

SECURITY AND DRONE ATTACKS IN FATA: LEGAL ASPECTS

Dr. Amna Mahmood *
Nadia Awan **

Abstract

Following the terrorist attacks in 2001, on the US territory, the US and its allies launched a Global War on Terror (GWOT) in Afghanistan. Although they denied but practically the word terrorist became synonym with Muslim in the dictionary of NATO powers. Federally Administered Tribal Areas (FATA) of Pakistan became a battle ground being in the neighbourhood of Afghanistan. These areas have been frequently attacked by advanced aerial vehicles, called Drones, by the NATO forces. Different Western think tanks suggest that drones strategy is not the solutions and it would not solve the problem in hand. This problem can be solved by giving education, health and jobs as top priority areas of tribal people.

This article focuses on the justification of Drone attacks and legal position of these attacks within the boundaries of a sovereign state. It concludes that Drone attacks are counterproductive and are increasing terrorism as a reaction to these Drones. These are also adding anti-Americanism in Pakistan. Lastly it will study what will be the future course of action of newly elected PTI government of KPK and what would be the level of cooperation by Federal government of PML (Nawaz) in negotiating peace with the US.

Keywords: Security, Drones Attacks, FATA, Nato, Global War on Terror.

Introduction

After 9/11 attacks, Federally Administered Tribal Areas of Pakistan (FATA) have become the hub of insurgents and a challenge to the authorities. The US has been continuously pressurizing Pakistan's government to control the militant activities in the tribal areas; but the government seems helpless because traditionally these areas never accepted the government control back from

* Assistant Professor, Department of Politics & International Relations, Faculty of Social Sciences, International Islamic University, Islamabad.

** Lecturer, Department of Politics & International Relations, Faculty of Social Sciences, International Islamic University, Islamabad.

colonial period. They strictly refused to follow Pakistani laws in the present times.¹

This is one of the most deprived region of the country. Its per capita income is around about \$663 in 2010 and more than 66 percent people live below poverty line. Around 2.4 per cent of Pakistan's population live here and there share in economy of the country is only 1.5 per cent.² Traditionally these tribes are considered to be warriors and having a long history of struggle against any effort to establish control over them by any external power.³ The Soviet's efforts to establish Communist government and later military intervention in Afghanistan further strengthened the warrior culture. Since under the cold war designs the US launched a so-called covert resistance movement with the help of Afghans and Pakistan government, FATA became the base camp for religious warriors (Mujahedeen) coming from all over the world to evacuate the Soviet forces from Afghanistan. After the Soviet Union retreat in 1989, the US and its allies washed their hands⁴ and abandoned their old allies, Mujahedeen. In absence of any central authority a civil war erupted within the different religious factions and groups of Mujahedeen. This power struggle was settled with the emergence of Taliban, as a stabilizing force in 1994. They remain in power until September 11, 2001.⁵

One side effect of 2001 American invasion of Afghanistan was that to escape American bombs it pushed battle hardened Pashtuns and foreigners into FATA. By 2003 the NATO forces in Afghanistan directed their attention to safe havens in FATA, because this region was the base camp of Afghan support during the US sponsored struggle against Soviets and later it continued to be the centre of those involved in power struggle in Afghanistan and jihadi activities in the region. Since Pakistan and Afghanistan share a border of 1,500-mile, all consisted of mountainous terrain, it was not possible for Pakistani authorities to control the cross boarder activities. This problem benefited Taliban to increase their militant activities in FATA region. During the period of 2002-08, Taliban were the de-facto ruler of this area.⁶

Meanwhile, tensions between Afghanistan's government and Pakistan officials are heightened. Afghans officials accuse Pakistan for security lapses and increased activities of Taliban in their country⁷. They ignored the fact that tribal areas had served as the base camps for the militant activities of Taliban and still their remains are there, therefore it was hard for the government to deploy Pakistani troops to control the negative activities in tribal areas. Moreover Pashtun tribes are divided along the order of both countries therefore it was impossible to control the cross border movement especially when the border area is difficult terrain. As Bill Roggio, the US expert has written from Iraq and Afghanistan that to control the tribal areas activities is similar to control the problems in Iraq.⁸

The Pakistani Tribal Areas

The tribal area of Pakistan is divided into seven parts, called agencies. These are Bajaur, Mohmand, Khyber, Orakzai, Kurram, and North and South Waziristan and six frontier regions.⁹ The only provincially administrated area is Malakand agency. Each agency is administered by a Political Agent (PA) who enjoys all the administrative and judicial powers, and his decision is final.¹⁰ The Frontier Crimes Regulations (FCR), the legal code dealt with crimes against the state and all the matters are operated through “Jirga.”¹¹ Now the system is gradually changing. More representation and open franchise for FATA people paved the way for more interference by the government and reducing the autonomy of local Jirga and PA.

Tribal lands lie in the south of Baluchistan, along the Pak-Afghan border known as Durand Line.¹² Durand Line was drawn during colonial period as a result of an agreement between Afghan and the British government apparently to establish peace but in fact to divide 11 vibrant Pashtun tribes. It converted Afghanistan into a buffer zone between Russia and the British. After creation of Pakistan, Afghanistan refused to accept Durand Line as international border between the two states. They claimed all the tribal lands along with the Pushto speaking areas of NWFP (now renamed as Khyber Pakhtunkhwa).¹³ Although Pakistan government had least control over FATA, but issue of ‘Pushtunistan’ remained a bone of contention between the two neighbouring countries.

Extremists in the Tribal Lands

It’s an open secret that during Afghan resistance to Soviet occupation, “The tribal area has become a melting pot for *Jihadis* from all over the world.”¹⁴ Muslims from all nationalities including Afghans, Chechens, Uzbek, Arabs and Africans became militants who prepare and obtain sanctuary in the tribal region. After the evacuation the USSR occupation army, the Taliban emerged as the strongest group and assumed the leadership role in some parts of the tribal lands, particularly in North Waziristan, South Waziristan and Bajaur agencies.¹⁵ Initially they were appreciated for their ability to establish peace in Afghanistan but later the US was alarmed due to their increasingly fanatic attitude towards women and the west. Pakistan has to take a hard line on Al-Qaeda and Taliban as the US ally in war on terror. We have to draw our line before it is too late.

Rise of Militancy in The FATA and Its Spread into the NWFP

The emergence Taliban in power position destroyed the political balance in FATA where they asserted their growing power by even killing their opponent tribal chiefs. However, the religious extremism was not new in FATA. It started with the Afghan resistance to Soviet occupation when the US and its allies themselves aggravated the religion to exploit the concept of Jihad to wage a war against its old Cold War rival, the USSR. The religious *madarassas* (Seminaries) were used as breeding grounds for *Jihadis* therefore 1980s witnessed the

mushroom growth of these religious schools. These *madarassas* were financed by mostly the Arab money in collaboration with local religious parties. A particular school of thought was promoted to lead this war.¹⁶ Kathy Gannon explains “extreme tribal views are not new,” and predates the international counterterrorism operation in the region by decades.¹⁷

NATO interference in Afghanistan has helped the militants of FATA to fill the administrative and political gap in just six years.¹⁸ At the same time different development strategies adopted to integrate tribal population into Pakistani society remained unsuccessful. Militant from different Religious factions complicated this task more. US after invading Afghanistan also draw down many strategies one of them was Af-Pak strategy, at which Pakistan Government and Arms forces protested that Pakistan should not be treated similar as Afghanistan. This was to encircle Pakistan as confirmed by Kerry-Lugar Bill, US State Department Strategy for Afghanistan and Pakistan¹⁹ and many US officials’ statements that Pakistan is not the part of solution but part of problem. Moreover, Pakistan government stood with US against the will and wish of its public to made Afghanistan a peaceful and prosperous state and when Pakistan protested that why they are not inviting it as party to facilitate them as they did in the past. The answer was very annoying when another US covert strategy unfolded by former US Deputy Secretary of State, Richard Armitage, about the existence of Pakistan. However, Pakistan protested and Foreign Office spokesman stated “Pakistan is a formidable state and is here to stay forever.”²⁰

Pakistan government instituted many agreements with the militants to make peace but all of them failed to establish writ of the government in these areas. As a result territorial control of militants established in this area.²¹ The rising power of militancy extended to the settled southern districts of Khyber Pakhtunkhwa including Dera Ismail Khan, Bannu, and Kohat. Swat has also become the hub of militants’ pressure. They are also involved in terrorist activities in the central districts of KPK including Peshawar, Mardan, Nowshera, Swabi, and Charsadda.²²

Pakistan’s Policy

Balochistan with its 7.5 million inhabitants could be the next target of terrorist activities after FATA.²³ This would threaten a core region of Pakistan. Therefore, a containment of the radicals in FATA must prevail before their activity spreads all over the country. Thus, it is necessary to control the negative activities in FATA before they spread in other parts of the country.²⁴

Today, Pakistan’s FATA policy is to do what the Americans tell to do. So far, the direct cost of war has been reimbursed by the Americans, which amount to Rs 80 billion yearly. I cannot give any figure as to the indirect cost of this ‘war on terror’ but it seems to be immense. It is obvious that Pakistan cannot afford to sustain this war for long on its own.²⁵

Pakistan government invited the world to get into this affair because the government of Pakistan at its own cannot afford or to face this situation and for this purpose the government of Pakistan allow its army along with the outer state forces to get into this war and started the operations within the state.

Afghan government believed that the security situation on Pak-Afghan border can be improved by proper deployment of security forces. It would curtail militant's ability to infiltrate and ex-filtrate and would control cross border activity. Presenting their demand Afghan delegation called for a better border cooperation, improving the effectiveness of existing coordination measures, making them more functional, and increasing Pakistan military operations in the FATA will be required to be coordinated with ISAF and ANSF.²⁶

US Policy towards the Tribal Area of Pakistan

Obama Administration was warned by a US-based think-tank declaring Federally Administered Tribal Areas (FATA) of Pakistan as the "most dangerous place" in the world.²⁷ It further declared that "nuclear Pakistan as a base for international terrorism is a prospect that the world cannot afford." the actual war is fought in Afghanistan but the US think tanks are insisting the new administration to include FATA in the war region.²⁸

A new consensus has emerged that there is no military solution to the conflict. An early Confidence Building Measure (CBM) should be for Pakistan to end its selective protection of Afghan Taliban militants including the Quetta Shura, the Haqqani and Hekmatyar network. Further steps should be taken to expel foreign militants from the FATA.²⁹

The US interests in the region can be described as two no's. The first one is that there must not be any safe haven for terrorists operating from Afghanistan with a global reach and second that there must not be a broader meltdown in the region. What US require to ensure these objectives is to establish a strong system of governance in Afghanistan to provide security to Afghan people and then design a quit strategy.³⁰

The US officials after many thoughts come up with this idea that this should be stopped with the force it's not something that can be done with soft hand in Pakistan, whereas, Afghanistan they need to build them up with democratic structure. Outside world can help in terms of guidance and assistance but cannot dictate them.

Drone Attacks in Pakistan

Bush Administrations sought Drone attacks as a part of its grand strategy to defeat Al-Qaeda and Taliban in FATA and especially in Northwest Pakistan since 2004.³¹ These controversial attacks were guided by the Central Intelligence Agency's Special Activities Division, to target militants who were thought to have found a safe haven in Pakistan in FATA in Northwest Pakistan. These

strikes continued under the Barack Obama Administration. This series of attacks are generally referred as a “drone war.” People of Pakistan feel very insecure because of civilian death toll as a result of these attacks. Government of Pakistan also condemns these attacks but there are evidences that they has secretly shared information on high value targets and with Americans and also allowed the drones to operate from Shamsi airfield³² in Baluchistan, Pakistan. ³³ Obama administration allowed more drone attacks in FATA, Pakistan, than its predecessor George Bush did over his two terms of eight years, targeting leadership of Taliban and Al-Qaeda.³⁴

An authentic report says that the United States operates two separate drone programs in the region. First one is run as a support and surveillance missions in Afghanistan by the US military. While, the other one is run by the CIA, in the tribal areas of Pakistan in collaboration with the Pakistani Army and Pentagon. It is suspected that Special Operations Forces have deployed the technology in Pakistan. All these missions are having a so called covert face and Obama administration did not admit its secret targeting of militants with drones.³⁵ But the Senator Dianne Feinstein (D-CA), who chairs the Senate Intelligence Committee, publicly acknowledged in early 2009, that Pakistan and the US are cooperating on drone and declared the US Airstrikes in Pakistan called ‘very effective.’³⁶

Justification of Drone Attacks and Legal Position

Although targeting terror suspects with UAVs in official combat areas is considered legal, the use of the technology outside a declared zone of combat i.e., Iraq and Afghanistan has brought international criticism. Whereas, UAV-targeting program in Pakistan is believed to be operated by the CIA and the distinction between military applications and covert CIA use of drones has become a point of contention, as are issues pertaining to collateral damage and legal justification.³⁷

As stated by Hina Shamsi,³⁸ “There is tremendous damage being done to the international rule of law, which requires accountability, when these killings are being done based on secret justifications.”³⁹ Collateral damages and civilian losses of life in these drone attacks are other causes of resentment among the local population. Independent sources reveals that drone strikes caused thousands casualties since 2004 among them around one-third were civilians. The strikes may also have the unintended consequence of creating enemies where none existed or providing militants with a justification for striking Western targets. These strikes are creating enemies of the US among those innocent people who had no concern about war on terror. It is also providing the militants the justifications for strikes on the western targets.⁴⁰ Daniel Byman,⁴¹ states that these target killing programs have proved counterproductive in other states in the past, therefore, drone attacks should be avoided.⁴² Detailed table of deaths from US drone strikes and injured in Pakistan since 2004 is as under:-

Year	Drone attacks	Killed	Injured
2013	13	105	32
2012	51	349	98
2011	73	574	154
2010	109	993	421
2009	50	633	331
2008	36	368	154
2007	4	46	30
2006	3	103	4
2005	2	7	2
2004	1	5	0
Total	342	3183	1226

Source: http://pakistanbodycount.org/drone_attack

It is a very painful fact extracted out of published statistical data that “to kill one terrorist” the US drones had to kill 57 Pakistanis.⁴³

American’S Standpoint

The US officials and White House administration declared that the top leadership of the al Qaeda was in Pakistan including bin Laden, in safe hides. Only few extremists were living in Afghanistan, therefore, Pakistan would be the top concern.⁴⁴ With the inauguration of Obama in office the drone attacks over Afghanistan and Pakistan were doubled.⁴⁵ Source 3 the US administration claimed that it has broadened these attacks against those terrorist groups who were destabilizing Pakistani civilian government. They considered these attacks very successful in decimating the senior al-Qaeda leadership. US Military reports defended that al Qaeda is gradually becoming scared. They further claimed that drones attacks have puzzled the Taliban and stimulated internal discord and fight making weaker.⁴⁶

The US Administration has been defending drone attacks as a legal means of self defence in its war against al-Qaeda and the Taliban post-9/11. The State Department's Senior Legal Adviser, Harold Hongju Koh, defended these tactics in his speech in March 2010. Without referring to CIA’s conducting of these attacks he insisted that the use of targeting practices including the deadly operations conducted with the use of aerial vehicles was in conformity to the US laws of the war.⁴⁷ However, some US politicians like US Congressman Dennis Kucinich declared it was the violation of international law by carrying out such attacks against a country that never attacked the United States. Philip Alston the most important opponent of these attacks condemned the legal reasoning given by the administration. Alston wrote in a May 2010 report, "it does not address some of the most central legal issues including: the scope of the armed conflict in which the U.S. asserts it is engaged, the criteria for individuals who may be targeted and killed, the existence of any substantive or procedural safeguards to ensure the legality and accuracy of killings, and the existence of accountability

mechanisms."⁴⁸ During the first term, Obama Administration launched more than six times drone strikes as President Bush did throughout his eight years in office and kept CIA-run drone programme away from the scrutiny of Congress and the Courts.⁴⁹

The US campaigns in Pakistan, Yemen and Somalia are run by the CIA, with little Congressional oversight, and their existence has been denied by the Obama Administration in the Courts.⁵⁰ Much of the existing debate on drones has focused on their legality under international and domestic law and their ethical use as a weapon of war.⁵¹ Arguments for the effectiveness of drones can be subdivided into four separate claims: (1) that drones are effective at killing terrorists with minimum civilian casualties; (2) that drones have successfully been killing 'high value targets' (HVTs); (3) use of drones puts such pressure on terrorist organizations that it degrades their organizational capacity and ability to strike (4) a cost-benefit analysis of their use relative to other options.⁵² Henry A. Crumpton, former Deputy Chief of the CIA's counterterrorism centre, concluded that drones are a morally superior, even humane, form of warfare.⁵³

Rising Anti-Americanism

On 21 June 2010, Pakistani American Faisal Shahzad told a judge, in US Federal Court of Manhattan, the reason he placed a bomb at a busy crossroads in Times Square as payback for US occupations of Afghanistan, Iraq and its worldwide exercise of drone strikes. In response to judge's question Shahzad told that drone does not differentiate gender and the age, why should he⁵⁴.

FATA residents consider the United States responsible for the violence that is occurring in their region. About 80 percent of the people in FATA also oppose the U.S.-led "war on terror," and believe its real purpose is to weaken and divide the Islamic world, while ensuring American domination. Three-quarters of FATA residents thought that the continuing American occupation of Afghanistan was because of its larger war on Islam or part of an effort to secure oil and minerals in the region.⁵⁵

Future Course of Action of Newly Elected PTI Government of KPK:

PTI's leader Imran Khan remarked that when he would sworn in, he would draft a strategy to bring to an end the drone strikes inside Pakistan. He further stated that policy should be formed by consensus of PM, Army Chief and four Provincial Chief Ministers. He added that first of all they would go to UN Security Council to raise their issue.⁵⁶

On 5 July 2013, a resolution against US drone strikes was submitted in the Khyber-Pakhtunkhwa Assembly, according to which these drone attacks are the violation of Pakistan's integrity, sovereignty and international laws and it should be stopped immediately.⁵⁷ Before that we have to unite ourselves and do not criticize for the sake of criticism. Shah Farman, Minister for Public Health and Engineering, while taking the floor on a point of order in Khyber

Pakhtunkhwa Assembly that “Mr Speaker, suppose if drone hits the residence of an MPA in this House then what will be his reaction,”. His statement brought strong reaction from ANP Parliamentary leader Sardar Hussain Babak stated that foreign affairs and defense were federal subjects and PTI would not violate the Constitution. He further added that it was responsibility of central government to engage Taliban in negotiation to end militancy.⁵⁸ Whereas, a draft resolution submitted by PTI spokesperson, Shireen Mazari, drone strikes have killed more innocent Pakistanis than the militants themselves. She further added that the government should remember the judgment of the Peshawar High Court on April-2013 where the Court decided that under Pakistan’s Constitution, the drone strikes carried out in FATA were a blatant violation of basic human rights, the UN Charter, UN General Assembly Resolution, provisions of Geneva Convention and are regarded as a war crime.⁵⁹

Another resolution drafted by Treasury Benches, the KPK Senior Minister Sirajul Haq presented a resolution against US drone strikes on FATA. But it was withdrawn when opposition parties with one voice rejected its working, saying the resolution was lifeless. After that it was decided that a resolution jointly drafted by government and opposition benches would be tabled again.⁶⁰

Civilian killings as a result of these drones provoked strong reaction in Pakistani media. Government of Pakistan also protested it as a breach of sovereignty. Routine statements of Foreign Ministry declared the drone strikes as "a violation of Pakistan's sovereignty" that are proving ‘counterproductive.’⁶¹ All the visitors from the US were repeatedly told by Pakistani authorities that these attacks were not helpful in US-Pak relations. But The Washington Post reported on October 4, 2008 that these attacks were allowed under a secret deal between the US and Pakistan. Although the Pakistani Foreign Minister Shah Mehmood Qureshi denied that this was not true but US Senator Dianne Feinstein asserted in February 2009 that drone attacks were flown out from a Pakistani base.⁶² Whereas, in December 2009 Pakistan's Defence minister Ahmad Mukhtar acknowledged that Americans were using Shamsi airfield.

According to media reports, US Secretary of State’s upcoming visit to Pakistan is in news and it is expected that government would raise drone question again to US officials. For better public relation it would be appropriate that US would stop this agenda but somehow or the other problem is with us, we can’t present our case forcefully and the west is continuing to materialize its set agenda.

Pakistan’s President Asif Ali Zardari made several requests to US through different channels to stop the drone attacks. He further requested to provide some control over these attacks but the US command refused because of trust deficit they had in Pakistani authorities.⁶³

Federal Government's Cooperation in Negotiating Peace with US

Newly elected government of Nawaz Sharif⁶⁴ is having great responsibility. His Government have to deliver and keep all the entities united so for that his government at least their official stance would be clear that they want to end this game once for all. However, the Foreign Ministry spokesperson stated that Pakistan believed drone strikes must come to an end. He further added "Pakistan is giving high priority to the issue and the matter has been taken up at the highest level with the US Government." Moreover, Special Assistant to the Prime Minister, Tariq Fatemi summoned American Charge D'affaires to the Foreign Office to register strong protest over drone strikes.⁶⁵ These are the negation of US perception as stated by K. Alan Kronstadt, Specialist in South Asian Affairs, Congressional Research Service that they have seen statements going on all the way from public to policymaker and we are not seeing that anymore.⁶⁶

Earlier, Pakistan was receiving large amount of aid under different heads but all this aid ,which was in billions of dollars, have had some conditions with it and when these conditions were fulfilled then US released next cheque. These conditions included a few are, start operation in North Waziristan, drones should be allowed to attack Quetta Shurra, joint intelligence operations in populated areas to chase hi-value targets, reform ISI, Pakistan would develop good relations with India and in case Mumbai attack incident happened again US would side with the victim etc. But Pakistani leadership was not satisfied with the payments they received, in small chunks and with fully checked; where this amount would be spent. Even sources revealed that US provided night vision goggles provided to monitor Pakistan Afghan border were checked so that these would not be used against India or handed over to China for reverse technology.

Earlier, Pakistan and US intelligence agencies were cooperating secretly but after Raymond Allis David's episode, night operation by US marines for Osama and salala attack wider the gulf between the two, so called allies. It put all their assets at stake. US repeatedly, maligned Pakistan for where it had spent the \$20billions. It is playing dual game, it is taking money from us and helping terrorists to equip and train them.

The number of innocents suffering is more than the numbers of removed terrorists in the world and among them Muslims are the main target. In case of such types of operations resulted in loss of hundreds of innocent lives. We are feeling bad and say it is bad but for all we have to get rid of this problem although we know the consequences and feel guilty about this all but to get rid of this situation we have to sacrifice some of our dear ones and built ourselves what we have, not on the money of others.

The FATA leadership showed strong resentment when Pakistan army moved combat units in tribal area in 2008. This action was against the norms established in British period. The move was taken on American instigation. The

reaction was visible in the form of new wave of terrorist attacks in Pakistan. There were 475 terrorist attacks carried out in KPK alone consuming the life of 575 people, in 2008.⁶⁷ Most of the terrorist activities were done by the suicide bombers especially trained for this purpose.⁶⁸

A total of 2,113 militant, insurgent and sectarian related terrorist attacks were reported from across the country in 2010, killing 2,913 people and injuring another 5,824. The worst affected region of the country was the insurgency-hit province of Balochistan where the highest number of attacks was reported 737, followed by the militancy-infested FATA 720. KPK was the third most volatile region of the country with 459 attacks.⁶⁹ Nearly nine out of every ten people in FATA oppose the U.S. military pursuing al-Qaeda and the Taliban in their region. Nearly 70 percent of FATA residents want the Pakistani military alone to fight Taliban and al-Qaeda militants in the tribal areas.⁷⁰

Almost three-quarters of the people inside the tribal regions said that if the US government provide visas for educational scholarships to the residents of FATA and Two-thirds were of the opinion that if aid is increased for medical care then their opinion about US will be changed. FATA residents, opposition to the US are based on current American military policy, not pre-assume anti-American beliefs.

After the great sacrifices' now the people of the tribal area trust from their government are decreasing day by day because the force policy is nothing but just a way to lost your beloved ones and to increase the poverty level in their area and to force them to leave their home town for no reason and leaving them to suffer under the immense sky.

Unemployment is very high in FATA, with only 20 percent of respondents in our survey saying they were working full-time. Indeed, lack of jobs was chosen as the most important problem in the region by 95 percent of those surveyed. This was closely followed by lack of schools, good roads and security, poor health care and corruption of local official officials.⁷¹ Lesser problems to be addressed in descending order of importance were: drone attacks, Taliban and foreign fighters and problems involving refugees.⁷² Education, health, infrastructure and security are very important but these can be achieved only when problems of drone attacks, Taliban, foreign fighters and refugees would be resolved on the priority basis.

Way Forward

All planning of policies and strategies towards FATA, Pakistan and Afghanistan should be made bottom-up and not top-down as was done in the past. Important is not what Washington, London or Berlin think is needed, but what the local populations want, need and wish for the future.⁷³ NATO's policy and planning about FATA and involvement of Pakistan should be clear. It is an unacceptable idea to impose the will of the west upon the people in this region.⁷⁴

As per US Ambassador to Pakistan ‘Francesc Vendrell’, the Political dialogue and agreements with the insurgents have failed to achieve results.⁷⁵ But now after economic loss and huge no of casualties US realized that its need of the hour to talk to Taliban and now they are creating distinction between good and bad Taliban. NATO’s major operations were carried out in provinces at Pak-Afghan border. US/NATO deployed sensitive radars near Pakistan border, so that they monitor not only Taliban movements but also Pak-Army deployments and operations there. This was exposed during Salala check post attack.

Reforms in FATA need to be speeded up, including a review of the Frontier Crimes Regulations (FCR), FATA representation in the NWFP Provincial Assembly and judicial review of certain kind of decisions taken by the Political Agents, providing a secure environment for secular political parties as well as for traditional structures (Maliks and political agents) to operate effectively and supporting those willing to take a stand against the militants. A major development and reconstruction programme needs to set up with the involvement of the people of FATA and with an efficient monitoring system to ensure that the funds are disbursed for the purposes for which they are intended.

The sealing of the long, mountainous Afghan-Pakistani border is neither feasible nor desirable. On the other hand, further use should be made of tribal Jirgas bringing together people from both sides of the Durand Line. Until a formal, comprehensive agreement can be reached between the GoA and the GoP, the Durand Line should be regarded as a fact of life. Development programmes should be aimed at communities living on both sides of the border.⁷⁶

I endorse the recommendations of the more than 100 experts assembled on invitation of the World Security Network UK (WSN) at the prestigious Royal College of Defence Studies (RCDS) in London to discuss fresh approaches for the important FATA region and its relationship to the developments in Pakistan and Afghanistan. These are as under:-

- Before wasting time, should start concrete initial civilian projects for the FATA population.
- Priority should be given to young generation, as they will one day either join the Taliban or not, depending in part on whether they are educated and employed.
- A Tribal Broadcasting Network for positive information for the tribesmen who are now unduly influenced by mobile Taliban radio stations.
- One of the major problems in FATA is not at all a lost area or a sanctuary for terrorists as is often reported in the media. As per the survey conducted in FATA 2010, 99 percent of the population is not radical, but only 1 out of 100 have joined the Taliban.⁷⁷
- A fresh new FATA, double strategy of power and reconciliation is needed, with concrete civilian projects to support the population and a

roll-back of the radicals. The comprehensive strategy must include all parties. With military means alone peace in FATA is not possible. The focus must be the implementation of the strategy; basic institution building and the West must keep a low profile there and use local Pakistani organizations.⁷⁸

- FATA is not lost but a victim of no strategy or wrong strategic approaches and a lack of implementation of the West and Pakistan over the last 30 years.
- It can be turned around step by step into a peaceful area again, as it was before 1979.⁷⁹

Conclusion

The US does understand the complications involved in amicable resolution of the issue, as in the long run they can't sustain their presence in Afghanistan, as the cost would be unbearable whereas the flexibility of the Taliban and Al-Qaida networks and their gorilla war tactics would never be possible for US Army to subdue them, without eradicating the root cause of the problem. As per polls conducted by the New America (NGO), according to the FATA people's opinion; the top priority issues for the Tribal belt of FATA is Education, Health and Jobs, if addressed sincerely then there would be no youth left to be recruited by the terrorist. Whereas, the first Step in the right direction would be to stop drone attacks in the FATA which has an accuracy of 2.5% for targeting the terrorist⁸⁰, which means that they are converting 97.5% families of the targeted area to become the future terrorist, as they would take revenge (as per their hundreds of years old traditions) by either targeting the US and Pakistani military installation or even the innocent citizens in the settled area. Whereas the Indian & Russians won't let go any chance of taking advantage of this situation in destabilizing the country which they would not like to have a major share in the cake (Afghanistan's recently explored 3 trillion \$ minerals and its strategic location for supply of central Asian oil to the rest of the world through Pakistan's Sea ports located at Gawadar (Baluchistan).

Now US want to talk to Taliban, want to develop Afghanistan and do not want to leave its war against terror ally, Pakistan but words are not matching with deeds, media is reporting that US development programme in Afghanistan is not going out of Kabul, US Embassy in Kabul, airport etc. Whereas, for the US if they want to keep their influence in the area and have a lion's share in the cake then they need to develop the infrastructure of Afghanistan, so that they can sustain their economy and be able to provide a stable platform for the future endeavors i.e. Pipe line from the Caspian sea to the rest of world via Pakistan and to exploit the natural resources in the next 10-15 years. On the other side of the border the US needs to take sincere efforts to develop FATA addressing Health, Education and Employment, which would not only earn them trust of FATA but would also in turn reduce their military spending and would earn them goodwill

of Pakistani nation, which would help them in the long run in maintain their influence in the Central Asia.

Pakistan and Afghanistan need to accept the reality on ground that Pakistan is vital for survival of Afghanistan and that the joint ventures in trade, commerce and industries would be beneficial for both countries. Whereas Pakistan has to accept the reality that besides China and Iran, India would also be a significant player after the American and NATO troops withdraw from Afghanistan and Pakistan has to find its place in the economic hierarchy amongst the other players, whereas it has to stop its support of Taliban to keep hold of the Afghanistan, as it is badly effecting the law & order and economic situation of the country. Although the support for jihadi organization has sprout from the long standing Kashmir dispute, whereas it should focus its energies on implementation of the UN resolution according to which the people of Kashmir should be given the right to choose whether to become a part of India, Pakistan or to be an independent entity. Whereas the US and NATO have to take an active role in resolving the dispute which has direct or indirect links with the global peace prosperity and security.

Don't be surprised if next year you see a huge humming bird flying over your heads, this friendly bird is there to evade the perceived threat to the privileged people living on the other side of the globe, whereas yours' might be sacrificed in doing so. When we would think or analyse all these puzzle strings than that would be an eye opener for us that what is happening in KPK, Sindh and Baluchistan is part of another western strategy which would be unfolded with each passing day.

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³ They gave tough time to the British who were wise enough to make peace with them on the terms of non-interference in their internal matters.

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¹¹ Jirga is the traditional Pashtun council of elders, was adapted to work as an intermediary between the state and the predominantly Pashtun tribal population.

¹² Durand Line was drawn during colonial period as a result of an agreement between Afghan government and the British diplomat Sir Henry Mortimer Durand. http://www.cfr.org/publication/11973/pakistans_tribal_areas.html?breadcrumb=/issue/135/ter, retrieved on 8/11/10.

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¹⁶ Mujahideen are religious warriors or those who wage jihad; in an Afghan context the term is used to describe those who fought against the Soviet Union in Afghanistan in the 1980s.

¹⁷ Longtime foreign correspondent and Pakistan-based author Kathy Gannon expressed these views quoted in Carin Zissis, “Pakistan’s Tribal Areas.”

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- ²⁹ Ambassador Francesc Vendrell, "The Strategic Triangle: FATA-Pakistan-Afghanistan," 19 February 2009, http://www.worldsecuritynetwork.com/printArticle3.cfm?article_id=17175.
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- ³¹ Drones are unmanned aerial vehicles (UAVs) operated remotely from Creech Air Force Base. These UAVs are MQ-1 Predator and more recently MQ-9 Reaper firing AGM-114 Hellfire missiles. The drones have become a weapon of choice for the United States in the fight against al-Qaeda to strike militants in Pakistani regions bordering Afghanistan, see "Tensions in Pak-America Relations: Drone Attacks in North," www.columnpk.com/tension-in-pak-america-relations-drone-attacks, 22 Apr 2011.

³² Shamsi Airfield was under the control of Arab Emirates before transferred to US. Pakistan's two Governments (General Musharraf & PPP' third term) sheltered these Drones to kill their innocent people in search of terrorists. During Musharraf's period this base's core was totally run by CIA and semi-periphery look after by Frontier Constabulary and periphery was watched by local police to camouflage the presence of outsiders. To pacify and appease local population, due to loud noise of drones' takeoff, US distributed generators to surrounding villages.

³³ "Drones to Monitor U.S. Citizens," [smf.ranradio.com/ index.php? topic=3808.5;wap2](http://smf.ranradio.com/index.php?topic=3808.5;wap2)

³⁴ Greg Bruno, "U.S. Drone Activities in Pakistan," July 19, 2010, http://www.cfr.org/publication/22659/us_drone_activities_in_pakistan.html, 8/11/10.

³⁵ CIA chief Leon Panetta in May 2009 called unmanned airstrikes "the only game in town in targeting al-Qaeda leadership in the tribal areas" see "US Airstrikes in Pakistan called 'Very Effective,'" CNN, http://articles.cnn.com/2009-05-18/politics/cia.pakistan.airstrikes_1_qaeda-pakistani-airstrikes?_s=pm:politics

³⁶ "Authorities Homed in on Obama for the last Nine Months/TPMDC," talkingpointsmemo.com/2011/.../osama-bin-laden-tick-tock, 2 May 2011.

³⁷ Greg Bruno, "US Drone Activities in Pakistan," July 19, 2012, <http://www.cfr.org/Pakistan/US-Drone-activities-Pakistan/22659>.

³⁸ She is a senior advisor of project on extrajudicial executions, New York.

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⁴⁰ Faisal Shahzad, who confessed to the failed Times Square bombing in May 2010, and those militants of al-Qaeda involved in a suicide-bomb attempt on a Detroit-bound airliner in the Arabian Peninsula, in December 2009, justified their actions as attempts to avenge US drone strikes in Pakistan.

⁴¹ Daniel Byman is a counterterrorism expert at the Brookings Institution.

⁴² He gives the example of Israel's efforts to decimate Hamas proved futile and it produced negative results.

⁴³ "Present Statistical Data," Wolfram.com, www.wolfram.com/Mathematica, 19/02/12. It is the tag line of holy wood the film War by Warner brother that nobody has grief on Pakistani's death, even the Pakistanis.

⁴⁴ "U.S. to shift from Afghanistan to Pakistan?" aussiemuslims.com, 23 September 2009, www.aussiemuslims.com.

⁴⁵ AP reported that since Obama has accepted that Pakistan has become safe hide for al-Qaeda, the CIA doubled the number of the drones attacked to Afghanistan and Pakistan.

⁴⁶ Ahmad Ali Khan » Status of Drone Attacks under the International Law

www.ahmadalikhan.net/.../status-of-drone-attacks-under-the-internat. May 2010.

⁴⁷ Greg McNeal, "Harold Koh-US Government Position on Legality of Drones, UAV's and Target Killings," 26 March 2010, <http://blog.gsmcneal.com/2010/03/26/harold-koh-u-s-government-position-on-legality-of-drones-uavs-and-targeted-killings/>

⁴⁸ Philip Alston, UN special reporters who has studied so-called "targeted killings challenges the legality of these attacks, he says that the US position "is an important starting point," quoted in Greg Bruno, "U.S. Drone Activities in Pakistan."

⁴⁹ Ibid. According to data collected by the New America Foundation, the Obama administration launched 284, drone strikes between 2009 and September 2012. By comparison, the Bush administration launched 46 strikes between 2004 and 2008. For data, see <http://counterterrorism.newamerica.net/drones>, accessed 16 Sept. 2012.

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