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ABSTRACT

Scholars have argued that governments rely on pro-government militias forces due to low state capacity or international pressure that limits how they use military force within the context of civil wars. This article argues that governments also strategically use militias both inside and outside of civil wars to support the political legitimacy of local systems of governance in developing states, especially in peripheral areas with limited government control. This suggests that long-term political motivations need to be considered alongside short-term tactical goals for a comprehensive understanding of militia support. This theory is supported by case studies of Pashtun tribal militias in British India and Pakistan based on archival research, interviews, and relevant secondary sources.

In 2008, the Pakistani government announced a counterinsurgency policy of encouraging the formation of pro-government tribal militias, known as lashkars, to challenge the Taliban groups operating in the mountainous Federally Administered Tribal Areas (FATA) along the Afghanistan-Pakistan border. With Pakistan waging a difficult war against the Pakistani Taliban, it was hoped that tribal militias, acting in concert with regular security forces, would become part of a strategy to promote long-term and sustainable law and order within FATA by bolstering the authority of the local administration under the Frontier Crimes Regulation (FCR). The FCR, based on the authority of tribal elders known as maliks, had maintained a precarious security balance over the previous decades relying on a militia system. This approach was influenced by precedent from the British colonial period, which relied upon the same system of tribal militias in this strategic border area during the first half of the 20th century to support the authority and legitimacy of local elites.

Challenging the bilateral view of civil conflict, scholars have increasingly focused on pro-government militias in understanding the dynamics of intra-state conflict, examining factors such as militia formation; militias’ motivations as distinct from the state; militia/rebel relations; impact on civil war duration; and militia demobilization. For the Pro-Government Militia Database, Carey, Mitchell, and Lowe define a pro-government militia as a non-state group that “is identified as pro-government or sponsored by the government (national or subnational); is identified as not being part of the regular security forces; is armed; and has some level of organization.” They further distinguish between semi-official pro-government militias, with “a recognized legal or semi-official status,” and informal pro-government militias which possess a much looser or hidden affiliation with the government. These non-state armed groups may be raised with the support of the government or exist prior to being drafted into a government’s domestic security strategy and can be permanently organized or formed temporarily for limited operations. Pro-government militias are also used by political leaders as a method of bypassing official state institutions, such as in states where individual leaders face domestic threats from the military or political rivals. Given militias’ somewhat ambivalent role in internal conflict, there is some overlap with other types of armed non-state groups, especially with the government not being the sole sponsor of militias within a civil conflict environment. However, pro-government militias, as they will be discussed in this paper, are non-state...
armed groups that the government relies upon for a variety of tactical or strategic purposes, in line with Carey, Mitchell, and Lowe’s definition.

For incorporating militias into a state’s counterinsurgency strategy, scholars argue that governments rely on them during civil war because of low state capacity or other strategic restrictions on the use of military force. The use of local militias is especially prevalent when confronting insurgencies in rural areas or minority communities where they possess greater knowledge of the conflict environment and are perceived to be more effective at counterinsurgency. Biberman further argues that alliances between the government and non-state groups during civil war are defined by the balance between interests and power. Governments rely on pro-government militias when the local balance of power between the government and rebel groups is in the rebels’ favor, or roughly equal, and non-state groups’ interests are served by an alliance with the government. International politics can also influence a state’s decision to rely on pro-government militias domestically. Militias allow governments to evade international accountability for violence against civilians, especially when states receive aid from democratic donors that increases oversight over domestic activities. Ahram argues that regional competition and initial military endowments explain variation in post-colonial states’ reliance on militias, premised on a capacity argument. He finds that regional competition alongside the inheritance of a colonial army incentivizes states to strengthen conventional military forces, diminishing the need for militias when civil wars erupt. Revolutionary colonial transitions along with a lack of regional competition lead states to continue to rely on paramilitary forces. Akins, on the other hand, demonstrates that enduring interstate rivalries incentivize governments to use pro-government militias to counter domestic insurgencies in order to reserve regular military force for potential interstate militarized disputes with their rivals. Within these theories, militias increase a government’s opportunity to commit violence within the context of civil wars, either because of the practical limitations of the regular military or international pressure limiting its deployment and actions.

**Pro-Government Militias and Political Legitimacy**

Much of the existing literature on governments’ strategic and tactical reliance on pro-government militias focuses on their use during civil wars. This paper adds a new dimension to the literature on pro-government militias by demonstrating how governments rely upon them for broader and long-term issues of political legitimacy both inside and outside of civil wars. Militias’ connections with government concerns for issues of legitimacy have already been recognized during civil war, in which local militias are raised and incorporated into a state’s domestic security strategy to garner short-term support for counterinsurgency efforts. During the 1950s, for example, the British colonial governments during the Emergency in British Malaya and the Mau Mau Rebellion in Kenya raised and supported local militias, known as Home Guards, to generate local support for combating anti-colonial insurgencies. Despite being largely ineffective militarily, the participation of local communities in counterinsurgency efforts undercut the perception of a unified struggle of the Malaysian and Kikuyu populations against the colonial governments, which had the potential to unify the people and bolster the standing of the insurgent groups. Similarly, in Chechnya during the 2000s, the Russian government increasingly relied on the Kadyrovtsy militia, consisting of local Chechens, in order to “Chechenize” the separatist conflict. The government hoped to build greater support for counterinsurgency efforts. The use of militias allowed for a reduction in the number of unpopular Russian troops, who provoked attacks from Chechens opposing the presence of the military. Likewise the formation of militias as part of the United States’ Sunni Awakening in Iraq’s Anbar Province in 2007 was meant to support the authority of tribal leaders against Al Qaeda in Iraq and create a “self-sustaining local security architecture.”

Outside of the context of civil war, governments also have relied on pro-government militias to handle matters of law and order in order to promote the long-term authority and political legitimacy of local administrations. Scholars have long recognized the intimate connection between the use of
violence and political legitimacy, with both state and non-state actors concerned about supporting their legitimacy.\textsuperscript{20} A state’s legitimacy among a governed population is premised on its possession of recognized capacity and authority to commit acts of violence as a means of maintaining law and order, ensuring that its orders and laws remain binding. Without this legitimacy, a government’s political rule would be unsustainable. Weber placed the use of physical force as a defining feature of the state in his well-known dictum – “A state is a human community that (successfully) claims the \textit{monopoly of the legitimate use of physical force} within a given territory.”\textsuperscript{21} This legitimacy, however, has to be built and supported. Tilly recognized that the use of violence preceded European states’ formation as governments effectively challenged and eliminated rivals in order to build their legitimacy over their governed territories.\textsuperscript{22} He also recognized that newly formed governments, in the absence of effective state institutions, often relied on various non-state actors to assist in this endeavor as they built the capacity to control their territory and establish the legitimacy of their rule.

With governments exercising varying levels of control within its territory, the process of building political legitimacy is not necessarily uniform throughout the state.\textsuperscript{23} This especially has been the case for states confronting law and order challenges from peripheral areas with limited government control and an absence of regular police and other state institutions, conditions which can increase the likelihood of insurgency.\textsuperscript{24} Without regular state institutions in the periphery to rely upon, many states have often resorted to military force to counter any challenges to their political authority within the periphery, leading to further resistance from the local population. States faced a problem of building up its authority in the periphery with a sustainable security framework without leading to costly blowback from the use of the military.\textsuperscript{25}

Beginning in the early 20th century, British colonial governments in Asia and Africa instituted policies of indirect rule for strategic peripheral regions in which they governed through co-opting local elites as an alternative to costly military deployments, with many of these administrative structures maintained by post-colonial states after achieving independence. Indirect rule as an administrative approach was most associated with the British Empire, given its wide use.\textsuperscript{26} Other colonial powers, such as France in Tunisia and Morocco and the Netherlands in the Dutch East Indies’ Aceh region, intermittently relied on indirect rule but for the most part implemented direct rule as a means of undermining traditional political structures and local identities in favor of a unified social network.\textsuperscript{27} British colonial administrations found the principle of indirect rule to be more efficient in controlling vast amounts of difficult to govern territory with minimal administrators. This, however, was not a single administrative structure but encompassed a wide variety of legal frameworks shaped by the local contexts in which they were implemented.\textsuperscript{28} For geographically isolated and difficult to administer peripheral areas, the British often employed a hybrid system of governance.\textsuperscript{29} Under this approach, the government co-opted local elites, shared political and judicial authority with them, and relinquished its monopoly on coercive force.

The challenge for the governments relying on indirect rule was to provide the local administration with enough backing force to assert its authority while avoiding the costly backlash associated with the deployment of military forces. Facing this impasse, governments used militias recruited from the local population and under control of the local administration to handle law and order. These militias helped to bolster the authority of local elites and, therefore, their legitimacy in demonstrating their ability to confront security challenges without relying on military deployments. Frederick Lugard, the first Governor of the British colony of Nigeria and proponent of indirect rule, argued it was necessary “to build up a tribal authority with a recognized and legal standing, which may avert social chaos.”\textsuperscript{30} Despite the risks inherent in their use, militias served an important long-term political goal of strengthening the legitimacy of local administrative structures, distinct from tactical concerns within a civil war.

In this paper, I focus on the reliance on pro-government militias by the British Indian and Pakistani governments among the northwestern Pashtun tribes. These tribal militias were part of both governments’ long-term political strategy to support the authority and legitimacy of local elites under the 1901 Frontier Crimes Regulation (FCR), a colonial-era law maintained by Pakistan after
independence to govern FATA. The FCR was a hybrid administration based in shared sovereignty between the state and local tribal elders known as maliks to introduce political control over the Pashtun tribes in the mountainous border region who had resisted government presence.\textsuperscript{31} It operated through the \textit{jirga} (council of elders), composed of a tribe’s maliks whose position was defined by lineage but whose institutionalized authority under the FCR was dependent on government recognition. The recognized maliks received an allowance from the government “for keeping open the roads and passes … for the maintenance of peace and tranquility, and for the punishment of crime.”\textsuperscript{32} Under the FCR, the local British representative was the Political Agent (PA). The PA’s position in representing British interests was described as “half governor, half ambassador.”\textsuperscript{33} As a result of the practical limitations of government authority in the frontier, the PA worked through the tribe’s structures to achieve substantive results, alternating between “the carrot and the stick.”\textsuperscript{34} While the PA had formal authority for the use of force, either by local militias or calling in the regular military forces, this authority faced the practical limitations of governing in the frontier. The use of force, especially by the regular military, was a tacit admission of the failure of the PA’s political acumen and introduced “an unstable element into the political arena of the agency.”\textsuperscript{35} A former PA in South Waziristan and Orakzai Agencies emphasized “how counter-productive military action can be.”\textsuperscript{36} This could undermine both his authority and the authority of the maliks by inviting further challenges to the maliki system.

Many of the local challenges to the maliks came from those disadvantaged by the FCR, especially local religious leaders known as \textit{mullahs} who competed with the maliks for power and influence within the tribe. Mullahs were outside of the tribal lineage structure that provided elders their position within the jirga and authority under the FCR, with maliks constantly working to keep mullahs out of tribal politics.\textsuperscript{37} However, the challenges to the maliks’ authority, challenges that often led to acts of violence, heightened the need to back their authority with force but absent intervention by the military, which could serve to further instigate tribal resistance and anti-government violence.

Mirroring Tilly’s conception of the construction of political legitimacy, militias controlled by tribal elders buttressed the local administration’s legitimacy in the face of challenges to its authority. These militias, known as \textit{lashkars}, were non-state armed groups temporarily raised from among the local tribesmen to enforce the jirga’s decisions or to handle matters of law and order, such as apprehending criminals, recovering stolen property, protecting state institutions such as schools or development projects, resolving disputes, or challenging tribal rivals. These militia forces could be raised for varying amounts of time, from only a few days to a period of a few months in the extreme. With lashkars connected to a tribe’s governing structures, their operations were restricted to their tribal territory, limited geographically by the politics of tribal rivalries. Historically, the lashkar was fundamentally an instrument of the jirga and disbanded upon completion of their designated task, demonstrating the fluid and temporary nature of non-state actors upon which the governments’ militia strategy would rely. Its loyalty lay with the jirga under whose authority it was formed and used according to their requirements, with tribal elders acting as the intermediary between government officials and the militia forces. Lashkars could act both against the interests of the government or in line with them, depending on the interests and motivations of the jirga and the pressures placed on it by government officials.\textsuperscript{38}

After the implementation of the FCR in 1901, British colonial officers understood the importance of lashkars in supporting the authority of the recognized maliks in demonstrating their ability to handle local matters of law and order, thereby bolstering their legitimacy within the local community. The reliance on lashkars as an expression of the jirga’s authority was maintained by the Pakistani government in FATA, which continued to be governed by the FCR until May 2018. After the emergence of the Taliban insurgency in the early 2000s, a concerted policy of encouraging the formation of tribal militias was adopted to re-assert the authority of the maliki system which Taliban groups were violently challenging. Both the British Indian and Pakistani governments, outside and inside a civil war respectfully, were attempting to balance the short-term demands of
confronting violent actors and the long-term need to establish the political legitimacy of the hybrid administration. The two governments faced a similar challenge in the Tribal Areas – supporting the authority of the local administrative structure under the FCR – and relied on a similar approach based in the use of pro-government militias; both as a part of Pakistan’s counterinsurgency strategy against the Pakistani Taliban within a civil war setting and during the British colonial period to handle law and order problems outside the context of a civil war.

To examine this process during the colonial period, the paper relies upon primary sources primarily found in the National Archives of India. These archival documents include government communiques, telegrams, field reports, policy proposals, speeches, notes, minutes and other documents outlining government officials’ motivations for implementing the tribal militia system. For the period under Pakistani rule, the paper uses open source data, government documents, media reports, and interviews with current and former Pakistani officials, military officers, and journalists reporting from the region, as well as relevant secondary sources. The paper is outlined as followed: I will first discuss how the Pakistani government resorted to the traditional approach of encouraging tribal militias to challenge the Taliban groups in order to re-assert the authority of the maliki system and promote law and order within FATA. Second, I show how Pakistan’s militia strategy was based in the British colonial government’s past approaches to law and order problems within the northwestern frontier region with the creation of a local militia system to support the FCR administrative structure. While the British, and subsequent Pakistani, use of indirect rule within the Tribal Areas is a well-known and thoroughly studied phenomenon, an in-depth analysis of both governments’ tribal militia policies, and rationale behind them, can contribute to the literature on pro-government militias by demonstrating how states also rely on them for long-term domestic political purposes. This provides a more comprehensive understanding of state motivations for supporting domestic non-state actors as a part of an official domestic security strategy and also how this strategy is dependent on local variation within the state.

**Challenging the Pakistani Taliban in FATA**

Following the American invasion of Afghanistan in 2001, Pakistan moved its military into FATA in large scale deployments for the first time since Partition in order to secure the porous border and catch al Qaeda and Taliban militants fleeing the U.S. forces. Under pressure from U.S. officials, the Pakistani military conducted a series of counterterrorism operations against Taliban forces within FATA over the coming years. The presence and actions of the military, however, motivated a violent backlash from tribesmen. Local tribes saw the deployment of the Pakistani military, whose ranks were predominantly comprised of Punjabis unfamiliar with the local language and social landscape, as an unwelcome invading force. A senior Pakistani military official recognized in a November 2002 call with Richard Haass, then serving as the U.S. State Department’s Director of Policy Planning, that the military had “showed no reservations, taken risks and ignored the sensitivities of the local people,” which “alienated our own people.” A number of the Pakistani Taliban’s subsequent terrorist attacks were motivated by revenge for military operations within FATA and the neighboring North-West Frontier Province (NWFP), especially when innocent people were killed in military strikes.

Senior Pakistani military and civilian leadership understood the challenges presented by an over reliance on military force and that the military was not a long-term solution to militancy in the region, with the military’s presence further undermining the maliks’ authority. Pakistani analyst Shuja Nawaz recognized, “The military raids have weakened the already eroded power of the tribal elders who, locked in negotiations with the political administration, saw it has a betrayal and a violation of the traditions and lost whatever influence they still had on the tribes.” Pakistani officials increasingly understood the need to work with and through traditional tribal structures to effectively challenge the Pakistani Taliban operating throughout the northwestern region. The government, however, was facing a severely weakened maliki system.
After the creation of Pakistan, mullahs in FATA continued their attempts to bypass and challenge the authority of the maliks and assert their own political influence, as they had under British rule. Mullahs were outside of the tribal power structures under the FCR and did not hold official political authority, especially within the jirga where they had no role and could not participate beyond leading prayers. They were often impoverished and financially dependent on the maliks. Mullahs attracted followers through religious appeals and their own charisma, appeals which could often lead to violence. The maliks constantly worked to keep the mullahs “in their place” as prayer leaders, administers of religious rites de passage, and heads of the local religious schools known as madrasahs. Mullahs, in turn, saw the maliks as corrupt “government toadies” working for their own self-interest instead of the interests of the broader tribe. In a 1977 note, for instance, the PA in South Waziristan Agency warned his successor of the activities of Mullah Noor Muhammad of the Mughal Khel mosque in Wana, the Agency headquarters. “His first target,” the PA wrote, “was the institution of Maliki. He started condemning the Maliks openly and at times when he abused them on the pulpit. The idea was to weaken the institutional arrangements so that he could bulldoze his way by shattering all the norms and forms of administration.”

The consistent challenges to the maliks’, as well as the PAs’, authority heightened the need to back them with force but absent intervention by the military. The maliks, often at the request of the PA, relied upon local militia forces to challenge the mullahs and their supporters, especially in defending government-sponsored development projects or schools to which the mullahs were opposed. For the PA, as the Pakistani government representative within the tribal agency, it was necessary for him to work through the tribal structures, making the maintenance of their standing necessary for maintaining law and order. Like his British predecessors, any use of outside force was seen to be a total failure of the PA’s political skill. This was damaging to his reputation, the basis of his authority among the tribes of his charge, creating future security challenges.

The PA was always sensitive to the rise of a rebellious mullah and relied on a the local militia system to challenge him and his followers. During the 1980s, the madrassahs network within FATA and their Taliban, or “students,” were mobilized as part of the mujahedeen to fight a religious war against the Soviet invasion in Afghanistan. Local mullahs were empowered by the support of various intelligence agencies such as the CIA and the Pakistani ISI. They now had the guns, money, and political connections to assert their influence. No longer financially dependent on the increasingly marginalized maliks, the mullahs used this opportunity to successfully challenge traditional tribal leadership and become the dominant force within FATA society. This shift in the political status quo weakened the hybrid system of governance under the FCR that had maintained a precarious political order and undermined the authority of the maliks.

After 2001, the Pakistani Taliban, emerging under the leadership of local mullahs, drew upon a fundamentalist interpretation of the Islamic faith in order to promote their authority over that of the maliks and disconnect the link between the tribes and the central government. They saw the creation of a Sharia-based government within FATA as a replacement to the traditional tribal structures – the maliks, the jirga system, the system of nikkat defining distribution of resources and privileges among tribes, and the code of honor known as Pashtunwali (The Way of the Pashtun) – on which the FCR rested. To cement further their political control in the region, the Taliban forces targeted the maliks in increasingly brazen acts of violence, with nearly 1,100 killed by 2017 as a result. With the maliks “driven underground,” the mullah remained “supreme,” with the PA “rendered ineffective.”

Like the British before them, the Pakistani government hoped that by strengthening the maliki system they would be supporting a sustainable security framework for law and order in the region and protecting the government’s long-term political interests. During a January 2005 Congressional visit to Waziristan, Pakistani government officials accompanying the American delegation stated that “the success of their efforts would require a joint political/military/development strategy that emphasizes reestablishing the authority of the maliks (traditional tribal
leaders), winning the support of the local populace, and ultimately integrating FATA’s political and legal system with the rest of Pakistan … Since the military entrance to the Waziristans, the [Government of Pakistan] has attempted to reestablish the maliks as the primary authority. In the following year, the governor of NWFP, Lt. Gen. (Ret’d) Ali Jan Orakzai, expressed his commitment to “the revival of the institution of maliks/elders” in FATA. In Khyber Agency that same year, the government announced its intention “to restore the authority of the elders, which was of paramount importance for maintaining durable peace in tribal areas.” For promoting law and order, Khyber’s PA saw the need for the government to “uphold the ages old tribal traditions and customs.”

Pakistani officials’ motivations for relying on local lashkars to challenge the Pakistani Taliban was to bolster the maliks’ authority through force and help to re-build the political legitimacy of the maliki system. In a November 7, 2006 meeting with U.S. Assistant Secretary of State Richard Boucher, Pakistani President Pervez Musharraf reiterated the need to work through local tribal leadership in the border region. He stated that the NWFP governor was working to restore the power of tribal authorities, both the political agents and maliks, with “the Frontier Corps and levies at his disposal to ensure that this happens.” By encouraging the maliks to confront the Taliban themselves, it was hoped this approach would help to re-establish the local political authority of the maliki system over that of Taliban rule. It was also believed that the local population would be more receptive to and supportive of counterinsurgency operations by militia forces comprised of fellow Pashtun. Their use further dispelled the notion of an “us against them” mentality among the tribes, with senior military and political leadership seeing the militias’ connections to the local community as one of their main strengths.

Prior to 2008, the reliance on lashkars was an ad hoc and informal approach by local military commanders that was quickly discarded due to the tribes’ “slow response” and the continued pressure of U.S. officials to act quickly against al Qaeda and Taliban forces. In January and early February 2004 in South Waziristan Agency, local jirgas agreed to raise lashkars to capture militants. The government provided a list of 82 militants’ names they were interested in capturing. Given the lashkars’ ineffectiveness in quickly producing all the wanted militants, the military bypassed the weakened tribal structures and conducted their own operations, leading to a series of unsuccessful peace agreements over the subsequent years. The military’s counterinsurgency operations had mixed results. The Pakistani military, trained and equipped for war with India in the broad plains of the Punjab, were ill-prepared for FATA’s difficult terrain and largely confined to covering the “well-worn paths.” As a result, the military often relied on indiscriminate violence using air power and artillery, leading to civilian casualties and increased resistance from local tribes who opposed the presence of the military forces. In May 2006, as anti-state violence increased, Pakistan’s Director of Military Operations Brigadier Nasser Janjua observed that “the mere presence of 80,000 Pakistani troops on tribal lands is considered an affront to tribal sovereignty. This prolonged military presence, along with collateral civilian casualties in search-and-destroy operations, are being exploited by al Qaida and Taliban forces.”

Beginning in 2008 under a newly elected democratic government following President Musharraf’s resignation, the encouragement of the formation of lashkars, variably known as “peace committees”, became an official, coordinated policy of the government, especially pushed by the Frontier Corps and the Interior Ministry. This was reflective of the government’s “paradigm shift in counterinsurgency” toward strengthening cooperation with and protection of local communities due to past difficulties faced by the Pakistani military in the region. Pakistani officials hoped that lashkars would help to bolster the standing of the maliks and further isolate the militants through popular tribal resistance, denying them sanctuary in FATA. At this time, the Pakistani government was not interested in fully extending its writ over FATA, as they would in 2018, but wished merely to re-establish the political status quo under the FCR’s hybrid administration. There were concerns that efforts to increase government authority in the region would be too difficult to achieve and serve to distract Pakistan’s military forces from the primary threat from India, a threat given greater weight with the escalating tensions between the two countries following the November 2008 Mumbai attacks.
On July 21, 2008, Prime Minister Yousaf Raza Gilani attended a grand jirga representing FATA tribes at the Governor’s House in Peshawar announcing the strategy and pressed the maliks present to cooperate in targeting militants within their areas with lashkars, promising a 30% increase in the development budget for FATA. The NWFP Governor Owais Ahmed Ghani added that his government would cooperate more with maliks and hold jirgas in these efforts in order to support their authority and put further pressure on militants.\(^{68}\) Local officials within FATA and the bordering settled regions within NWFP (renamed Khyber Pakhtunkhwa in 2010) repeated this message to tribal elders as a means of “building up tribal authorities.”\(^{69}\) The PA in Orakzai Agency threatened elders with “military and police action” to secure promises from a local grand jirga to raise a lashkar and fight militants “if they tried to disturb law and order.”\(^{70}\) A senior security official in Dir District stated, “Once the army comes in, these Taliban fire at the army, and the whole thing escalates. It is best this is tackled in the traditional way.”\(^{71}\)

The government first focused on FATA’s Bajaur Agency where a lashkar of 14,000 men was formed, initially led by the Salarzai tribe. This was followed by efforts in Orakzai Agency, Khyber Agency, Kurram Agency, and Mohmand Agency.\(^{72}\) By September 2008, it was reported that the lashkars, acting in coordination with security forces, had some success in driving Taliban forces out of their areas.\(^{73}\) Some jirgas and lashkars, especially in areas where militants were never able to gain a significant foothold such as Lower Dir district, simply asked the local Taliban forces to leave the area. In other regions where they were more firmly entrenched, lashkars began to conduct patrols and set up checkpoints to check the movement of Taliban fighters, provide local security for villages and roads, flush militants out of hiding, directly confront Taliban forces in fire fights, and burn down the homes of local tribesmen providing shelter to the Pakistani Taliban and other foreign fighters. In the push to extend this militia strategy into North Waziristan Agency in 2011, a Pakistani military official stated, “We want to follow traditions of the area ... we want peaceful local tribesmen to take the lead in clearing the region of terrorists. Once the tribesmen are on board, it will be easier for the military to drive out the militants from North Waziristan.”\(^{74}\)

Tribal elders agreed to form anti-Taliban lashkars, with expectations of government support, for a variety of reasons independent of government pressure, such as protecting their own political influence and economic interests against attacks by the Pakistani Taliban or providing security for the local community.\(^{75}\) One member of a pro-government lashkar in Bajaur Agency, the son of a prominent malik, stated of his participation, “I felt overjoyed when I was riding with the lashkar because it meant the old tribal system was working.”\(^{76}\) A lashkar leader in Dir District also explained, “We made the anti-Taliban lashkar because we did not want our people to become [internally displaced peoples].”\(^{77}\) Many of the tribesmen’s motivation for joining these militias was also to keep the Pakistani military at bay, which they argued only served to escalate violence by provoking a “reaction” from the Taliban, and maintain the tribes’ internal autonomy.\(^{78}\) The military operations within FATA generated “a lot of resentment” among the local tribes who saw the military deployments as an outside invasion of their territory with Pakistani soldiers largely unfamiliar with the area and unaccustomed to dealing with the tribes.\(^{79}\) A former Pakistani PA observed, “The political agent has been replaced by the army. Captains, majors, and colonels are dealing directly with the tribes, who don’t know the ABCs of the tribal area. They don’t know how to deal with them, with the result that it is a mess.”\(^{80}\) In August 2008, for instance, a grand jirga in Mardan established a lashkar to handle matters of law and order and announced its opposition to any military operations in the district. It requested that the government consult with them before conducting any operations.\(^{81}\) In July 2014, Mamond elders in Bajaur Agency successfully pressed the government to postpone military operations in order to allow lashkars the first opportunity to deal with militants. In a jirga meeting, the elders argued that a military operation could negatively impact law and order in the area. They stated, “Mamond tribe has the spirit and courage to fight against the militants. We assure the security forces that we will defeat militants wherever they attack the border areas. The forces and administration have to trust in our efficiency and loyalty.”\(^{82}\)
Threats and attacks against the maliks leading the pro-government lashkars and their members were almost immediate, with the Taliban repeatedly warning anyone involved in or supporting the lashkars that they would be killed. Such attacks continued throughout FATA and into the neighboring NWFP with lashkars experiencing a marked decrease in their ability to challenge the Taliban as a result. In addition to the threat of violence, maliks also were reluctant to form lashkars or threatened to switch their allegiance to the Taliban given the lackluster and inconsistent support from the government. Local anger at civilian deaths from Pakistani military operations and U.S. drone strikes contributed to this problem, making recruitment more difficult. There were also local criticisms that the government’s support of lashkars emboldened them to engage in warlordism, criminal behavior, and violence against civilians, with the government recognizing that criminal elements within Pashtun society had joined lashkars as a means of avoiding arrest or retaliation by rival groups. Despite this, they were seen as the “lesser evil” within the region and was a worthwhile risk to confront the larger challenge of the Taliban.

While the government intended to rely on tribal militias to strengthen FATA’s maliki system, the Taliban’s attacks against the maliks had been too devastating and debilitating to traditional tribal structures in key areas, where the “whole system has gone” according to Pakistani journalist Zahid Hussain, for this approach to be uniformly effective. Lashkars were less effective in North and South Waziristan Agencies where the number of Wazir and Mehsud maliks killed by the Pakistani Taliban were the highest, crippling local tribal structures and allowing the Taliban groups to assert their political authority. Akbar Ahmed, the former PA of South Waziristan Agency, referred to the large number of maliks killed as “a virtual decapitation of the tribe itself.” In fall 2008, for instance, the Frontier Corps commander General Tariq Khan was unsuccessful in raising a lashkar in South Waziristan, with earlier locally organized lashkars failing to expel foreign fighters in the region.

This implies the unsuitability of this counterinsurgency strategy to build up local authorities as it was only an effective in areas in which strong tribal structures remained intact and militant activity was relatively low, such as in Bajaur Agency and Upper Dir District. It was ineffective in those areas where lashkars were needed the most – where the maliki system was severely weakened by Taliban attacks and militant activity was high. Moreover, despite promises by Pakistani officials, government support for the lashkars was often not forthcoming. Senior officials, such as the leadership of the Frontier Corps, argued that the purpose of the lashkars, as well as their strength as a fighting force, was premised on generating local support. There were concerns that financial assistance from the government, considered outsiders in FATA, could discredit the lashkars among the local community and engender suspicions that the groups had been “bought off.” At the outset of this new strategy, the Interior Ministry, however, attempted to provide the tribal elders with “incentive” money through Frontier Corps officers to encourage the tribes to form anti-Taliban lashkars. There were also reports that the level of commitment to this strategy was not shared equally among all Pakistani government agencies, such as the ISI attempting to undermine it given their sympathies with and support of the Taliban in order to protect strategic depth in Afghanistan.

The Pakistani government continued to encourage the formation of pro-government lashkars until the implementation of the National Action Plan began the process of disbanding them in 2015. This plan, coming in the wake of the deadly December 16, 2014 terrorist attack on the Army Public School in Peshawar, was meant to strengthen the government’s own counterinsurgency efforts. This was soon followed by a repatriation program for FATA families displaced by the violence and the introduction of a plan for repealing the FCR and integrating FATA into the Khyber Pakhtunkhwa Province. In May 2018, the Pakistani parliament repealed the FCR and replaced it with the FATA Interim Governance Regulation, an interim step toward fully integrating FATA within the regular judicial and political system of Pakistan.

The British Raj and Tribal Militias on the North-West Frontier

There was a combination of reasons behind Pakistan’s use of tribal militias to confront the Taliban insurgency which were in line with alternative theories of militia use, such as limited state capacity
within FATA and militias’ greater knowledge of the local conflict environment. The government’s primary purpose for adopting the militia strategy, however, was to re-build the authority of the maliki system to increase local support for counterinsurgency efforts and create a sustainable and legitimate security framework in the periphery able to maintain law and order beyond the immediate need of challenging the Pakistani Taliban within a civil war setting. This approach was based on precedent set earlier by the British colonial government in handling law and order issues within the Tribal Areas. The British authorities created and used the tribal militia system to support the long-term political legitimacy of the maliks under the FCR administrative structures outside of the context of a civil war. Both governments saw the FCR and its supporting militia system as necessary to their political interests given the fears of regional rivals stoking or exploiting any unrest in the region to undermine the state from within.

Prior to 1901, the British had garrisoned military units in the northwestern border region to handle any unrest or criminal behavior among the rebellious Pashtun tribes. The colonial government, especially the British viceroy Lord Curzon, was concerned to establish control over the Tribal Areas, fearing any unrest could be used opportunistically by Russia to sow political discord within India. Curzon recognized the need to devise a means of promoting the writ of the government without relying on large scale and costly military deployments. Throughout the 1880s and 1890s, there was a growing recognition within the Foreign Department that direct military force was, at great expense, doing little to maintain law and order and contributing to unrest on the frontier. The local tribesmen perceived the presence of the British military as a provocation and met it with violent opposition, such as during the 1897 Frontier Revolt. In 1898, the government gave new instructions to the garrisons in the frontier to minimize the negative impact of their presence: “No new responsibility should be undertaken on the frontier which was not rendered obligatory by actual strategical requirements; that unnecessary interference with the tribes should be avoided; and that concentration of the troops should be effected.”

The initial creation of the tribal agencies, along with the position of the PA, during the 1890s was a means of introducing some level of political administration. In June 1899, Curzon wrote of Waziristan, the most remote and troublesome part of the frontier, “It is of course inevitable that in the passage of time that whole Wazir country up to the Durand line will come more and more under our control. No policy in the world can resist or greatly retard that consummation. My desire is to bring it about, by gradual degrees, and above all without the constant aid and presence of British troops.” Beginning in the late 1890s, the government began to replace the military garrisons with a system of militias composed of local tribesmen to support the PA. During debates about raising militias, government officials wanted to ensure that the political administration possessed enough force to “make their influence felt” and back its authority independent from the military.

After the FCR’s implementation in 1901, the government shared responsibility for law and order with tribal elders and incorporated local tribesmen into the administration and security apparatus, providing them a greater stake in its operation. Consequently, the military garrisons were withdrawn from the Tribal Areas “in favour of a policy of employing the tribes themselves as far as possible to protect our military interests.” On August 27, 1900, Curzon explained the rationale behind the new militia policy: “To promote a spirit of local harmony and co-operation by the enlistment, in the service of the British Government, but in the defence of their own country, of the wild but not intractable inhabitants of these regions.” The new security apparatus of the frontier would rely on “as far as possible, the inhabitants of the locality in their own defense, and at the same time to establish a lien upon their loyalty by enrolling them in varying systems of organization as a tribal force.” Curzon further stated in 1907, “My own policy in India was to respect the internal independence of these tribes, and to find in their self-interest and employment as Frontier Militia a guarantee both for the security of our inner or administrative borders and also for the tranquility of the border zone itself.” He, however, recognized the inherent dangers of relying on locals with a history of rebellious behavior as “the possibility of mutiny or disaffection among the men
themselves must always be contemplated.” He continued in his defense of the policy, “It is hoped, if the scheme be given a fair start, that its possible risks may be more than compensated by its unquestioned advantages, of reduced outlays, of increased tactical mobility, and of tribal contentment.”

The local frontier administration relied on three different types of militias. First, the government formed the Frontier Corps, consisting of paramilitary units recruited from local tribesmen but under the command of British officers and the PA. In the late 1890s, these militias began to replace military forces in maintaining physical security for the roads and key mountain passes and served as guarantors of justice by enacting collective punishment, discouraging raids, guarding prisoners, and escorting convoys. These groups initially included the Khyber Rifles, the Zhob Militia, the Kurram Militia, the Tochi Scouts, the Chagai Militia, the South Waziristan Scouts, and the Chitral Scouts. As the PA’s “stick”, they helped to bolster his authority and, with the participation of local tribesmen, provided greater legitimacy for the use of force within the Tribal Areas. This was “the main reason for their existence,” according to Colonel H.R.C. Pettigrew who served in South Waziristan. Their use carried certain risks. British officers were consistently concerned with desertion, attacks against British officers, the eruption of blood feuds, or tribal mutinies. Therefore, tribesmen in the militia served under guarantee from tribal jirgas. As a punitive measure, the government would temporarily suspend recruitment for the militia from troublesome clans, such as the Mehsud of South Waziristan in February 1905. In extraordinary circumstances, they even disbanded the militias. In the wake of the Third Afghan War in 1919, for instance, the government replaced the Khyber Rifles, following widespread desertion, with regular military forces to keep the Khyber Pass open. At Pakistani independence in 1947, the Frontier Corps was expanded and incorporated into the Interior Ministry.

Second, the administration relied upon local tribal levies known as khassadari that operated as a sort of tribal police force. Maliks were responsible for the selection of participating tribesmen called khassadars, with the government providing them allowances for service. The selection of khassadars was based on patronage and reward rather than merit or suitability for service. Some positions even became hereditary, without concern for age or ability. Former British civil servant Philip Mason observed, “The khassadars were servants of the tribe, not the Government; they were ordered by the Government to guard a stretch of road, a pass, or an officer but they acted on behalf of the tribes. They were responsible to the tribe — and for the tribe; if the tribe misbehaved, the Government could dismiss the khassadars even though as individuals they were blameless.” PAs recognized the risk in relying on these forces given their interests as local tribesmen often conflicting with the interests of the government, diminishing their trustworthiness. It was well-known that khassadars would often refrain from attacking their fellow tribesmen for fear of sparking a blood feud.

In addition to the permanent militias and khassadari, jirgas also formed temporary, ad hoc lashkars to deal with specific matters of lawlessness or rebellion such as retrieving criminals wanted by the authorities, recovering stolen goods, and challenging rebellious clans. Lashkar participants were responsible for their own weapons with logistical support, food, and shelter provided by local communities, limiting the amount of time they could be deployed. They also were geographically bound to their community of origin given the presence of inter-tribal rivalries restricting their movement. The presiding jirga would disperse the lashkar once their specified task was complete. These militias helped to support the maliks’ position in demonstrating their ability to handle law and order without assistance from the government. During military operations in the region, the colonial government, sensitive to the position and authority of the maliks, still encouraged jirgas to form lashkars to deal with criminal elements. In a July 1930 telegram to the Home Office headquarters, for example, the NWFP’s Chief Commissioner wrote, “Mardan Column has completed its operations in area north of Mardan and in Sanranazai where it has encouraged village jirgas and maliks to reassert their authority and to bring in local agitators.”

Despite the presence of local militias, the government maintained the right to dispatch regular military forces to deal with more serious threats, such as the military taking control of Waziristan
and Khyber Agency in response to broad unrest stemming from the Third Afghan War. Given the importance of militias in providing political legitimacy for the local administration, the government was reluctant to exercise this right, except when necessary for temporary operations. A 1906 field report by political officers in Waziristan argued that the dispatching of regular troops, beyond temporary punitive operations, was “regrettable and tantamount to a confession of the failure of Lord Curzon’s Waziristan policy.”

The Army Department recognized that the use of the military was viewed by the local population as “a fresh invasion of tribal territory, and, as such, will tend to consolidate the tribes in opposition against us.”

The government understood the military to be in a position of support to the militias, preferring to allow local forces to handle situations until they were unable to do so. A 1923 General Staff note outlined the government’s position on the relationship between irregular militias and regular military forces:

Irregulars are ... under the political authorities and as such their action is quite distinct from military action. This undoubtedly is understood by the tribesmen who accept, with comparative equanimity, action by Scouts or other political bodies which they would oppose more strenuously if attempted by an equal number of regulars. Against anything more serious than raiding gangs and minor aggressions irregulars, however, have little power, and such power as they have decreases in proportion as tribal armament improves. For more serious situations regular troops must always be indispensable, as modern tribal armament can only be countered successfully by the combined action of rifles, guns, and aeroplanes ... This reserve power, unnecessarily used or unnecessarily displayed, acts as an irritant ... The regulars are merely [militias]’ supports whose assistance is called for when necessary ... Regular troops cannot prevent the irregular and outlying forces being attacked; but they can, and should, be able to prevent them being overwhelmed.

Recognizing the weaknesses of irregular militias, this note demonstrates the General Staff’s understanding that militias’ utility is primarily political in nature, rather than a tactical necessity.

Dir Disturbances in 1932

A detailed account of the British Indian government’s response to disturbances in the frontier state of Dir in 1932 provides an illustrative example of the motivations in relying on lashkars for supporting the authority and legitimacy of the local political administration. Within NWFP, there were the small frontier princely states of Dir, Swat, and Chitral. The colonial government’s interests in these princely states were represented by British political officers, but authority was shared with a centralized ruler – the Nawab of Dir, the Wali of Swat, and the Mehtar of Chitral. These rulers’ authority was backed by their own tribal forces and enjoyed a greater degree of internal autonomy from the central government. They, however, remained under the influence of British political interests on the frontier with authorities interfering in their internal politics if the situation demanded it. They also operated under threat of military intervention for regional security needs.

Populated by the Yusufzai tribe, Dir was formed by the British in 1897 primarily to keep open the Chitral road, a key trading route. The frontier state was bordered by Bajaur and Malakand Agencies to the south, Swat to the east, and Chitral to the north. It was placed under the leadership of a hereditary Nawab with a 50,000-rupee allowance. Among the tribes within Dir, the Nawab’s authority was backed by lashkars and tribal levies under his command, receiving payments from the government to assist in their maintenance costs. However, the colonial government “was prepared, if necessary, to resort to force to enforce its decisions.”

In a January 28, 1931 telegram from General Staff headquarters, for example, the government reiterated to the local RAF squadron leader his authority to conduct bombing raids within Dir if required by the Chief Commissioner of the province.

In early 1932, members of the Painda Khel (a Yusufzai clan) protested the arrest of the anti-British Pashtun activist Abdul Ghaffar Khan by kidnapping a mail runner and two mail bags after failing to kidnap a British officer. They subsequently blocked a road in the area, attacked one Levy post, and burned another Levy post to the ground to pressure the government to release him. While
such actions were a common approach for tribes to express dissatisfaction with government action or policy, the government was concerned to not allow such disturbances to spread out of control and lead to further unrest in neighboring areas.

In a series of telegrams and communiques between the Foreign and Political Department headquarters and the NWFP’s Chief Commissioner, the government discussed the proper response in dealing with the rebellious clans as the situation unfolded on the ground. At the outset of the disturbance, the Chief Commissioner communicated the need to give Nawab Mohammad Shah Jahan Khan’s lashkars the first opportunity to deal with the situation before relying on the regular military. The government agreed with this initial approach but authorized the local administration to use direct military force if required. A January 26th telegram from New Delhi to the Chief Commissioner stated, “Incident appears to be one for Nawab to deal with in the first instance as you suggest. When you are satisfied however, that direct action on the part of the Government is unavoidable either because Nawab is unable himself to control situation or in order to prevent trouble spreading to Bajaur Government of India authorize you to issue bombing warnings to selected Painda Khel villages of Niag valley.”

Under request of the government, the Nawab dispatched his lashkars to handle the rebellious tribesmen and provide further security to Levy posts and the Chitral road. Concerned that the Nawab’s forces would be overrun and a revolt could spread, the Chief Commissioner simultaneously readied the RAF for bombing missions and “requested Northern Command to dispatch small column to Chakdara to exert steadying influence on situation.”

According to field reports from the PA in neighboring Malakand, the lashkars successfully confronted the Painda Khel forces in battle. The Nawab soon after recovered the stolen mail bags and invited a representative jirga of the Painda Khel to negotiate for peace. Assuring the British authorities that “he has the situation in hand”, the Nawab pressed for a delay in any RAF bombings. The Chief Commissioner agreed to a delay but remained concerned about the Nawab’s ability to ensure the Painda Khel jirga promised “compliance with Government terms.” There were also concerns about the Nawab’s own “bona fides” in promoting government interests, given his own political interests, pressure from tribal politics, and unpopularity among rival clans.

Following the commencement of negotiations, it soon became apparent that the invited jirga only represented a portion of the clan. The Chief Commissioner warned headquarters that any peace agreement would “be fictitious and of doubtful value for maintaining the security of road,” as the jirga’s decisions would be unable to influence the actions of the entire clan. He also recognized that “the Nawab’s representations are clearly made under tribal pressures and to refuse them might undermine his prestige and destroy whole political system obtaining in Dir.” The Foreign and Political Department’s response the following day outlined the government position:

Primary consideration in opinion of Government of India must be maintenance of Nawab’s position and any settlement backed by him which you think reasonably satisfactory may be accepted. It is only after Nawab has definitely failed to discharge his obligations that direct control must pass into our hands. Direct action might conceivably lead to breakdown of our whole system in Malakand and reasons for postponement are strong. If however you have good grounds for belief that delay will bring in outside factors such as Bajaur or lead to widespread rising after Id against Nawab with which he could not cope then you have authority to take prompt action after issue of fresh warnings in Dir and Bajaur.

Though cognizant of the risks of allowing the Nawab and his lashkars to handle the situation, the government’s primary concern was the long-term political sustainability of the region’s system of governance and the Nawab’s standing.

While the resulting peace agreement with the Painda Khel helped the “maintenance of existing political system”, there continued to be challenges to the Nawab’s authority following its implementation, especially from hostile mullahs of rival clans such as the Faqir of Alingar. In March 1932, the Nawab requested the government again to not interfere and allow his lashkars to handle the continued anti-government disturbances. Given the need to maintain the authority of the Nawab
and the local administration, the government agreed to this delay. Despite this, they remained wary of the potential negative impact from rebelling clans defeating the Nawab’s lashkars. The Chief Commissioner wrote, “If, however, the Mamunds or Mohmands [neighboring Pashtun tribes] come in or if there is any big defection amongst the Nawab’s forces the situation will at once become dangerous and we shall probably have to interfere by bombing. If the Nawab suffers a serious reverse his authority throughout Dir will probably disappear for the time being.” The government later recognized the success of the Nawab’s efforts in challenging the mullah-led revolt. Following the incident, the Chief Commissioner wrote, “I would also note that the Nawab, although he may have his defects as a Ruler, has been indefatigable in his efforts to oppose the anti-Government forces. He has been away from Dir now for two months, during most of which time he has kept large forces mobilized at very great expense. He has associated himself whole-heartedly with the Government cause and has thereby diverted the Faqir’s activities to himself.”

Within Dir and other areas within NWFP, these types of rebellious actions continued to be a constant concern. The government’s response to future lawlessness was similarly a balancing act between strongly confronting the clans with military force and relying on less reliable tribal militias to support the authority of the local system of governance. Scholars have previously argued that militias are used as a tactical necessity in confronting rebellions given government limitations, whether from lack of capacity or local knowledge. As demonstrated in the example above, the British colonial government, on the other hand, recognized the tactical superiority of military forces in handling rebellious tribes as well as the limitations of using tribal militias. Despite this, they still relied on militias in place of the military, purposefully withholding the deployment of the latter, as part of a long-term political strategy to bolster the authority and legitimacy of the local administrative structure.

Conclusion

Scholars have examined a variety of explanations for a state’s reliance on pro-government militias. A number of studies focus on militias as a substitute for official security forces due to low state capacity or to avoid responsibility from the international community for violence against civilians. Scholars also have recognized the principal-agent problem inherent in the use of militias, a lack of control that can lead to civilian massacres and other human rights violations. These theories present pro-government militias as a practical necessity due to the limitations on a government’s ability to use force in the context of civil wars.

As the above analysis shows, governments incorporate militias into their domestic security strategy in order to support long-term political objectives both inside and outside the context of civil wars. In both British India and Pakistan, Pashtun tribal militias were used to strengthen the authority and legitimacy of the ‘Tribal Areas’ hybrid system of governance where the government shared political authority, and the monopoly of violence, with local tribal elders. Officials within the British Indian and Pakistani governments recognized that relying on militias carried a number of risks, such as their unreliability, increased criminal behavior, violence against civilians, or even being militarily ineffective. They, however, saw the role that tribal militias played in supporting the authority of the maliki system and providing greater legitimacy to the maliks’ standing. These long-term political benefits outweighed potential negative aspects in the eyes of the central government. For Pakistan, scholars have recognized support for militias is leveraged for external security as well, such as within Kashmir and Afghanistan, in response to the international politics of its interstate rivalry with India. However, this paper shows that domestic political objectives similarly result in support for militias within Pakistan itself. It also points to avenues for future research. Scholars have demonstrated the divergent motivations between pro-government militias and both rebel groups and the government. However, the emergence of pro-government lashkars as part of counterinsurgency efforts against the Pakistani Taliban shows variation between different pro-government militias and their levels of effectiveness and commitment to government priorities, highlighting...
the need to focus more on explaining in detail why this strategy is successfully implemented within some tribal communities but unsuccessful in others.

As a contribution to the growing literature on pro-government militias, this paper provides a better understanding of the decision-making process underlying the use of militias as part of a state’s broader domestic security strategy both inside and outside the context of civil wars. This paper shows how governments rely on militias not only out of practical necessity due to a government’s limited state capacity but also strategically in order to support domestic political objectives. It demonstrates how states leverage non-state actors in service of the state making project, especially given variation in the domestic reach of the government within its borders. Motivations for relying on non-state actors to build state legitimacy is not uniform across the domestic political sphere and is not necessarily a product of capacity issues. For a broader understanding of pro-government militias, it is necessary to show how governments pursue their security interests by relying on non-state armed actors within varying administrative contexts, especially within developing and post-colonial states still in the process of establishing their legitimacy among a target population.

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Notes

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35. Ibid.

36. Ibid.


39. The Taliban insurgency in Pakistan can be classified as a civil war due to the Pakistani Taliban challenging the sovereignty of the Pakistani government and seeking to assert territorial control where the various Taliban groups are able to establish their own harsh version of Sharia. Moreover, the battle casualties between the Pakistani Taliban and the Pakistan Army meet the criteria to be included in UCDP/PRIO’s coding for civil conflict. See Hassan Abbas, *The Taliban Revival: Violence and Extremism on the Pakistan-Afghanistan Frontier* (New Haven, CT: Yale University Press, 2014); Nils Petter Gleditsch, Peter Wallensteen, Mikael Eriksson, Margareta Sollenberg, and Havard Strand, “Armed Conflict 1946-2001: A New Dataset,” *Journal of Peace Research* 39, no. 5 (2002): 615–637.


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60. Interview with Muhammad Amir Rana; Interview with former ISI official, Islamabad, Pakistan, December 14, 2018.


62. Interview with General Abdullah Dogar.


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