FATA AS AN UNGOVERNED TERRITORY: A STUDY INTO GOVERNANCE, SECURITY AND TERRORISM

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Abstract

This paper investigates whether FATA is an ungoverned territory or not? And if yes, then why and how it is posing threat to the security of Pakistan and the region in general. It is based on analysis of FATA as an ungoverned territory that poses threat to domestic and regional security and stability. Since Cold War, the focus of scholars remained on threat emanating from failed states to the regional and international security. Recently, this focus has been shifted to ungoverned territories within viable states. Today it is believed that security problems, such as militancy, terrorism, insurgency, civil conflicts, humanitarian crises, refugee flows, drug smuggling, and piracy are originating from these territories due to the absence or collapse of state authority. Since 9/11, the problem of dealing with ungoverned territories has taken on increased urgency because terrorists and militants are using these sanctuaries present in the remote regions of the world for launching devastating attacks. A two pronged theoretical framework has been adopted for this paper, firstly identifying and gauging whether FATA is an ungoverned territory or not? And secondly, the paper analyzes various attributes under dimensions of un-governability and conduciveness of FATA as ungoverned territory posing security threats. Finally, the paper derives the implications of the analysis for Pakistani state control to deal with FATA. The paper presents strategies to improve the Pakistani state ability to mitigate these effects, in particular, to reduce the threat posed by terrorists operating within or from FATA.

Keywords: Ungoverned Spaces, FATA, Governance, Un-governability, Conduciveness, Physical and Non-Physical Spaces, Security, Threat, Safe Havens.

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1) Introduction

In developing states, especially in failed or weak states, there are social, economic and political zones where the states lack effective control and thus non-state actors exploit this gap to challenge surveillance and sovereignty of state.[1]Not only the failed states but strong and highly organized states also experience sovereignty gaps especially in their border areas.[2]Thus the ungoverned spaces are geographic territories which are beyond of control or where the domestic government lack effective sovereignty and they are considered safe havens for insurgents (posing threat to the domestic security of the state).[3]Additionally, these areas are notorious as sources of other security problems, such as humanitarian crises, piracy, drug and arms smuggling, civil conflict, and refugee flows.[4] The contemporary ungoverned spaces include: Tribal areas of Pak-Afghan border, the Africa Sahel region, and the north Caucasus.[5]

FATA, an administrative system of seven Agencies and six Frontier Regions (FRs)[6], is a narrow stretch from North to South on the Pak-Afghan border region, called Durand Line, which is 2430 kilometer long. The Constitution of Islamic Republic of Pakistan, 1973 defines FATA geographically as part of Pakistan, however, the Pakistani mainstream lego-administrative system is not extended to FATA. The federal nor provincial laws are recognized in this area and political parties are not working in FATA. The Political Agent, as representative of the president of Pakistan, is appointed by the KP governor and enjoys both executive and judicial powers. He looks after the affairs of FATA with tribal *Malaks* and influential people in each Agency through patron-client relations. This makes FATA a classic example of ungoverned territory, which is providing a conducive environment for refuge and safe haven to the militants, insurgent and terrorists groups. Historically, these tribal areas of FATA were never fully pacified by the mighty British colonial power throughout the nineteenth century and were challenging her by through the revolt of 1919 by Wazir tribe, 1936-38 by Faqir of Ipi and so on. Further, the Soviet invasion of Afghanistan in 1979 shaped the politics and economy of these tribal areas of FATA, where the militants and insurgents laid the foundations

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[1] Ann L. Clunan and Harold A. Trinkunas, *Ungoverned Spaces: Alternatives to State Authority in an Era of Softened Sovereignty* (Redwood City, CA: Stanford University Press, 2010), 3.

[2] Ibid. Clunan and Trinkunas, Ungoverned Spaces, 18.

[3] Ibid. Clunan and Trinkunas Ungoverned Spaces 20.

[4] Rabasa, Angel, ed. *Ungoverned Territories: Understanding and Reducing Terrorism Risks*, (Washington DC: Rand Corporation Press, 2007), iii.

[5] Whelan, Theresa. December. *"Africa's Ungoverned Space - A New Threat Paradigm,"* *paper delivered at the conference Rethinking the Future Nature of Competitions and Conflict,* (Baltimore: MD Press 2005), 7.

[6] Seven Agencies are: Bajaur, Mohmand, Kyber, Orakzai, Kurram, North Waziristan, and South Waziristan and six Frontier Regions are: Peshawar, Kohat, Bannu, Lakki Marwat, Tank, and D.I. Khan.

of their networks. These militants and insurgent groups sustained themselves locally till the global war on terror. From thereon, these tribal areas of FATA emerged as the central concern for the international community. International analysts claim that the supportive social norms of the Pakhtuns provide shelter and safe havens to these militants and insurgents.[7] Here, the statement of Mao Tse Tung, "an insurgency is like a fish in water and once the water is denied, it cannot survive", appears relevant.[8] In this metaphor, the water is support (whether active or passive) of the local population to the insurgents. This popular support remains essential for insurgents.

The Pak-Afghan border region has a long history of insurgency since the Soviet attack on Afghanistan in the 1980s till the current militancy in these areas. The armed conflict for the last several years has further complicated the problem of eradicating the armed groups from these areas due to the lack of state control in these areas. These areas are posing challenges to the security of Pakistan in particular and in the region in general.

This paper consists of four broad sections. Section one consists of literature review, where various literature related to state capacity, strength, will, and ungoverned spaces are discussed. Section two discussed the theoretical framework which is developed on the basis of literature reviewed and geographical literature, especially of Galgano classification matrix. Section three provides a detailed analysis of the application of the theoretical framework where the FATA is discussed. Section four provides conclusion and recommendations.

2) Research Questions and Approach

The main objective of this paper is to understand the conditions that give rise to FATA as ungoverned territory and the threat emanating from FATA as a concern for Pakistani state and regional security. Also to develop strategies and give policy recommendations to improve the Pakistani state ability to mitigate these effects, in particular, to reduce the threat posed by terrorists operating within or from these territories. The growing trend and activities of militants in North-Western border areas of Pakistan begs the question: why? This paper addresses the following research questions:

I. Why FATA remains outside the Pakistani state governance (control)?

II. What factors contribute to and makes FATA as an ungoverned territory?

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[7] Robert, D. Lamb. "Ungoverned Areas and Threats from Safe Havens" U.S. Department of Defense, Office of the Deputy Assistant Secretary of Defence for Policy Planning. 2008. Accessed on 11 February 2010, Available from http://www.cissm.umd.edu/papers/files/ugash/report final.pdf

[8] Jarrod J.H. Gillam and James E. Moran, "The United States and Yemen: Coin in the Absence of a Legitimate Government" (Master's thesis, Naval Postgraduate School, 2011).

III. What are the effects of the FATA as an ungoverned territory on the security of Pakistan and the region?

IV. What extent has the persistence of FATA as an ungoverned space contributed to the survival of militant and terrorist groups?

The FATA as an ungoverned territory and security threat to Pakistan is investigated through a mixed methods approach of both quantitative and qualitative data. The quantitative primary data was collected through survey questionnaire and qualitative primary data was collected through key informant interviews from stakeholders, journalists, politicians, administrators, and tribal elders and also focus group discussion with the local tribal people were conducted.[9] For secondary data, various published materials were reviewed.

3) Literature Review

A large body of literature deal with ungoverned spaces and security threats emanating from these spaces. Beckett and others have expounded that there is a close relationship between ungoverned spaces and terrorist groups. Beckett (2005) argues that in societies where the state is weak and underdeveloped, insurgencies are prevalent in those societies. He elucidates his argument by giving examples from the developing states of Latin America, Africa, and Asia, wherein 2001, out of 55 conflicts in the world, Africa had 40 percent, the Middle East had 15 percent and Asia had 35 percent.[10] Coupled with this, in these societies the facilitating factors such as difficult terrain and external support and unemployed youth as enabling factors are present which are exploited by the insurgents and give them support base.[11] Arsenault and Bacon (2015) has identified several factors for the emergence of ungoverned spaces and to facilitate the terrorist groups to flourish. Further, they are of the opinion that poor governance gives birth to ungoverned spaces, which are used by the insurgents, terrorists, and militants as safe havens to launch their activities and operations.[12] This shows that if these regions were well governed and stable, these will be not providing a conducive environment for the insurgents to flourish. However, other scholars reject this claim by arguing that the premise of linking terrorism and ungoverned spaces is fallacious because a weak or failing state

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[9] The primary data used here in this paper was collected through field survey in North-West Pakistan for my (researcher) Ph.D. research, which has been utilized to support the argument. A total of 1500 respondents were surveyed through questionnaire and an overall 39 Key Informant Interviews were conducted with relevant stakeholders and a total 13 focus group discussion were conducted with community people.

[10] Ian Beckett, "The Future of Insurgency," Small Wars and Insurgencies. 16 , no.1. (2005): 22–36, http://dx.doi.org/1080/0959231042000322549.

[11] Ibid.

[12] Elizabeth Grimm Arsenault and Tricia Bacon, "Disaggregating and Defeating Terrorist Safe Havens," Studies in Conflict and Terrorism 38, no. 2 (2015): 85–112, http://dx.org/10.1080/1057610X.2014.977605.

may no longer base of operations to insurgent, terrorist and militant groups[13] because contemporary terrorist organizations need modern means of communication and media to build their terror machinery.[14] However, the Al Qaeda and Taliban exploit this governance vacuum in lawful control of the tribal territory by Pakistan and use this area for their sustenance and as an operation base.

This justifies the claim that in 21st century state governance and security, the importance of territory and control cannot be denied. In this regard, the next section reviews literate related to clarify the term "ungoverned spaces," and to explain the link between state weak governance (failed states) and ungoverned spaces, and further focussing on the key factors of capacity and will of the state to govern a territory that is posing security threat to the state.

The literature on ungoverned spaces has identified various factors that can be attributed for the flourishing and grooming of terrorist groups. Among others, these include: poor governance, messy and unmanaged porous borders, large number of unemployed youth (vulnerable for exploitation by terrorist recruiters), and the easy access to arms.[15]Within this context, these scholars assert that the ungoverned spaces play a central role in the current major insurgencies in several parts of the world and have termed these spaces with different names, such as: "safe havens" by Arsenault and Bacon, "terrorist sanctuaries" by Rem Korteweg, and "geographic spaces" by Cristiana C.B. Kittner.[16] All these terms used by different scholars represent places where the terrorist and militant groups survive and undertake their activities with freedom having minimum fear and pressure of the state security agencies.[17] These places exist in states (weak states) due to the gap in state governance.[18] In this context, the common features of all weak states, which provide enabling environment to non-state actors include: state's failure to provide basic services to its people, state lack of capacity or will to provide security within its territorial jurisdiction; and the state's lack or weak legitimacy within the eyes of its people.[19] Ghani and Lockhart argue that weak governance and the absence of effective state institutions leads to security, economic, political issues and thus results in the ungoverned spaces; which if remained unfixed can be

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[13] David Oakley and Patrick Proctor, "Ten Years of GWOT, the Failure of Democratization and the Fallacy of 'Ungoverned Spaces,'" Journal of Strategic Security 5, no. 1 (2012): 1–14, http://scholarcommons.usf.edu/jss/vol5/iss 1/5.
[14] Ibid. See also Marc Sageman, Leaderless Jihad: Terrorist Networks in the Twenty-First Century (Philadelphia: University of Pennsylvania Press, 2008).
[15] Robert L. Feldman, "The Root Causes of Terrorism: Why Parts of Africa Might Never Be at Peace," Defense and Security Analysis 25, no. 4 (2009): 355–72, http://dx.doi.org/10.1080/14751790903416707.
[16] Arsenault and Bacon, "Disaggregating and Defeating Terrorist Safe Havens," 87-88.
[17] Ibid, 89.
[18] Ibid.
[19] Ibid., 88.

dangerous for the rest of the world.[20]Zaitseva has linked the failed states and ungoverned spaces with the proliferation and trafficking of radioactive materials by quoting the example of DRC, which is on number sixth in the list of Failed States Index of 2008 but is rich in uranium, which is a possible threat for national and international security.[21] Menkhaus is of the opinion that though ungoverned spaces and failed states are interrelated but sometimes terrorist launch attacks in a functional state (though weak and corrupt) instead of the failed state.[22] Byman is of the opinion that the changing trend and norm of the terrorists is control and expansion of their controlled territory, where the terrorist groups can build an army and use the same army for further expansion.[23] In a broader way, the ungoverned spaces also include the global commons, which include airspace, maritime, outer space and cyberspace. Jasper and Giarra are of the opinion that though these global common spaces are governed under national and international legal frameworks, however, the usage and the nature of existence of these spaces create loopholes resulting in creating areas of contest.[24] Thus these global commons facilitate physically and virtually the communication and movement of terrorists, diversion of dangerous materials, advanced weapons and military technology, and also spread of ideologies and ideas.[25]

The state-centric literature highlights and stress on the importance of state capacity and the will for the governance of an area. Scholars are of the opinion that in states where economic institutions are weak and ineffective, lead to stagnant growth, political extremism and informal economy especially lack of control on regulating terrorist financing.[26] In this regard, some states may have the will but lack capacity to have control on and to govern their all areas while other states have capacity but lack will to do so, for various reasons.[27] Thus ungoverned spaces, remain security threat for the domestic states that harbour ungoverned spaces, and for the region, where

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[20] Ashraf Ghani and Clare Lockhart, Fixing Failed States: A Framework for Rebuilding a Fractured

World (New York: Oxford University Press, 2008), 26–27.

[21] Lyudmila Zaitseva, "Nuclear Trafficking in Ungoverned Spaces and Failed States," in Ungoverned Spaces: Alternatives to State Authority in an Era of Softened Sovereignty, ed. Ann L. Clunan and Harold A. Trinkunas (Redwood City, CA: Stanford University Press, 2010), 193.

[22] Ken Menkhaus, "Chapter Nine: State Failure and Ungoverned Space," Adelphi Series 50, no. 412–413 (2010): 171–888, http://dx.doi.org/10.1080/19445571.2010.515155.

[23] Byman, Terrorism in Africa.

[24] Scott Jasper and Paul Giarra, "Disruptions in the Commons," in Securing Freedom in the Global Commons, ed. Scott Jasper (Redwood City, CA: Stanford University Press, 2010), 2.

[25] Jasper and Giarra, "Disruptions in the Commons," 2–3.

[26] Stewart Patrick, "Weak States and Global Threats: Fact of Fiction?" Washington Quarterly 29, no. 2 (2006): 27–53.

[27] Ibid.

they are located by exporting, and also for the international community.[28]
Thus, today terrorist need an environment and situation, especially within a
weak state that is unable to restrict their freedom and activities.[29] For a state
to be strong to control all its territories and to govern well, scholars have
identified various attributes, which are: administrative control, a monopoly
on the use of force, control on public finances, and provision of services to
its population, and the sovereignty.[30]

4) Theoretical Framework

The conceptual point of departure for this paper is the un-governability
of FATA and the security threat emanating from it. The literature review
above has demonstrated the link between the state weak capacity & will and
the state territorial reach in its all territories termed by Michael Man as
infrastructural power of the state. Majority of the post-colonial developing
states due to weak state capacity and infrastructural power are facing with
the dilemma of persistent challenges in extending its authority in all
territories under their geographical jurisdiction.[31] In the context of FATA,
the literature reviewed above suggests that FATA as an ungoverned territory
posing security threats due to its un-governability and conducive
environment for militants and terrorist. Following the literature reviewed
above, this paper develops a two-prong theoretical framework, first whether
FATA qualifies the test to be called as an ungoverned territory or not? is
assessed through Galgano classification matrix of ungoverned spaces based
on the geographical assessment.[32] And the second part of the theoretical
framework discusses the two broad dimensions i.e. the un-governability
dimension and the dimension of conduciveness, which is related to the
factors that provide conductive environment of an area by providing safe
haven to the outlaws, militants and terrorists thus posing threat to the
security of the region.[33]

The first part of the theoretical framework is based on Galgano
classification matrix. The Galgano classification matrix provides two type
classification of ungoverned spaces i.e. Genetic, and the functional (See

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[28] Ibid.

[29] Ray Takeyh and Nikolas K. Gvosdev, "Do Terrorist Networks Need a Home?" in
Terrorism and Counterterrorism: Understanding the New Security Environment, ed.
Russell D. Howard and Bruce Hoffman (Boston: McGraw Hill, 2009), 79.

[30] Ghani and Lockhart discuss the 10 functions of the state in detail in Chapter 7 of their
book, Fixing Failed States.

[31] Migdal, Joel S. Strong Societies and Weak States: State Society Relations and State
Capabilities in the Third World Countries. (Princeton: Princeton University Press 1988),
67.

[32] Galgano, A. Francis, and Eugene J. Palka (Eds.). Modern Military Geography. (New
York: Routledge 2012.).

[33] Rabasa, Angel, ed. Ungoverned Territories: Understanding and Reducing Terrorism
Risks, 561, (Washington DC: Rand Corporation 2007), 33.

Figure – 4.1 below). This classification presents two ways categorization of ungoverned spaces, i.e. *functionally,* as different kinds of "ungoverned and exploitable" places or situations, and *physically* according to geographical characteristics thus presents broadly six types of an ungoverned space/territory (See Figure -4.1 below).

Figure – 4.1: Classification Matrix of Ungoverned Areas

		Benign ——————————————— Hostile
Genetic Classification	Physical	Un-Governed Frontier Territories
		Territories of Competing Authority
	Non-Physical	Exploitation of Legal Principles
		Areas of Opague Activity
		Federal Cities
		Functional Classification

Source: Galgano (2007)

The second part of the theoretical framework provides a framework for analysis from governance perspective i.e. dimensions of un-governability and conduciveness.[34] The dimension of un-governability looks a territory from the governance perspective that in the given territory the state either lack capacity or unwilling to carry out its functions. To note here, an ungoverned area does not mean that governance is totally missing in that area but rather it means state formal institutions are either missing or not working there. That's why the dimension of un-governability is measured by four variables of state governance. These are: 1). the level of state penetration of society; (2) the extent to which the state has a monopoly on the use of force; (3) the extent to which the state controls its borders; and (4) whether the state is subject to external intervention by other states.[35] While the dimension of conduciveness analyses the suitability and conducive

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[34] Lamb, D. Robert. "Ungoverned Areas and Threats from Safe Havens" U.S. Department of Defence, Office of the Deputy Assistant Secretary of Defence for Policy Planning, 2008. Accessed on 11 February 2010, Available from http://www.cissm.umd.edu/papers/files/ugash/report final.pdf

[35] Rabasa, Angel. ed. Ungoverned Territories: Understanding and Reducing Terrorism Risks, 561, (Washington DC: Rand Corporation 2007).

environment a territory is providing for harbouring militants and terrorists. That's why the dimension of conduciveness is measured through four variables. These are: (1) adequacy of infrastructure and operational access, (2) availability of sources of income, (3) favourable demographics, and (4) invisibility.[36]

5) Application of Theoretical Framework

Within the theoretical framework developed above, this section analyses FATA as an ungoverned territory posing governance and security threat to Pakistan and the region. This section is consist of two parts. The first part of this section is testing FATA through Galgano classification matrix that whether FATA qualifies the test of being an ungoverned area or not? While the second part of this section analyses the security threat emanating from FATA as an ungoverned territory by reviewing the dimensions of the un-governability and conduciveness thus posing security threat particularly to the Pakistani state and the region in general. The governance perspective presents the degree of functional and geopolitical order of FATA from various indicators of the un-governability and also delineates those facets of the region that seems to be conducive for harbouring or otherwise facilitating terrorist activity.

5.1 FATA as an Ungoverned Territory

The Galgano classification matrix (given above in figure-1) determines that FATA qualifies the test of being an ungoverned territory. According to Galgano matrix, FATA becomes an example of remoteness, underdevelopment and proximity to the border (Galgano 2007). Pakistan may be consenting to the state of underdevelopment or it may lack the capacity to eradicate it. When the markers of development in FATA are viewed along such markers in other areas of Pakistan we find a substantial gap.[37] Along with this the proximity to border and existence of the intransigent claim of Afghanistan to this area turn this region into a serious problem.[38]

With respect to functional types, figure-1 indicates variations such as 1) ungoverned frontier territories, 2) territories of competing authority, 3) exploitation of legal principles; 4) areas of opaque activity, and 5) feral

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[36] Rabasa, Angel, ed. Ungoverned Territories: Understanding and Reducing Terrorism Risks, 561, (Washington DC: Rand Corporation 2007), 23.

[37] Asian Development Bank.. Pak: FATA Rural Development Project (TA: 3984-PAK). Supplementary Appendix C- Institutions, Management, Organization and Implementation, Edited by S. Bhandari, (Metro Manila, Philippines: Asian Development Bank 2003).

[38] Lee, Malisa, Mind the Gap: Authority and Sovereign in Developing Countries. (Stanford: Stanford University Press 2013), 45.

cities.[39]

Frontier Territory: FATA presents a classic example of this type. It is far-flung and difficult to access and lacks structural amenities of state.[40] This lack of facilities and absence of administrative control compel people to turn to the make-shift arrangement of their own (Galgano 2007).

Territories of competing authority: FATA has become 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.[41] Pakistan inherits to system and mind-set while dealing with FATA. This approach pushes FATA away as alien. After the involvement of the United States and allies in Afghanistan expelled the militants to tribal areas in FATA, the militants quickly capitalized on the bereavements and alienation of the people to establish themselves. They became in practice the alternative competing force of governance and provider of services in FATA.[42] FATA also possess a form of exploitation of legal principles. With the establishment of militants and criminals, they enforced a form of legal process that superseded the law of Pakistan in these areas. Further, the fifth element became evident when key allies of the state were assassinated and a chaos was created to cover their dark agenda. Such condition ultimately led to the emergence of FATA as Feral cities (Siddique 2009).[43]

Although the functional classification shows great overlap among its various categories due to FATA dynamic governance system, yet the dynamics of FATA governance clearly justify FATA being an area of competing authority, but also maintains conditions of a frontier territory having exploitation of legal principles. The militants skilfully exploited the power vacuum in FATA by establishing a "legitimate" parallel government structure. They did this through the assimilation of legal norms and the provision of health and education facilities, provided them legitimacy in the tribal population, which have been ignored by Pakistan state since independence.[44]

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[39] Galgano, A. Francis. "A geographic analysis of ungoverned spaces." Pennsylvania Geographer 44, no. 2 (2007): 67- 90.

[40] Bajoria, Jayshree. "Pakistan's tribal areas." Council on Foreign Relations, 26 October, 2007. Accessed December 21, 2012, Available from www.cfr.org/publications/11973.

[41] Whelan, Theresa. December. "Africa's Ungoverned Space - A New Threat Paradigm," paper delivered at the conference Rethinking the Future Nature of Competitions and Conflict, (Baltimore: MD 2005).

[42] Siddique, Abubakar. "Worries in Pakistan that Taliban imposing 'parallel' government." Radio Free Europe/Radio Liberty (6 January 2009). Accessed August 11 2011, Available from http://rferl.org/articleprintview/1367060.html

[43] Galgano, A. Francis.. "A geographic analysis of ungoverned spaces." Pennsylvania Geographer 44, no. 2(2007): 67- 90.

[44] Sappenfield, M. "Foreign jihadists in an ungoverned tribal belt kill leaders, recruit locals." Christian Science Monitor, 28 February 2008. Accessed August 30, 2011. Available from http://csmonitor.com/2008/0228/ p06s02-wosc.html.

5.2 FATA as a Security Threat

As mentioned the security threat posed by FATA as an ungoverned territory has been discussed here with reference of two dimensions of governance: un-governability and conduciveness where militants can flourish its activities easily thus creating insecurity threat for the Pakistani state and also for the whole region.

5.2.1 Un-governability and Security Threat

The un-governability of FATA is measured through indicators: i). The state penetration into society, ii). lack of monopoly on the use of force, iii). lack of effective border control, and iv). External interference.

The Pakistani state weak capacity and partial penetration in the tribal society of FATA poses threat to the security of the Pakistani state and the rest of the region.[45] The state penetration in the tribal society is assessed through the presence of state formal institutions performing both survival (core) and expected functions.[46] Though it was found that some of the formal state institutions are present in FATA, most of these institutions are not performing their functions. A significant number of the tribal respondents (72.60%) confirmed that Pakistani state institutions of security, law enforcement, fiscal and tax collection are either totally absent or weak in FATA (Table – 5.2.1). It is inferred that the more significant presence of the state in an individual's life or in a community, the less likely the individual or the community is to engage in acts against the state.[47] In this way, the presence of the state can be ensured through the presence of formal state institutions and infrastructure of services delivery (electricity, piped water supply, and sewage system). Delivery of essential services improves state legitimacy, which is the citizen's belief of the state right to rule over them, through service delivery capability and capacity.[48] This could lead to a more strong governance of an area by the state.

The Pakistani state physical infrastructure is also weak in the tribal areas. The physical infrastructure represents the physical presence of the state in a given territory. It connects the territory with the central state. It was found that the communication system, roads, transportation and

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[45] Migdal, Joel S. Boundaries and Belonging: States and Societies in the Struggle to Shape Identities and Local Practices. (Cambridge: Cambridge University Press 2004), 78-85.

[46] Fritz, V & Rocha Menocal, A. *Understanding Statebuilding from a Political Economy Perspective. An Analytical and Conceptual Paper on Processes, Embedded Tensions and Lessons for International Engagement* (Report for DFID's Effective and Fragile States Team). (London: ODI 2007).

[47] Herbst, Jeffrey. States and Power in Africa: Comparative Lessons in Authority and Control. (Princeton: Princeton University Press 2000).

[48] Mcloughlin, Claire. "When Does Service Delivery Improve the Legitimacy of a Fragile or Conflict-Affected State? Wiley Journal of Governance – An International Journal of Policy, Administration and Institutions 2000. Accessed May 2, 2013. Available from http://onlinelibrary.wiley.com/doi/10.1111/gove.12091/full.

financial transaction facilities are supposed to be provided by Pakistani state in FATA are either totally absent or are in a very pathetic condition. The surveyed respondents (80%) in FATA verified that in their areas the Pakistani state basic infrastructure is weak that's why most of them visit the adjacent settled areas for various facilities (Table – 5.2.1). Further, the prevalence of corruption in the existing state institutions in FATA is another reason for weak state penetration in FATA. It was confirmed by a significant number of respondents (73.53%) that the existing administration in FATA is corrupt (Table – 5.2.1).

According to Weber, Monopoly on the use of legitimate violence is the central variable to gauge the governance capacity of a state.[49] Scholars argue that establishing a monopoly of violence is a prerequisite for other things to happen.[50] Many factors, such as militancy, conflict, civil war, difficult geography,[51] rough terrain and poverty,[52] or interstate competition and warfare[53] impede the establishment of state monopoly in an area. In the context of FATA, the Pakistani state monopoly on the use of violence in FATA has been assessed under three major indicators. These are: Illegal armed groups, Criminal networks and Population having access to arms. During the field survey, a small number of respondents (7.47%) expressed their satisfaction over the Pakistani state control in FATA and the presence of the state security apparatus/agencies. Though a sizeable number of respondents (30.33%) believed that the Pakistani state has control on violence in FATA, the belief was based on the current military operation in response to the ongoing conflict in FATA for the restoration of order and peace, otherwise majority of the people (80.60%) were found of the opinion that generally the Pakistani state lacks control on violence in FATA (Table – 5.2.1). The Pakistani state also has a weak monopoly on violence in FATA. A small number of respondents (7.47%) showed their satisfaction on the presence of state security agencies and apparatus in their areas. A significant number of respondents (80.60%) verified that Pakistani state has weak control on the violence in their areas (Table – 5.2.1).

Due to porous border with Afghanistan, the Pakistani state does not have effective control on the border was also confirmed by a significant number (68.93%) of respondents (Table – 5.2.1).

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[49] Gerth, Hans H., and C. Wright Mills. *From Max Weber: Essays in Sociology*. (New York: Oxford University Press 1946).

[50] Braddick, Michael, J. *State Formation in Early Modern England, C.1550-1700.* (Cambridge: Cambridge University Press 2000), 14 – 20.

[51] Herbst, Jeffrey. *States and Power in Africa: Comparative Lessons in Authority and Control*. (Princeton: Princeton University Press 2000).

[52] Fearon, James D. and David D. Laitin. "Ethnicity, Insurgency, and Civil War." American Political Science Review, 97, no. 2 (2003). 75–90.

[53] Tilly, Charles (ed.). *The Formation of National States in Western Europe*. (Princeton: Princeton University Press 1975).

Another major factor that challenges the Pakistani state authority in FATA was the external interference by the rival neighbouring states of Afghanistan and India. The rival state at border adopts tactics like providing supporting to favour local officials, ethnic groups or local election contesting candidate.[54] A significant number of tribal respondents (89.46%) verified that since the US attack on Afghanistan there is an increase in the external interference in the tribal areas by the foreign states in the shape of supporting various non-state actors and local groups (Table − 5.2.1).

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[54] Douglas, Gibler, M. Research Article. 'Outside-In: The Effects of External Threat on State Centralization'. Sage Journals. 54, no. 4 (2010). 23 - 33.

Table - 5.2.1: Indicators of Dimensions of Un-governability

Question/ Indicator	Response Rate	Strongly Agree	Agree	Neutral	Strongly Disagree	Don't know	Total
a).Pakistani state institutions of: security, law enforcement, fiscal and tax collection are either totally absent or weak in FATA	Frequency	208	318	344	629	1	1500
	Percent	13.87	21.20	22.93	42.10	0.07	100
b).Pakistani state basic infrastructure is weak: Service Delivery (Health, Education, Water, Infrastructure, Roads, telecommunication,	Frequency	33	39	339	1087	2	1500
	Percent	2.20	2.60	22.60	72.47	0.13	100
c). Tribal people dispute/do not trust the legitimacy of the state and its institutions, and prefers to trust their own ethnic groups, clans, tribes, extended families.	Frequency	859	429	114	97	1	1500
	Percent	57.27	28.60	8.00	6.47	0.07	100
d). In FATA, the central government lack the ability to implement and to enforce rules and decisions.	Frequency	859	429	112	98	2	1500
	Percent	57.27	28.60	7.47	6.53	0.13	100
e). Pakistani state has a monopoly on the use of violence in FATA	Frequency	910	388	112	87	3	1500
	Percent	60.67	25.87	7.47	5.80	0.20	100
f). State coercive institutions: Police, Army, Judiciary are working/functional in FATA	Frequency	934	389	98	75	4	1500
	Percent	62.27	25.93	6.53	5.00	0.93	100
g). There is border regulations/control on the border (Durand land) and also control on free movement of people and goods.	Frequency	934	389	97	77	3	1500
	Percent	62.27	25.93	6.47	5.13	0.93	100
h). There is external interference by neighbouring states in internal affairs of Pakistan, especially in FATA.	Frequency	965	377	93	54	11	1500
	Percent	64.33	25.13	6.20	3.60	0.73	100

5.2.2 Conduciveness and Security Threat

FATA as an ungoverned territory lends itself well as a transit area and to use for logistical or training purposes for militants and terrorists. However, with regard to the operational base of militants and terrorists, it is not suitable because it lacks adequate communication infrastructure and is also remote from potential targets. However, the militants and terrorists operate in FATA for different reasons. FATA as an ungoverned territory is simply the insurgents' home area. Militant and terrorist groups operate in these areas because that is where the group has its historic roots, support networks, and cultural affiliation. Beyond the natural tendency of terrorist or insurgent groups to operate, this paper identifies four variables that seem to influence the extent to which Tribal Areas of FATA are conducive to the presence of insurgent and terrorist groups. These are: **i).** Presence of Suitable Infrastructure as Operational Base and Easy Access to Targets; ii). Availability of sources of income; iii). Favorable demographic and social characteristics; and iv). Invisibility - the ability of terrorists (and insurgents in the government-controlled territory) to blend into the population and escape detection by the authorities.

The Presence of Suitable Infrastructure as Operational Base and Easy Accessibility to Targets: For militants and insurgents to carry out its basic functions and operations is the availability of key infrastructure of communication, facilities for the transfer of funds, and transportation networks in a given territory. Though there are no such reliable infrastructure facilities in FATA, however, the adjacent KP provides links to these communication, transportation and financial facilities to the tribal areas, which is used by these militants and insurgents. Majority of the respondents (85.87%) supported the claim that the communication and transportation link with the Khyber Pakhtunkhwa provides the militants in tribal areas adequate infrastructure facilities to have access to their targets and to carry out their operations (Table - 5.2.2). Majority of the respondents (80.03%) acknowledged the tribal people use the transport facilities in the adjacent KP areas for travelling throughout Pakistan. The respondents (89.46%) also confirmed that the tribal people have access to various facilities through KP, like access to airlines for visiting abroad, access to internet, courier and postal services, telephone, telegraph and wireless satellite that provides coverage across the region even to the more rural areas of KP adjacent to FATA (Table - 5.2.2). Besides, a handsome number of respondents (72.93%) confirmed that the availability of formal banking system and informal *hundi* system provide the militants & insurgents a secure and speedy medium for the transfer of money for their operations and logistics. Due to the presence of these infrastructure facilities, these militants and terrorists have easy operational access i.e. access to their targets they want to attack.

Tribal Indigenous Informal Economy/ Sources of Income: Apart from the self-contained economy, most of the sources of income in tribal areas are based on informal means or informal and illegal economy. Majority of the respondents (82.07%) confirmed that these informal illegal sources of income include: drugs, poppy cultivation, weapons, stolen vehicles, illegal trade, money laundering, a black market of various commodities, and other such state prohibited activities (Table - 5.2.2). As confirmed by many respondents (85.20%) that due to underground trade in consumer items and commodities the markets in FATA are full of these commodities (Table - 5.2.2). The Afghan narcotics are also trafficked through these tribal areas to major airports of the rest of Pakistan and to other border areas. These commodities provide target and access to the militants and insurgents in FATA to generate revenue for financing their activities.

Supportive Local Social Features and Favorable Demographic Characteristics: Generally, all ungoverned territories are areas which are commonly inhabited by tribal or indigenous people with complex societies of having their unique tribal and indigenous norms, customs, and traditions. The culture and norms of these societies are mostly favorable for the refuge of militants and insurgents or other outlaw groups that escape the state. The militants, insurgents, and terrorists manipulated and exploited the tribal *Pakhtunwali*, code of life. The existence of these favorable social norms provided a base of support to the militants. Also, the existing local extremists, outlaws (who have taken refuge from the state) and the tribal people feeling of distrust due to long alienation from the state served this function for the militants and insurgents to base themselves in tribal society. This was acknowledged by majority of the tribal respondents (88.06%) that their norms and culture keep the FATA independent of the state control (Table - 5.2.2). A significant number of respondents (73.13%) confirmed that the tribal norms and culture of *Pakhtunwali* provides hospitality, refuges, and shelter to any stranger (Table - 5.2.2). These social norms of tribal people make the FATA attractive for the militants and terrorists, not only to live and take refuge but to use this area as their operational base.

Coupled with this it is believed that regions where there are grievances against the regime or having a preexisting state of communal conflict, are attractive to international terrorists. In FATA, pre-existence of violence since Afghan war in this region. Dislodging these foreign fighters thus poses serious social and cultural problems confirmed by a handsome number (20.13%) of respondents (Table - 5.2.2). Besides, the criminal network and criminal groups are already are existing in FATA. These criminal groups have been hired and linked by the militants with them which resulted in social disorder in the tribal society and distract the Pakistani state ability to enforce its jurisdiction in FATA. In a different context, it is also a factor in the conduciveness of an ungoverned territory to the presence of terrorists or insurgents. The presence of criminal networks opens the possibility of strategic alliances through which terrorists or insurgents and criminal groups

can share logistical corridors, safe havens and access to sources of funding and money-laundering arrangements. Pragmatically exploiting these conduits, terrorists can entrench themselves in ungoverned territories and use them to plan operations, train and battle-test cadres, scout for new "talent," stockpile weaponry, and move personnel and material. A significant number of the respondents (66.33%) were found of the views that there are criminal networks present in FATA (Table - 5.2.2).

Invisibility: The rough terrain, the free movement on both sides of the border and other physical features of the FATA and the local population support and social norms are hiding factors that makes the militants and terrorists invisible from the sight of state agencies. A significant number of respondents (63.67%) confirmed that the invisible environment of FATA i.e. the harsh topography and inaccessibility, porous borders (Durand line), and ethnic homogeneity of the tribal people on both side of the border make the militants and terrorists invisible in these areas from the sight of the security agencies (Table - 5.2.2).

Table - 5.2.2: Indicators of Dimensions of Conduciveness

Question/ Indicator	Response Rate	Strongly Agree	Agree	Neutral	Strongly Disagree	Don't know	Total
a). Adequate infrastructure (communication, transportation, financial (money transfer) facilities are present in FATA and adjacent KP, used by Tribal people and militants and insurgents.	Frequency	859	429	112	97	3	1500
	Percent	57.27	28.60	7.47	6.47	0.20	100
b). Informal Sources of Income i.e. Drugs, weapons smuggling, human trafficking, stolen vehicles, money laundering, trafficking in false documents, are available in FATA	Frequency	910	388	112	89	1	1500
	Percent	60.67	25.87	7.47	5.93	0.07	100
c).The presence of social norms as *Pakhtunwali* provides hospitality, refuge, shelter etc. to all.	Frequency	934	389	97	77	3	1500
	Percent	62.27	25.93	6.47	5.13	0.93	101
d). There was pre-existence of local extremist groups or also tribal population alienation from Pakistani state.	Frequency	859	429	113	97	2	1500
	Percent	57.27	28.60	7.53	6.47	0.13	100
e). Do social cleavage and social exclusion of tribal people is a base for the alienation from rest of the country?	Frequency	910	388	112	87	3	1500
	Percent	60.67	25.87	7.47	5.80	0.20	100
f). Existence of foreign fighters in tribal society who fought against Soviet	Frequency	934	389	97	78	2	1500
	Percent	62.27	25.93	6.47	5.20	0.93	101
g). Dislodging these foreign fighters by state thus poses serious social and cultural problems	Frequency	955	409	77	57	2	1500
	Percent	63.67	27.27	5.13	3.80	0.13	100
h). The harsh topography and inaccessibility of FATA, porous borders (Durand line), and ethnic homogeneity of the tribal people on both side of the border make militants in these areas invisible.	Frequency	955	409	76	56	4	1500
	Percent	63.67	27.27	5.07	3.73	0.27	100

6) Conclusion

Since the 1990s, ungoverned spaces have increasingly been seen as a source of serious instability and security threat in the international system. Ungoverned spaces emerge from a variety of mechanisms and thus take a wide variety of forms. Most of the ungoverned spaces are sustained by gaps in the existing governance of the state. The central government is unable or for certain reasons willingly does not effectively perform its basic functions of providing security, administrative, regulatory, lego-judicial, and socio-political public goods to the people in these areas. The state also lacks the will or capacity to provide public services to the residents of these areas. The state ignorance of these areas provides a conducive and an enabling environment for non-state actors thus to exploit the area for their vested interests.

It is a fact that ungoverned spaces lack government but not governance. In ungoverned spaces, the state lacks the capacity to have authoritative control, lack monopoly on violence, and lack the capacity to provide public goods to the people. The ungoverned spaces, due to poor governance and weak state control, provide conducive environment for terrorists to flourish and to carry out their activities with freedom and thus pose security threats for the state. Thus, FATA as ungoverned territory is posing security threats not only for Pakistani state but for the whole region. The remedy for the ungoverned spaces is the extension of state governance and state building in FATA. Pakistani state needs to build its institutions in FATA and to have effective control over this region.

7) Recommendations

Most commonly, it is believed that ungoverned spaces persist beyond a state governance due to cost-benefit analysis because the cost of integrating these areas is high instead of their benefits. To address the problem of ungoverned spaces, the very causes of ungoverned spaces and the factors which make these areas attractive and conducive for the militants and terrorists, provide us clear vision to select the most effective policy option among the available options. The best option is to extend state governance and control, provide services and political representation to the ungoverned spaces if these areas are generating security threats to the domestic state. These areas are not totally ungoverned but are differently governed either informally or by customary authorities. In this context, there are three possible policy choices available; either reforming or replacing the local authorities, out-competing them for local loyalty or co-opting them using as contractors in local governance of the tribal affairs.

Further, based on the analysis of the issue, the following policy implications for the Pakistani government are recommended.

- The Government of Pakistan should focus on the development of tribal areas instead of taking coercive approach while dealing with the tribal areas.
- Provision of public goods and social services should be on top priority. The existing institutions should need to be built.
- There should be more profound social and political change by introducing reforms and giving rights to the tribal people in the national politics and to improve the existing political administration by removing corruption and incorporating the local say in it.
- Improvement in the physical infrastructure of state i.e. transportation, telecommunication, and roads can bring profound effects in the tribal areas by improving the mobility within the tribal areas.
- The regional cooperation of the regional states and initiatives can improve infrastructure and strengthen the state central government projection of the authority in these ungoverned areas and thus can bring them under their control, which can minimize the threat associated or emanating from these areas.
- Also the support and help provided for the local government by regional organizations might result in helping bridge the governance gap.
- The entrenched corruption in the tribal administration need to be corrected.
- The government should provide and develop banking infrastructure that the terrorists may no exploit the informal means of money transfer and also do not exploit the weak infrastructure in their favour.
- The local criminal activities, especially with regard to organized crimes, which provides funding to the militants and terrorists need to be stopped and suppressed.
- The government of Pakistan should ensure that the militants and terrorists may not exploit the government provision of public goods and social services of public health, education, etc.
- Trust building between the Pakistani state and the tribal society is the most important intangible dimension for the extension of state authority in the tribal areas of FATA.
- Local ownership of all developmental works and indigenous support from the tribal people in this regard is very important.
- Devolution of power to the local authorities by aligning formal and informal authorities is also needed. This will help the government formal authority to work more effectively and develop itself with the passage of time.

- There should be a new social contract between tribal people and Pakistani state especially with regard to monopoly on the use of force and taxation. By mutual trust, the state and the tribal society can develop these two avenues.
- The tribal people at grassroots should be represented in all processes of reforms regarding FATA.
- For legitimacy of the state, it should address all triggers of the conflict between the state and the tribal society. These are poverty, exclusion of tribal society, and lack of representation in national politics, marginalization and the underdevelopment of tribal areas. The state should include the tribal areas in all its development processes at national level.
- The delivery of justice and extension of the court system to the tribal people should also be ensured by the Pakistani state.

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