

# ISA S Insights

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469A Bukit Timah Road  
#07-01, Tower Block, Singapore 259770  
Tel: 6516 6179 / 6516 4239  
Fax: 6776 7505 / 6314 5447  
Email: [isassecc@nus.edu.sg](mailto:isassecc@nus.edu.sg)  
Website: [www.isas.nus.edu.sg](http://www.isas.nus.edu.sg)



## **The Sorrows of Swat and the Mayhem in the Malakand: What Now?**

Iftekhar Ahmed Chowdhury<sup>1</sup>

### **Introduction**

As early as the 6<sup>th</sup> century B.C., the Chinese traveller, Huang-Tsang, praised the “forests, flowers and the fruits” of the rugged mountains and the beautiful valley of Swat. So did the Greek conqueror, Alexander the Great, who arrived there a couple of hundred years later. Thus, visitors from the east and the west were in agreement on the land’s idyllic ambience in the ancient ages. In the modern days, Swat has been called the ‘Switzerland’ of Pakistan for the same scenic splendour. Alas, the comparison with Switzerland ends there for, unlike the ‘playground of Europe’, Swat today is a stage where a Grecian tragedy of Olympian proportions is being enacted.

Here too, even with regard to this drama, the comparison must conclude. To the Greeks, the tragedy resulted in a catharsis or an emotional healing and cleansing of the audience as well as of the actors through their experience of the sufferings of the characters in the drama. The sorrows of Swat and the recent mayhem in the larger Malakand Division, of which the former princely state is now a part, do not seem to be having any healing effect on the perpetrators of the pains, both the Taliban and the Pakistani troops. And as the size of the hapless refugee population burgeons, both the nearby national capital, Islamabad, and the more distant international community, appear to have been rendered unmoved spectators. However, this cannot last long for out of this tumult may emerge a deluge that could sweep away a state structure that has failed to deliver.

### **Brief History**

In the intervening period between the ancient and modern times, Swat was the cradle of a classical Buddhist culture. The Muslim period began with the invasion of Mahmud of Ghazni in the 11<sup>th</sup> century A.D. The Islamic state of Swat was established in 1849, with *Sharia* law in force, a fact that has ramifications later. Though Winston Churchill romanticised his fighting days in the Malakand in the late 19<sup>th</sup> century through his first-ever published literary work, Swat was never absorbed into British India and was recognised by the British as an Indian princely state in 1926. In 1947, it acceded to Pakistan through the Wali of Swat and the ruler

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<sup>1</sup> Dr Iftekhar Ahmed Chowdhury is a Visiting Senior Research Fellow at the Institute of South Asian Studies, an autonomous research institute at the National University of Singapore. He was the Foreign Advisor (Foreign Minister) of Bangladesh from 2007 to 2009. He can be reached at [isasiac@nus.edu.sg](mailto:isasiac@nus.edu.sg).

enjoyed considerable autonomy and popularity thereafter. The martial law government of General Yahya Khan in Pakistan abolished the state in 1969 (along with those of neighbouring Dir and Chitral, also formerly 'princely states'). The author, who was incidentally in the Swati capital, Saidu Sharif, on that very day, recalls the apprehensions of resistance but eventually there were none. However, if there was no overt resistance, there was simmering resentment among the tribes of the mountains and the valley.

Another fact worth mentioning in relations to this and one that is relevant to contemporary events is that, sporadically, 19<sup>th</sup> century Swat was also ruled by religious leaders who took the title of *Akhund*. Indeed the Victorian poet, Edward Lear, introduced it to the Anglo-Saxon world through his somewhat comical ditty 'The Akond of Swat'. Lear seems to indicate a faraway near-mythical place and person (much like Samuel Coleridge's 'Kubla Khan of Xanadu') as he writes, "Who or why or what is the Akond of Swat? Is he tall or short or dark or fair; does he sit on a stool, or sofa, or chair, or squat? The Akond of Swat?" In many ways, the Akond may be seen as the forerunner of the present day Sufi Mohammed or his son-in-law, the Taliban-connected Mowlana Fazalullah.

### **The Agreement**

Prior to its incorporation into Pakistan, the set of laws that actually prevailed in Swat was loosely connected to Islamic jurisprudence as a result of the historic evolution narrated earlier. Indeed, some claim a system based on *Sharia* and *nizam-e-adl* (Islamic Law) existed at that time. Justice based on local mores and culture was swift and the sentences were mostly mild. Thus, the Pakistani legal code brought about some radical changes that the tribes were unused to and the situation was exacerbated by the corrupt and inefficient administrative machinery brought in to apply it.

The festering opposition was fuelled by the growing Taliban movement, which gained momentum with the United States' conduct of the 'war on terror' in the neighbourhood and the support given to it by the government in Islamabad which was increasingly viewed as a 'puppet' of the western and 'irreligious' foreigners. Two years of fighting with Fazalullah's men left the Pakistani army exhausted, with the outcome being the agreement on 16 February 2009, one that was much criticised by Washington which saw it as an abject surrender to the extremists. The agreement between the Pakistan government and the Taliban resistance, led by Fazalullah, was brokered by the latter's father-in-law, Sufi Mohammed. It established a ceasefire in the Swat valley of the North West Frontier Province and imposed *Sharia* law in the Malakand Division of which Swat is now a part.

The common men and women of the valley heaved a sigh of relief now that the guns had finally fallen silent. Unfortunately, the version of the *Sharia* law of the Swati Mullahs is of a fundamentalist variety that is obviously intolerant and against women's rights. Wanting to ensure its application throughout the region, Taliban vigilantes wreaked mayhem in the wider Malakand Division and even descended on Buner, a district only 65 miles from Islamabad, and all but occupied it.

### **The Shattered Peace**

Suddenly, fears engulfed the western world. Images reminiscent of Taliban jeeps with Kalashnikov-wielding *Jihadists* rolling into Islamabad, as in the case of Kabul some years

ago, frightened the West. This was also not without reason. The Taliban had sensed and tasted victory.

The Taliban had sympathisers throughout the country. Bombings were taking place everywhere, including in Lahore, the capital of Punjab, the heartland of Pakistan. Domsday scenarios of nuclear weapons falling into the Taliban hands were being routinely painted in the media, particularly in (though not confined to) the West. It is true that the Taliban were feeling encouraged by their success and, rather unwisely, began to boast of capturing the state. United States Secretary of State, Hillary Clinton, began to speak of “existential” threats and United States President Barack Obama called the government of President Asif Ali Zardari “fragile”.

The latter fact rather than the Taliban triumphs served as a rude “wake-up” call for the government in Islamabad. The withdrawal of western support could spell disaster for the Zardari government. An American Senator rather colourfully described the government’s “pants being on fire”, the crudity notwithstanding, the metaphor describing the situation rather aptly. The Pakistan army wanted the more than US\$7 billion on offer. The result was the cancellation of the agreement and heavy military action began in the valley, with aerial bombardment and other measures.<sup>2</sup> However, the Taliban, whose forefathers had given battle to Alexander and whose fighting skills had more recently been sharpened and honed by the *jihad* against the Russians and later the Americans, were not giving up easily. The consequent fierce fighting led to hundreds of deaths and the imminence of a horrific internally-displaced refugee situation that may see half a million homeless soon. Thus, is there another catastrophe in the making, akin to northern Sri Lanka? Sadly everything points to that taking place.

As the Latin poet Vergil said and which the London School of Economics has adopted as its motto, “Felix qui potuit rerum cognoscere causas” (Happy is the man who knows the causes of things). Let us, therefore, examine what has led to the current crisis in Swat.

First, there is its history which is, of course, unique to Swat, a heritage where politics was always coloured by a religious strain, albeit mild, but now exacerbated by the Islamist militancy. The second factor is the incorporation of Swat into Pakistan which has not been able to deliver good governance in a way for the people to perceive a positive change from the era of princely statehood. The third reason is the military action by the Pakistan government and the collateral damage to the civilian population. This was the bane of Pakistan in 1971 and was a major reason for the Bangladeshis fighting for their independence, and later in Baluchistan, where it is a continuing problem. Finally, the presence next door in Afghanistan of western foreigners fighting those for whom battle has become a cultural trait and one which the locals derive pride from. In other words, the situation in Afghanistan has exacerbated the issue. Added to it is the fact that many Pakistanis view ‘Islamism’ as a stick with which to beat the Americans. For instance, the famous cricketer, Imran Khan, the head of the political party, Tehrik-e-Insaaf, who was once known as ‘the playboy of the western world’ has now described the ‘war *on* terror’ as the “war *of* terror”. This is not to say any of the elements is wrong or unethical but only to argue that they exist and feed as different streams into the resultant deluge.

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<sup>2</sup> In a speech in Boston on 13 May 2009, former Ambassador Robert Blackwill criticised the use of F-16s and helicopter gunships rather than the infantry by Pakistan to fight the terrorists. However, the problem is that, in the course of hand-to-hand combat, there is a grave risk that some troops may simply switch sides.

## **The Responsibility to Protect**

In the circumstances of a huge impending humanitarian situation, it is reasonable nowadays to test if the recently adopted principle of the 'Responsibility to Protect' (R2P) is applicable. The Summit of World Leaders at the United Nations (UN) in 2005 unanimously adopted it in paragraphs 138 and 139 of its "Outcome Document". The first paragraph accepted that 'each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity'. The second paragraph entailed that 'the international community, through the UN, also has the responsibility to use appropriate diplomatic, humanitarian, and other peaceful means, in accordance with Chapters VI and VIII, to protect populations from those four crimes. Those efforts failing, the international community can take 'collective action in a timely and decisive manner, through the UN Security Council, in accordance with Chapter VII, on a case-by-case basis'. The element of 'capacity building' is also included as preventive measures.

UN Secretary-General, Ban Ki-moon, further refined the concept in his Report of 12 January 2009 in a way that the Chilean Ambassador to the UN, Hernando Muñoz, has summarised as the 'three pillars and four crimes'. We have seen what the four crimes are. The three pillars referred to are the primacy of state responsibility; international assistance; and included by the Security Council, timely and decisive response. Ban's Adviser for the 'R2P', Professor Edward Luck, has cautioned against any 'expansion' of the concept or criteria to render the principle acceptable and implementable.

It goes without saying that any 'external intervention' of any kind whatsoever in Pakistan will have to take place with the approval of the state authorities. For all its travails, Pakistan remains a key international actor with a population of 170 million, one of the largest in the world; a democracy, albeit somewhat shaky, but nevertheless with a representative government elected by its people; and a nuclear weapon state, with a very strong conventional military capability with over 620,000 troops in arms. It also perhaps justly boasts of some of the world's finest professional diplomats. In any case, China, with its veto power in the UN Security Council, would never allow any measure to be taken by the UN without Islamabad's sanction.

### **What Now?**

As such, whatever is to be done out of necessity has to be with Pakistan's consent. For the possibility of the application of the 'R2P', while Pakistan may be extremely sensitive to any suggestion that the situation in Swat, even most remotely, calls for the consideration of this principle, it will perhaps accept the two pillars of 'state responsibility' and 'international assistance'. Indeed, as with the case of the Afghanistan refugees during the Soviet occupation, Pakistan will need support to handle the Swati internally displaced persons (IDPs). In fact, the appropriate handling of the IDPs will be a part-solution of the problem. Also, there is a great danger that if the government or the international community is unable to provide succour to the IDPs, pro-Taliban relief agencies may step in, including the reincarnated forms of the banned extremist groups.

A second possible solution could be to set up a Commission, comprising eminent persons to examine how best to bring 'good governance' to Swat. The people of Swat and, perhaps, of the rest of the Malakand Division (or the former Malakand Agency), must not be allowed to

feel deprived due to the change of the status from 'princely states', as in the case of Swat, Dir and Chitral, to being a part of Pakistan proper.

A third solution would have to be the elimination of civilian collateral damage in military actions. Already elsewhere in Pakistan, the United States' 'drone' attacks are fuelling extreme resentment. Some recent media reports stated that the Pakistani government is also involved in planning these attacks, perhaps partly generated to display the retention of a modicum of sovereign authority, may only contribute to public discontent. It may only be a matter of time before a part of the huge Pakistani armed forces begins to feel the same way. A retired Pakistani Lieutenant-General and respected analyst, Talat Masood, said, "More American focus on Pakistan, with concomitant pressures to take actions, are only likely to increase terrorist activities."

## **Conclusion**

As a result of the writ of the central authorities not extending throughout its territories (it does now in theory though not in absolute practice), and because the law and order situation is nearly uncontrollable, some analysts have begun to ask if Pakistan is a country or merely a space. Some have stated that the best answer to the question of what is Pakistan is that it is "not India".<sup>3</sup> Surely Pakistan is too important to deserve this kind of analysis. However, the responsibility to demonstrate that lies with all Pakistanis and not just with the Pakistan Peoples Party government of President Zardari or the Pakistan Muslim League-Nawaz and Nawaz Sharif – it also lies with the army; the lawyers; the journalists; the intelligentsia; and the man (and woman) on the street. All of them must act in concert, responsibly addressing the threats of Talibanisation, of underdevelopment and of national disunity. It does not warrant jingoistic patriotism but simply national pride.

The history of any nation-state will comprise successes and failures, and Pakistan is no exception. Perhaps the expectations of Pakistanis remain less fulfilled than some other nations and in satisfying these, undeniably, the government in Islamabad must take charge. As for its people, they genuinely believe, as in the words of their popular refrain, "Sohni Dharti Allah Rakhye!" meaning "May God protect the golden soil!" However, the truth is that man must also help.

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<sup>3</sup> B. Stephens, 'The Wall Street Journal', 12 May 2009, 'Pakistan's existential challenge: The trouble for a country defined mostly by what it is not'.