

Institutional Vacuum, Violence and the State: The Case of Swat, Pakistan

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Violent Conflict in Swat

- Islamist Movement Initiated in the Area in 2005 (antecedents going back to 1994)
- Radio Broadcasts and Mosque Speeches, Preaching Piety
- In Late 2007, the Movement Turned Violent by Linking up with TTP.
- 2008-2009: Gathered Momentum and Spread to Adjoining Districts
- Army Sent in to Take Back Ceded Territory in 2009

Post Conflict Situation

- Nominal Peace Under Army Supervision
- Army has De-Facto Control Over Administration, local level policing and development
- Erosion of Social Cohesion is Palpable
- Anxiety About Post-Army Situation
- Fazlullah Having Become Head of TTP has Created a New Level of Uncertainty

Project Objectives

- Search for Underlying Causes of Conflict in Swat
 - Causes Internal to the Political Economy and Administrative Structure of Swat
 - National/Regional Level Triggers
- Identify Winners and Losers Of Violent Conflict
- Identification of Post Conflict Strategies

Brief Background of Swat

- Part of Khyber Pakhunkhwa (former NWFP Province)
- Was a Princely State up Until 1969 when it Was Merged with Pakistan
- According to the 1998 Population the Population of the District was 1.72 million
- Major Tourist Destination Before Trouble Started

Brief Background of Swat

- Predominantly Pakhtun and Pashto Speaking (93%)
- Predominantly Muslim and Sunni (Hanafi Sect)
- According to Barth (1956) Pushto Speaking Yusufzai Tribe are Dominant Landholding Tribe.
- Other Land Owning Groups are Miangan, Pirs and Syeds

Brief Background of Swat

- Major Non-Landowning Groups – classified as ‘Non-Cultivators’ are Gujjars
- Literacy Rates are Lower than that of KP and Pakistan
- 48 % urban, 25.5. % rural
- Male: 43.2%, female 13.5%

Brief Background of Swat

- Sources of Livelihood
 - Agriculture Remains the Biggest Employer
 - It is the 4th Most Industrialized District of KP.
 - Tourism Industry.
- Before the Taliban Onslaught, there were more than 800 hotels and 400 restaurants. 40,000 workers engaged with the sector.

Brief background of Swat

- Institutions of Governance During the Time of the Wali
 - All Land in Principle Belonged to the Wali
 - Wali had given Special ownership titles to Other categorized as 'cultivator' classes, mostly Khans and other Notables.
 - Non Cultivators would work the land and provide for Services

Brief background to Swat

- Merger with Pakistan in 1969
- 1969-1974: Mainstream Pakistani Law was applicable in Swat
- In 1974, Swat was brought under the category of Provincially Administered Tribal Areas (PATA)
- 1975-76 PATA Laws were Drafted that became Applicable to Swat

Antecedents of Conflict

- In 1972, then President Bhutto Declared all of Wali's Land as State Property and declared it will be distributed amongst Claimants and Tenants
- 1975-76 Law gave Right of Lanownership to non-cultivator classes and rights of inheritance to Women
- Initial Tensions Across Groups Created

Antecedents of Present Conflict

- PATA Regulations were Challenged in the Peshawar High Court in 1990. The Court Declared A Number of Land Related Regulations as null and void.
- The Supreme Court Upheld the Decision in 1994.

Antecedents of Present Conflict

- The Rise of Sufi Mohammad and TNSM
 - Annulment of PATA Regulations coincided with lobbying for Shariat Regulations, spearheaded by Sufi Mohammad
 - The Government acquiesced in the Face of Militant Challenge to Introduce NSSR in 1994.
 - Further amendments to the Law in 1999

Antecedents of Present Conflict

- Sufi Mohammad was Arrested soon after Musharraf took over in 1999
- After 9/11, he was released and allowed to Organize a Force to go to Afghanistan to fight US forces
- Many Recruited from Swat but very Few Came Back Alive

Debates on Causes of Conflict

- Class Conflict Between Property Owners and the Dispossessed?
- Institutional Vacuum or Externally Driven?

Way Forward

- Post Conflict Resolution Avenues
- Internal to Swat
 - Consistent Legal Framework in General
 - Framework for Land and Forest Use and Ownership
 - Policing and Justice
 - Development

Way Forward

- Post Conflict Resolution External to Swat
- Re-assessment of Pakistan's Security Policy based on Covert Warfare
- Institutionalization and Rationalization of Centre-Province and Province-Local Govt Links
- Improvement in Capacity to Deliver Justice and Development