leaving behind his forerunner Shaukat Aziz, who had endorsed 1,000 titles during his tenure. The former president Gen (retired) Pervez Musharraf had also proclaimed over 500 lungi holders during his military regime.

The succeeding governors also approve designation of *Maliks* and lungi holders every year on the approval of commissioners or respective political agents. New legislators and ministers from the tribal region also recommend their own names for the title of malik. MNA from Kurram Agency Munir Khan Orakzai alleged that tribal parliamentarians requested the then Prime Minister to authorize 2,000 labels of malik. The designations were circulated on the basis of population ratio of a tribe. Each malik was paid with 25000 allowances annually from the political administration. Pro-reform groups are in opposition to award the titles. They demand reforms that could help the people and region in the long run. These mere titles could only be a timely adjustment of some portion but it could never be the right solution to address the issues. President of FATA Democratic Movement opposed appointment of new *Maliks* for the reason that it will only protect the interests of some elites.

The lungi holders system was basically originated by the British to execute their government policies. Rs5 to Rs120 were awarded to them on monthly basis according to their services and show. The title of Chief or Nawab was also awarded to some of the

influencing one's. The number of power brokers and chiefs augmented with the opening of time. Their number is now in thousands. South Waziristan Agency has 2,300 *Maliks* (1700 from Mehsud and 600 from Ahmadzai Wazir tribe), North Waziristan 1600, Orakzai Agency 8836, Bajaur Agency 7300, Mohmand Agency 9833 and Khyber Agency 3,568. (News, 2013)

Conclusion

To change the socio-economic setup of the region the government needs to bring back the old custom and *rewaj* in line with the will of the people. The positive position and role of the *malik* should have to be restored to run the affairs. Economic stagnation could be dismantled with the construction of roads and extensive network of connectivity. *Maliks* as agents and real stake holders in power should be given major role and protection to pursue the interests of both the locals and state. They must not be excluded from the decision making process of their people. State can easily bring the warring tribes and people into mainstream by including *Maliks* in the policy making and protecting them. They should be given their due share in the resources. Now with the abolishment of FCR the people will become part of the electoral process like other citizens in Pakistan. It will bring the rule of law and judicial system that would increase the confidence of people over the state authorities. Small dams could be constructed to save water for its proper utilization that can bring a green revolution in the region. This region is rich in producing high quality of fruits and nuts that could be a potential source of income for many families. Thousands of male and female students are still deprived of getting their primary education. Government needs to solve health and education related problems on emergency basis to bring the region at par with other districts of the province. Education and health care facilities may be provided to everyone without any discrimination to enhance standard of living in this backward area. The indicators in both health and education show serious concerns and challenge to the authorities to solve it. The government of Pakistan should provide all sort of aid to those *Maliks* who in some areas are still able to grasp the levers to control the situation. The idea of categorization of *Maliks* for having leverage over the tribes is a gone case now. The merger has ended this division and now *Maliks* with their own popular support of the locale could ultimately be there with very marginal role limited to the small matters of the people. Now much of the matters will be looked up by the proper state institutions set up like in all other parts of the province.

The impact over the long-term socio-political and economic ventures in the tribal constituency could be supportive to bring a positive energy in the people and moment of ease. The intermediate solution might involve gradual reforms. Such policies would enlarge the purview of law and reduce the capricious powers of the state. The tribal *Maliks* role as intermediaries can accomplish fiscal and police authorities. In such a way, the state would increasingly establish a new basis of authority. The tribal *Maliks*, executive authority would then be precisely fit in the framework and would yield positive outcomes. Such a system might be prompted by various means. Whether appointed or elected, these tribal leaders could then be granted a set of legally defined powers by which they are indicted to keep order within their particular powers.

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