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The War on Terror and its Implications on the Social Life of the People of South Waziristan, Khyber Pakhtunkhwa – Pakistan

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ABSTRACT

Aim of the Study: The aim of this study is to examine the repercussions of the War on Terror, Tehreek-e-Taliban, and the armed operation on the social life of the people of South Waziristan with a focus on few of the basic elements of the Pakhtun code of conduct, called *Pakhtunwali,* such as *Jirga* (Council of elders), *Badal* (Revenge), *Melmastya* (Hospitality), and *Nanawatay* (Asylum/Begging Pardon) which have been affected to an extent that would not be restored soon. In this mini-war game the Mehsud tribe suffered the most and therefore, the focus will be the Mehsud tribe, living in the three sub-divisions i.e., Ladha, Sarwaikai, and Makeen.

Methodology: Besides secondary sources, this qualitative paper is mostly based on primary sources wherein n=30 unstructured but rigorous interviews were conducted by selecting those families who are internally displaced after the operation of *Rah-e-Nijat* 2009 (path to salvation). An open-ended questionnaire was prepared, containing 10 thematic questions, for interviewing the interviewees.

Findings: The paper found out that some of the elements of *Pakhtunwali* such as *Jirga, Hospitality* are affected negatively while *Badal* and *Nanawatay* reformed positively.

Conclusion: It is concluded that the War on Terror, Tehreek-e-Taliban, and the armed operation left, both negative and positive, impacts on the social life of the people of South Waziristan. It would take to time to restore some of the practices of *Pakhtunwali*.

Keywords: War on Terror, Tehreek-e-Taliban, Waziristan, Jirga, Badal, Melmastya, and Nanawatay.

Introduction

The tragic event of 9/11, make the world familiar South Waziristan Agency, now a district of Khyber Pakhtunkhwa (KP). Most of the people around Pakistan were also not acquainted with this area and they called it as *Alaqa-e-ghair* (someone else land) (see Khattak,2015, Khan, 2010, and Khan, 2018). The British historians and others use the word "No Man's Land" for this region (Williams, 2012 and Rakisits, 2008).

However, it came to focus when the US declared war against the *Al-Qaeda* and its allies, the *Taliban*. When the *Al-Qaeda* and its allies were dislodged from Afghanistan, they rushed to FATA which lies along the border of Afghanistan. The *Al-Qaeda* and *Taliban* consider FATA a safer place for themselves which they can use it for restructuring of the militants and can also launched future attacks against the North Atlantic Treaty Organization (NATO) and Afghan forces in Afghanistan (Butool, 2013 and Gul, 2010).After the USA assaults against *Al-Qaeda* and its allies, FATA emerged as one of the most dangerous places around the world (Nawaz, 2009), specifically South Waziristan. It is because most of the *Al-Qaeda* and the TTP outfits took shelter therein.

In the beginning, the people of Waziristan welcomed *Al-Qaeda and Taliban* because of the concept of *Melmastya* and *Nanawatay*. *Melmastya* means that Pakhtuns[1] graciously welcome their guests and opine that the concept of *Melmastya* in Pakhun's society is broader than the concept of hospitality in the world at large (Daur, 2014). The Pakhtuns' hospitality is unaffected by the guest's economic status, religion, or race. Even if a Pakhun's enemy comes to his home for refuge, the host is bound to offer protection to the enemy at that time, implying that *Melmastya* takes precedence over other aspects of *Pakhtunwali* (Daur, 2014). The term Nanawatay has two sides to it. First, it is an honor for the Pakhtun host to provide security to anyone who demands it, even at the cost of his own family. Second, it is asking for pardon for an offence committed against the offended family and or party (Ibid, 2014).

Keeping in view the essence of these elements of Pakhtunwali, some researchers argue that these two elements including shared culture and history of the people on both sides of the border, the people of Waziristan offer hospitality and asylum to the defeated *Al-Qaeda* fugitives and their associates, the Taliban (Siddique, 2011 and Khan et al, 2019). On the other hand, the inhabitants of Waziristan opine that the *Al-Qaeda*, especially the Taliban (latter Taliban formed Tehreek-e-Taliban Pakistan - TTP] eradicate many evils from the society in the beginning.[2] For instance, the TTP banned the sale and use of drugs like hashish and heroin. They also expelled the local gangs who were involved in thieving cattle and kidnapping people for ransom. So, the local people welcome them for doing such a noble task. However, once they gained control of the area, they began intervening in people's personal lives and distorting the area's socio and cultural fabric. They used the region to train their recruits as well as launch attacks on US forces in Afghanistan and beyond (for detail see Gunaratna and Nielsen, 2008). Not only that, but they have begun to threaten Pakistani security personnel because Pakistan has allied with the US in the fight against terrorism (Ibid, 2008). As a result, the Pakistani Army conducted various operations wherein the operation *Rah-e-Nijat* was a decisive one, started in 2009. The aim of this operation was to clear the area of foreign elements and Taliban.

More than 428,000Waziristanis were forced to flee the region during the operation, called Internally Displaced Peoples (IDPs), mainly from the Mehsud tribe (Mohsin, 2013: 94 and Khalid and Naveed, 2020: 571). This forced displacement and conflict between Pakistani armed forces and the Taliban had

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[1] The word Pakhtun is written and pronounced variously the Pakhtun themselves and by different researchers. For instance, the people living in Peshawar, Mardan, Swat, Charsada, Nowshera, etc. use the word Pakhtun/Pakhtoon while the people living in Kohat, Bannu, Laki Marwat, Dera Ismail Khan, South and North Waziristan, Pakhtun belt of Balochistan and Afghanistan used the word Pashtun/Pashtoon/Pashteen. However, officially, and constitutionally the word Pakhtun is in use. Thus, in this paper we prefer to use the word Pakhtun.

[2] Tehreek-e-Taliban Pakistan is an umbrella organization of various terrorist groups comprised of Arabs, Uzbeks, Tajiks, and Pakistanis that was formed in December 2007, but its presence was detected in 2003, long before its formation.

long-lasting effects on the socio-cultural and economical life of the people of South Waziristan. According to another source, more than 150,000 houses including 850 mosques, all local markets consisting of 1000 shops, and 449 educational institutions are destroyed mainly in the two sub-divisions of Mehsud tribe (Zeb, 2014 and Khan, 2021).

The socio-cultural life of the peoples of South Waziristan revolves around the concept of *Pakhtunwali* (code of life) which is a complete code of law that regulates the lives of the people living the in the western part of Pakistan adjoining Afghanistan's border. This traditional code of conduct has been at the heart of Pakhtun society for centuries. From dawn to dusk, the people of South Waziristan spent their lives as per the set tenets of *Pakhtunwali*. There are various components of this code of conduct such as *Jirga* (Council of elders), *Hujra* (Meeting place) *or Jumaat* (Mosque), *Badal* (Revenge), *Melmastya* (Hospitality), *Nanawatay* (Asylum/Begging Pardon), *Ghairat* (honor), *Tiga* (ceasefire), *Kheegara* (help), *Barabri* (equality), *Tarborwali* (cosine's rivalry), and so on (see Abbas, 2014; Daur, 2014, and Rehman & Farmanullah, 2022).

It may be noted that it is not easy to bring into discussion all the components of *Pakhtunwali* as this paper only concentrates on certain elements which are 1) *Jirga* (Council of elders), 2) *Badal* (Revenge), 3) *Melmastya* (Hospitality), and 4) *Nanawatay* (Asylum/Begging Pardon). Besides other components, the above five components have been affected and transformed the most, both negatively and positively. But before going to discuss and amylase these components and the impact of War on Terror and Operation *Rah-e-Nijat*, it is important to have few paragraphs on South Waziristan in historical perspective so that readers may acquainted with South Waziristan, its location, population, and brief history.

Demography and Brief Historical Background of the Region

FATA consists of 7 agencies and 6 border regions, called frontier regions (FRs). The seven agencies are Bajaur, Khyber, Kurram, Mohmand, Orakzai, South and North Waziristan. The FR regions are FR Peshawar, FR Kohat, FR Laki Marwat, FR D. I. Khan and FR Tank. According to the most recent census, FATA's total population is 5.00 million, up from 3.2 million in 1998(Pakistan Bureau of Statistics, 2017). It is bordered to the north-by-North Waziristan, to the south by the Zhob district of Balochistan, to the west by Afghanistan, and to the east by Dera Ismail Khan and Tank. It is one of the largest agencies in terms of area, with 6,620 square kilometers, and ranks fourth in terms of population with 679,185 individuals (Ibid, 2017). Every Tribal Agency (now districts) is populated by different ethnic Pashtun tribes. South Waziristan is inhabited by more than ten tribes such as Wazir, Mehsud, Bhitani, Burki, Dotani, Sulaiman Khel, Powandahs and others. Each tribe is further divided into various sub-divisions, clans, and sub-clans. The two main and largest tribes of South Waziristan are the Mehsud and the Wazir that constitute more than 03/04 of the total population of South Waziristan, wherein the Mehsud is 56.8 percent while the Wazir are 23 percent, respectively (Census Report, 1998 cited in Mahsud, 2018: 2).

Furthermore, there are three administrative sub-divisions of South Waziristan; namely, 1. Sarwaikai, 2. Ladha, and 3. Wana. The Mehsuds are leaving in the first two sub-divisions while Wazirs are concentrated in Wana sub-division. It may be kept in mind that it was the Mehsud tribe that suffered the most. It is because the center of the War on Terror, Taliban, and Operation *Rah-e-Nijat* remained Mehsud's subdivisions. See the map below that shows are that were under conflict and vacated by the people.
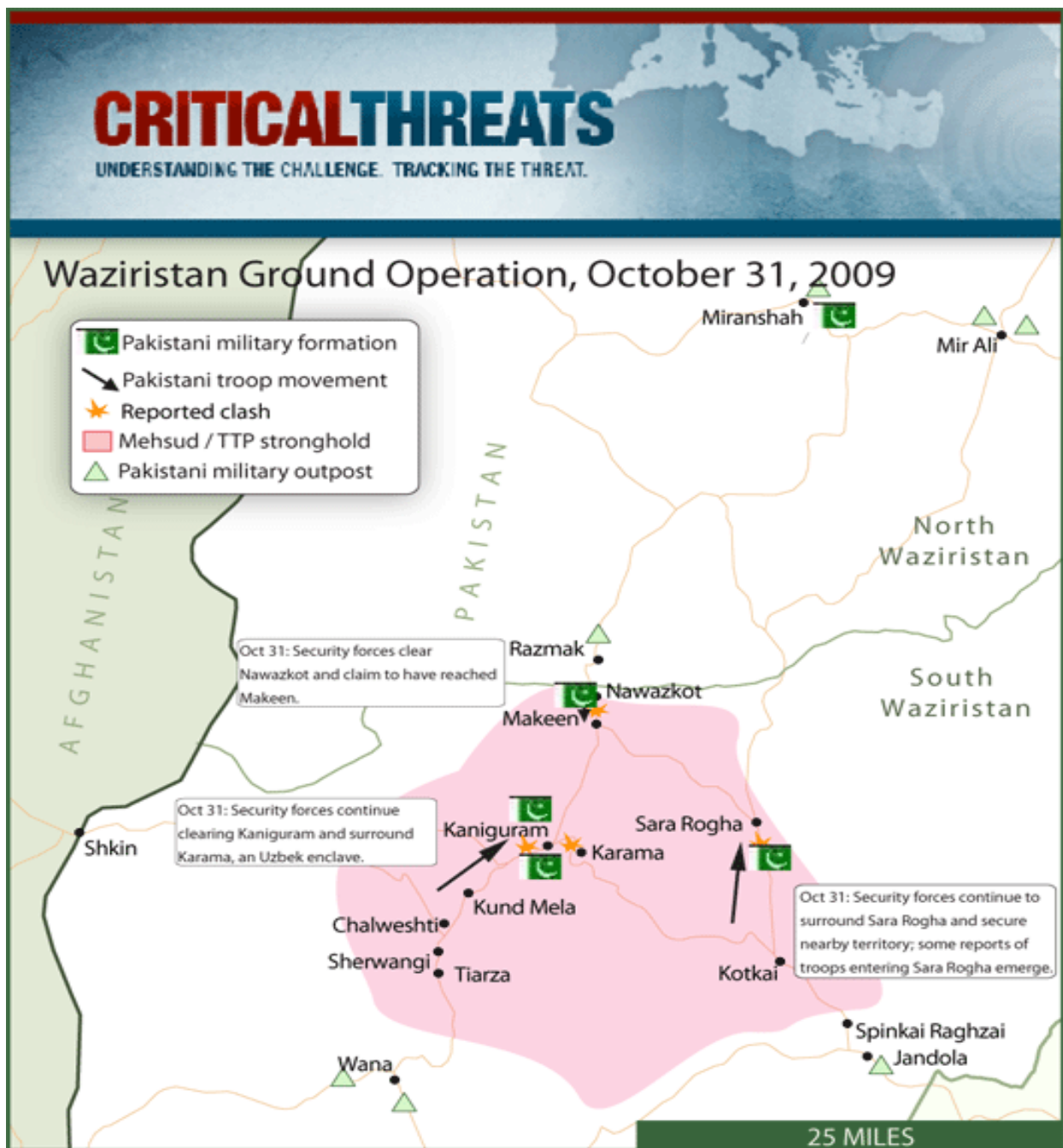
Source: Jan, R. (2009). Waziristan Ground Operation Coverage (Pakistan October 2009) on Critical Threats website.

The agency of South Waziristan was created by the British in 1895 and remained an agency until the British left united India in 1947. The newly formed state of Pakistan (1947) inherited FATA, including South Waziristan, from British India, and the area has been under federal Pakistan's control since then. From 1895 to 1947, FATA was governed by the infamous Frontier Crimes Regulations (FCR) laws enacted by the British to regulate the border tribes.[3]Historically, the British were more concerned with containing Russian expansionism against the Indian jewels of the Indian British Empire than with the

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[3]FCR is a special set of laws which was introduced by the British India first in 1872 for NWFP and latter in FATA with slight amendments in 1901. After 1947 the successive governments of Pakistan also adopted the same system for FATA which remained in practice until 2018.

growth of the region and its inhabitants. Pakistan, as the heir to the British Indian Empire, used the same FCR method to govern FATA, and since then, no progress has been made (see Ullah, 2013) in any of the former seven agencies. The government of Pakistan never tried to bring this area into the mainstream political and judicial system of Pakistan. For instance, the people of this region were not allowed to cast their votes until 1992. Only a few tribal maliks (tribal chiefs) were supposed to cast their votes. Owing to the FCR, the people were not allowed to file a case in court. The decision of the administrative head of each agency, known as the "political agent," was supposed to be adhered to. The people were not given the right to appeal against any decision of the political agent. It was only in 1992 that adult franchise was introduced for the people of FATA, and very recently, it (FATA) was incorporated into KP under the 25th Constitutional Amendment Act 2018 to Pakistan's 1973 constitution, under which South Waziristan emerged as one of the KP's districts and is now known as the District of South Waziristan.

Keeping in view the afore mentioned discussion, it can be claimed that the people of FATA were excluded socially, politically, and economically in the state structures and institutions. The legal system of FCR deprived them of all basic human rights for decades. The state provided the people of FATA, especially the people of South Waziristan, with very limited education and health facilities. The limited development and the centuries old system of FCR in tribal agencies served the purpose of state only and not the people. Owing to meager development and least interest of the government, FATA became easy prey of TTP to hostage the people socially wherein the armed forces intervene and evacuate the area from TTP terrorists which resultantly forced some 428,000 people of the Mehsud area to flee to safer areas around Pakistan (Mohsin, 2013: 94). This shift affects many of the components of *Pakhtunwali* to a large extent which this paper addressed in section seven.

Literature Review

As mentioned earlier that there is scarcity of literature on the war on terror and its impacts on the socio-cultural lives of the people of South Waziristan. There are research papers, news reports, MPhil/PhD theses and certain books which are dealing with the war on terror, but the focus of such materials is either FATA as a whole or related to War on Terror and its implications for Pakistan and KP etc. There are few studies which deal with the social and cultural lives of the people of Waziristan, but such literature is still not sufficient to fully cover the question under this research. It is because such literature is outdated. For instance, Akbar S. Ahmed's book *Religion and Politics in Muslim Society* (1983) presents a good picture of the socio-cultural life of the people of DSW, but it is an outdated book written in 1980s and therefore, except knowing about some social and cultural concepts, it is not relevant vis-à-vis the war on terror and its impacts on the socio-cultural lives of the people of DSW. Similarly, Sayed Wiqar Ali Shah (n.d) very succinctly explains the Pashtun code of life under his paper "*Pashtoonwali* - the Pashtoon Code of Life." Shah's paper is primarily based on his personal experiences and observations of the Pashtun people and their code of conduct. He narrates and explains some of the elements of *Pashtoonwali* such as *Melmastya* (Hospitality), *Badal* (Revenge), *Nanawatay* (Begging pardon or asylum), *Peghore* (Taunt), and *Hujra* (a Meeting place).

Altaf Ullah's paper "Federally Administered Tribal Area (FATA) of Pakistan: Study of a Special Model of Governance (2013)" is a detailed paper on FATA and its system of governance, the FCR. He elaborates the history of FATA and critically examines the system of FCR and argues that FCR is the major cause responsible for overall miserable conditions of FATA. Likewise, Rakisitis delivered a paper at Webster University Forum, Geneva on 25th April 2008, entitled as "Pakistan's Tribal Areas: a critical no-man's land" though, the paper is about the role of the Pakistani government in developing the tribal areas. He argues that FATA became the hub of *Al-Qaeda* and her allies due to its underdeveloped nature and the failure of the successive Pakistani governments to bring it at par with other areas around Pakistan. The paper gives an excellent but very brief introduction to FATA and its history. However, Rakisitis' paper is lacking a note on the social and cultural life of the people of the region.

Ahmad (2010) in his article "*Implications of the War on Terror for KP, Pakistan*" discuss the role of Pakistan as a front-line state against the war on terror and the various operations launched by the Pakistani army against the terrorist elements in FATA and Swat. After highlighting the role of *Mutahiddah Majlis-e-Amal* (MMA), Ahmad concludes that operation in tribal areas have undermined the very foundation of the social, political, and economic structure of KP.

Furthermore, the prevailing literature on the War on Terror and its implications for South Waziristan and FATA reveals that it is mostly confined to Frontier Crimes Regulations (FCR) (see for instance, Mahsud et al, 2016), *Pashtunwali* (see Daur, 2014, Kakar, 2004, and Shah, n.d), impact on of war on Terror on agricultural sector in Waziristan (see Khan and Tanvir, 2019), impact of terrorism on FATA's socio economic culture (see Chughtai, 2013), causes of terrorism in South Waziristan (see Khan and Ahmad, 2017) and so on.

However, there are certain research papers which talk about the war on terror and its impact on the social and cultural lives of the people Waziristan. For instance, Faqir *et al* (2017) very briefly talk about the assassination of the tribal elders by the extremist forces which affected the tribal *Jirga* (the council of elders). They further opine that the concept of *Pannah* (refuge) has been badly exploited by the extremists' elements that cross the border and take refuge in FATA. However, they did not show any impact of yeh War on Terror on the societal and cultural life of people of the region. Correspondingly, Ullah and Khalil (2019) nicely elaborated few concepts such as *Pannah, Badal, Melmastya, Tigah, and Jirga*, vis-à-vis the social life of the people of erstwhile North and South Waziristan Agencies. However, they did not cover some of the most important aspects of the social and cultural life of the people of the region under this study and the impacts of war on it. Therefore, this paper is planned to write to fill the gap and expose to the world of research that how the War on Terror influenced the lives of the people and left severe impacts on the centuries old societal set up and cultural life of the people of the area.

Theoretical Framework

There is an array of researchers who have published widely on socio-economic and political changes in different communities and countries. They opine that factor, such as economic and political development, globalization, quality education, industrial advancement, and urbanization of population, causes social change and transformation (see for instance, Guthrie, 2012, Stanley, 1997, Groenewald, 2000, Castle, 2001 and 1999). However, in case of Waziristan, it was the war on terror and the forced migration that occurred due to the Operation *Rah-e-Nijat* which left impacts on the socio-cultural life of the people that regulated by *Pakhtunwali*. The prevailing literature on socio-cultural changes exposes that there is scarcity of theoretical based research on the people and communities who are in the war or conflict zones. Therefore, for this research, we follow the theoretical standpoint of Castle (2003). Castle is of the view that conflict and forced migration have direct impact on the socio-cultural settings of the people. He further states that conflict and war transform the economic set-up of the people and deteriorates societal bonds which ultimately disintegrate/disperse the community that leave in conflict-ridden or war zones. South Waziristan became a battlefield between the armed forces of Pakistan, with concealed support of US drone attacks, and the TTP due to which the people were compelled to vacate the area and flee to safer places across Pakistan. A famous African quotation says that "when two elephants fight, it is the grass that gets trampled." This what happened in case of South Waziristan. As mentioned earlier, more than 150,000 houses including 850 mosques, all local markets consisting of 1000 shops, and 449 educational institutions are destroyed mainly in the two sub-divisions of Mehsud tribe. Furthermore, and as claims earlier by Mohsin/Rubab that 428,000 tribesmen of the Mehsud tribe, along with their families, are displaced owing to the battle between the armed forces of Pakistan and the TTP by the end of 2009.

Study Objectives

The main objective of this research is to examine the impacts of War on Terror on the social life of the people of Waziristan. It also aims to describe that whether the impacts are negative or positive, which the

War on Terror, the TTP and the Operation *Rah-e-Nijat* left on the social life of the people of South Waziristan.

Research Question

The main research question is: What impacts left by the War on Terror on the social life of the people of South Waziristan? Besides addressing the main research question, this research also highlights the positive and negative impacts of the War on Terror, the TTP and the Operation *Rah-e-Nijat* on the socio-cultural outlook of the people of South Waziristan.

Research Methodology

The methodology used for this paper is purely qualitative with narrative and descriptive approaches. Two kinds of sources are utilised for this study. Firstly, the available secondary sources such as books, research papers, published and unpublished PhD and Master theses, and news reports are brought into use. Secondly, as there is a dearth of literature on the impacts of the War on Terror and TTP on the natives of South Waziristan therefore, 20 unstructured but rigorous interviews are conducted by selecting those families that are internally displaced after the operation of *Rah-e-Nijat*, 2009 (path to salvation). The interviews were unstructured, with open-ended questions revolving around certain themes related to the socio-cultural lives of the people of South Waziristan. 15 of the families are those who were used to spend the summer in Waziristan and the winter in settled districts of Pakistan, while 15 of the families were permanently living in Waziristan before the operation *Rah-e-Nijat*. We selected these families because they can easily be approached, as after the operation *Rah-e-Nijat*, these 30 families migrated to Karachi and are living in different parts of Karachi. Both male and female members of the chosen families are interviewed, who were between the ages of 40 and 75. An open-ended questionnaire of thematic nature was used. All the interviewees were found to be illiterate but well versed in the tribal society and its culture. Thus, all the interviews are conducted in Pashtu language and the response were recorded in an electronic device, which latter were transcribed thematically. The interviewees strictly forbidden us from mentioning their names due to the fear of Pakistan's armed forces and Taliban outfits. Thus, instead of using their real names, we used fictitious and pseudonymous names for them while quoting their responses.

Discussion and Analysis

Thus, this section concentrates on certain aspects of *Pakhtunwali* such as *Jirga, Badal*, *Melmastya*, and *Nanawaty*. As mentioned earlier that *Pakhtunwali* is the unwritten code of conduct of the Pakhtun living in Pakistan and Afghanistan. Amongst the various elements of *Pakhtunwali,* the above-mentioned areas are either transformed positively or affected negatively due to the War on Terror, the TTP, and military operations, especially the Operation *Rah-e-Nijat*.

Jirga (Council of Elders)

Jirga is one of the most important institutions in the life of the people of all the Pakhtun across Pakistan and Afghanistan. It is a vital component of the tribal society for centuries that bestowed quick justice to the people. It is a council of elders, called *Maliks/Masheraan* (elders) that play a role of mediators and decides cases between contending parties according to *Pakhtunwali*. The institution of *Jirga* is used for the settlement and resolution of disputes of local nature and its decision is binding on both the contending parties. When hostilities between two contending parties reached to a point where there is a chance of clash and bloodshed, a *Jirga* would be called urgently, and the members of the *Jirga* would directly intervene to stop bloodshed. The role of Jirga is not confined only to the resolution of disputes, but it also can be called to stop practices against *Pakhtunwali*. Thus, due to its strong role in maintaining peace in the region, the *Taliban* feared that the *Jirga* might be passed a verdict against them and their atrocities against the people. Therefore, the Taliban targeted those *Maliks* (tribal elders) who have good reputation amongst the people due to their farsighted vision vis-à-vis Waziristan's culture and traditions. It may be

noted that such *Maliks* were also not in favor of Taliban's style of governance and control. An interviewee reported that:

> *"Jirga was and is one of the most important institutions that provide quick justice to the people. The role of the tribal maliks, using the platform of Jirga, is remarkable in marinating peace in Waziristan. To control the Taliban was an easy task for them but the government never tried to use this platform and the real tribal elders. In different parts of Waziristan, Jirgas were called by the elders to stop Taliban from terrorist activities and if otherwise expel them from Waziristan through a tribal Lashkar (a tribal fighting force that activated during the times of emergencies). It was a difficult task but not impossible. But what happened is that those Maliks were targeted who were orating against Taliban"* (10th January 2023).

According to one estimate around 300 *Maliks* are killed in South Waziristan alone (for detail see, Mahsud, 2018). Many of the *Maliks* either left the area or kept silent at their homes. Ahmed and Akins (2013) states that the "[e]ntire *Jirga{s}* was kidnapped and killed" by the Taliban. *Jirga* was hijacked by the extremist elements, and they introduced a culture of bribery and nepotism while deciding cases of disputes amongst contending parties. A 65-year-old interviewee responded about the role of *Jirga* during the Taliban's controlled Waziristan:

> *"The Taliban forced some of the tribal elders to decide cases of dispute according to the dictates of Taliban's Shura (consultative council). Earlier, it was not possible to influence the members of Jirga. I never heard of any kind of nepotism or corruption on the part of the Jirga members. Now the whole concept of jirga is changed and you can buy the Jirga members for few thousands to decide a case in your favor"* (personal communication, 10th January 2023).

Thus, it could be argued that the extremist elements gave importance to religiosity and discarded the centuries old democratic system of tribal tradition like *Jirga* (See Shakirullah et al. 2019). The fanatical Taliban replaced the centuries old institution of Jirga with Islamic Shura systems of their own. According to Mahsud (2018: 115-16) "[t]he decision-making arena of elders was replaced with the militant members who were young and traditional Mullahs who were never a part of the decision-making structure in the Mahsud country…The democratic tradition of arguments and negotiations over an issue are undermined."

As a result, the centuries-old system of quick justice has been negatively impacted to the point where the people of the area no longer trust it. They would rather file their cases in law courts now because the *Maliks* took huge sums of money in the name of justice and fair decisions, known as *Khalut* (a type of Jirga fee) and *Baramta* (security money). Jirga members decide cases in favor of those who offer them more money. This does not imply that all Maliks or Jirga members are the same. There are still Maliks who decide disputes fairly and without the use of *Khalut* and *Baramta*.

Badal

The term *Badal* means exchange but in terms of *Pakhtunwali,* it means taking revenge for some wrong done to you by someone else. In simple words *Badal* is a kind of reaction to death, injury, or insult. The concept of *Badal* played an important role for centuries in keeping peace in this region. It is because as per Pakhtun spirit "it [*Badal*] is a social obligation not to let an offender go unpunished, that is to avenge a wrong done to Pakhtun" (Shah, n.d: 2). It is understood to every Waziristani that if someone committed an offence, he would be punished for the offence he committed by the offended party. On the other hand, while explaining the concept of *Badal*, an interviewee (aged 70) said that:

> *"There are two aspects to* Badal. *In simple words, it means exchange or tit-for-tat. Firstly, if someone helps you in times of crisis, you will have to assist him if he caught in crisis at some point in time. If you failed to assist him, the people of that area would consider you as* Baigharat *(stripped of honour). Secondly, if someone killed a person*

from your family, injured you or your family member, or was found guilty of having illicit relations with your women folk, then Badal, *in such cases, is indispensable for the offended family. If the offended party fails to take* Badal, *the party would be considered* Baigharat *as per tribal laws of* Nanag *(honour)" (personal communication, 2ⁿᵈ January 2023).*

Likewise, as Ali (2013) states, "[t]he exercises of this principle [*Badal*] can lead to generations of bloodshed, feuds, and hundreds of lives lost for one insult. It requires a violent reaction to the insult, death, or injury inflicted. A *Badal* usually ends with a *Badal*." However, the tribal *Jirga* was playing an important role in resolving cases related to injuries and deaths before the arrival of TTP except for illicit relations with women. In cases where the honor of women is involved, the ultimate solution to such a case is only *Badal*.[4]

Not only in Waziristan, but in the whole FATA there was no system of criminal courts to hear cases related to criminal nature and therefore, all cases of disputes were to be addressed and resolved through the tribal *Jirga. Badal* is a kind of deterrence in Waziristan that "help in maintaining peace and order, and respect for human dignity in the absence of any governmental machinery…. The credit of peaceful Waziristan before the advent of militancy in this region largely owe to the tradition of *Badal*" (Ullah and Khalil, 2019: 133-34).

Some researchers such as (Coghlan, 2009) and (Jonathan, 2010) opine that it was/is the concept of *Badal* due to which the Taliban are fighting against the American forces and Pakistan's armed forces to take revenge of their "comrade in arms" who were killed in the war against terror. Contrary to this opinion, an interviewee, aged 70, responded that:

> *"The Taliban destroyed the very spirit and concept of* Badal. *They did not fight for the honour of the people of Waziristan but rather for their vested interests. Most of them were neither familiar with the concept of* Badal *nor with Islamic Jihad. Though, people are saying that the Taliban were or are fighting against Pakistan's forces as the latter provided space for the American's drone to target the insurgents, wherein many insurgents were targeted. They (people) linked such killings of the Taliban's fellowmen to the tribal concept of* Badal, *which to me is a wrong claim. Is there anyone to ask these people where these beasts (Taliban) were when their tribal elders were targeted by unknown gunmen, though known to them very well? After the operation of* Rah-e-Nijat, *the concept like* Badal *lost its place in the society" ((personal communication, 15ᵗʰ January 2023).*

The Taliban hijacked the whole society to an extent that there was no one to argue with them and those who were in position to argue with them were shot dead by unknown individuals. In many cases the Taliban pressurized those families who were supposed to avenge a wrong done to them by another family to resolve the issue according to the dictates of the self-proclaimed *Taliban Shura*.

During the Rah-e-Nijat, the entire Mehsud tribe was displaced. Their homes, markets, and mosques are demolished. They left Zar and Zamin behind and fled to safer areas around Pakistan. Many of their loved ones died on the way to safer destinations. The armed forces of Pakistan claimed that they had cleared the area from the Taliban. They allowed the displaced people to enter and start dwelling in Waziristan. Many people turned back to their ancestral land. The area is still under the control of the army, and in the presence of armed forces, the people cannot say anything to those who brought such a huge destruction

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[4]The concept of Badal evoked when the case or dispute is about Zan (women), Zar (wealth), and Zamin (property/land). Disputes and issues over Zar and Zamin can be resolved through Jirga. However, if the dispute is about the honor of the Zan then culturally, the Jirga members cannot interfere and in Zan cases an avenge is inevitable.

upon them. In the current circumstances, the concept of *Badal* has faded, and the courts have taken its place. This is because, by now, the whole of FATA has been merged into KP, suggesting that the people would knock on the doors of the courts to redress their grievances against their tribal foe(s) and the TTP, their adversaries The traditional concept of *Badal* is no longer as prevalent in FATA due to its merger with KP. With the courts now in place, people are more likely to seek legal recourse to settle disputes and conflicts with both tribal rivals and extremist groups like the TTP. As an interviewee responds that:

> *"The days of Badal are gone. As I do not think that someone would take a revenge in the presence of the armed forces and the newly established police system in Waziristan. Now people would go to police centers and would lodge FIR against the offender"* (personal communication, 12th January 2023).

Very true, as by now people are approaching the armed forces and the police centers for redressing their grievances against an aggressive party. It is a positive change in the concept of *Badal*. Before the war on terror, the rival parties would fight for generation to generation on issues of *Zan, Zar,* and *Zamin.* Furthermore, due to the operation of *Rah-e-Nijat* people were displaced and the new generation grown up in different cultural setups around Pakistan and thus, they are no more conversant about their social and cultural values as their elders were.

Melmastya (Hospitality)

Melmastya is one of the major attributes of a Pashtun. A Pashtun while serving his guest feels pride and joy. According to Shah (n.d) the doors of a Pashtun are open not only for friends and relatives but also for outsiders and aliens. Every Pashtun considers hospitality as his moral duty and those who avoids guests and shun away with the practice of hospitality are labeled as deficient in the *Pakhtunwali*. *Melmastya* also means that once a person came under Pashtun's roof as a guest, he would neither harm him nor surrender to an enemy (Ali, 2013).

However, due to the war on terror and the internal migration owing to the operation of *Rah-e-Nijat*, the notion of hospitality is vanished and vanishing amongst the people of South Waziristan for various reasons. For instance, an interviewee responded to a question regarding Melmastya:

> *"When the people were not displaced, they were unable to offer hospitality to wayfarers because of the fear of militants as well as the security forces of Pakistan. On one hand, Taliban were suspecting the local people on the grounds that maybe they (the people) are offering hospitality to government spies while on the other hand, the security forces were also susceptive of the people that they might be offering hospitality to Taliban as their facilitators. So, in such circumstances it was and is not possible to offer hospitality or protect the guest"* (personal communication, 6th January 2023).

Furthermore, owing to the operation of *Rah-e-Nijat* the Mehsud tribe was displaced from their area and thus, cutoff from their culture and traditions for more than a decade. The new generation grown up in urban areas wherein they lived in rented houses and have no proper place for entertaining guests and visitors the way they once used to entertain them in Waziristan. So, it could be argued that the concept *Melmastya* is disappearing among the people of this hospitable region. An interviewee while commenting on *Melmastya* states that:

> *"You know the whole Mehsud tribe was displaced by the security forces, and they flee to safer places around Pakistan. They left behind everything. They runaway unprovided and in the urban centers, some of them stayed with their known ones and others rented houses or installed tents to reside in. So, owing to such conditions the people were unable to offer hospitality to their guests"* (personal communication, 6th January 2023).

As per the foregoing discussion, it could be argued that the concept of hospitality is badly affected due to the war on terror. As it is evident that a person who is living as a guest with someone else or spending

days in a congested rented house or residing in a tent is no more able to offer hospitality or protect his guest the way he was doing it when he was in his parental land.

Nanawatay (begging pardon or asylum)

The term *Nanawatay* in its literal sense means going into or entering someone's house or *Hujra* (meeting place of villagers which also used for guests) for seeking asylum. The term *Nanawatay* has two aspects. Firstly, *Nanawatay* advocates an individual seeking refuge/asylum in another's house against his foe then, in such circumstances, it is an honor for the host Pashtun to provide the required protection, even though it may be at the expense of his own kin. Secondly, it means begging pardon for an offence done to the offended family or party. In such case, when an individual realizes that his act of killing or injuring another individual is wrong then he takes some elders of the area with him and goes to the house or *Hujra* of the offended or aggrieved party for forgiveness. While entering to the aggrieved party house or *Hujra,* he will admit his fault and would slain a goat or sheep at the aggrieved party door and would put himself at the mercy of the offended person or his family. And in most cases pardon is granted. It is the concept of *Nanawatay* due to which long standing blood feuds ends and, in many cases, hostility transform into friendly relations (see Shah, n.d).

Some authors such as (Khan, 2017) and others, while using the concept of *Nanawatay* in the first sense, are of the opinion that it was the concept of asylum which attract the *Taliban* and *Al-Qaeda* to take refuge in Waziristan. They claim that the local people welcomed the extremist elements and grant them refuge or asylum. On the contrary, an interviewee, aged 59 while commenting on *Taliban* vis-à-vis the concept of asylum and hospitality, she said:

> *"They (Arab, Uzbek, and Tajik) escaped from Afghanistan and entered to our land for the purpose of security along with the local Taliban, who used to fight in Afghanistan against Americans and their allies. Initially, the Uzbek, Tajik, and Arabs were welcomed by the people as they eradicate many evils from the society. Even their local comrades (Taliban) vacated their houses for these unpredictable miscreants. Though, once they controlled the area then they adopted an attitude which was unbearable by our menfolk. Our men raised voices against these long-haired creatures but the way they (the extremists) targeted our men is known to everyone. They either vanished or killed those who were in position to kick them out from Waziristan" (personal communication, 29th December 2022).*

Likewise, another respondent, aged 65, a *Malik* of his tribe said that giving an asylum to an individual or a family is the prerogative of the host family from whom shelter seeks. But giving asylum to a group like *Al-Qaeda* and *Taliban* is the prerogative of the tribal *Jirga* to decide. These people never asked for asylum but rather they killed the *Jirga*. The foreign elements used to live with those to whom they were acquainted. And it was the Taliban to whom they were familiar. Though, there were some other families and individuals who kept these unwanted quests and gave them a kind of fake asylum, a fake because the foreigner, especially the Arabs were having huge money and they were spending it lavishly on the host families. In tribal culture getting money from asylum seeker has no example before the war on terror ((personal communication, 18th January 2023).

Furthermore, as the Taliban and their comrades in arm were targeting the security forces of Pakistan and the later were also waging war to eradicate terrorist elements from Pakistani soil. So, in such circumstances it was not possible for the local inhabitants to give asylum under the banner of the Pashtun tradition of *Nanawatay* for two reasons. Firstly, as mentioned earlier they (the Taliban and the members of Al-Qaeda) did not ask for asylum from the tribal Jirga and secondly, they were targeting tribal elders and were also fighting against Pakistan's security forces. In such settings the local population was confused because siding the security forces meant to elicit the extremist elements and vice versa.

Conclusion

Considering the aforementioned discussion, it is determined that the notion of Nanawatay and the democratic tribal Jirga are negatively affected. The Jirga system was replaced by the Taliban with an Islamic Shura of their own design. As per traditional Jirga, it was not possible to impose a decision on people without their consent. The extremist elements hijacked and corrupted the *Jirga* system. Many of the well-known *Jirga* elders of the Mahsud tribe are killed clandestinely. Many of them left the area for the safety of their lives. Those who are deciding tribal issues under the banner of the Taliban are often siding with a party that offers them a good chunk of money. It was a very cheap system of quick justice, but now it is much more expensive as compared to the Pakistan's legal court system. It is because of the concept of huge *Khalut* and *Baramta*. The people lost their trust on *jirga* anymore. Likewise, Melmastya is a Pashtun's pride and joy. They were dying for their guests but now the situation is changed. The people who once were dying for their guests are no longer able to offer hospitality to their guests and the wayfarers because both the armed forces and the Taliban often targeted those families that were known for their hospitality to guests and unknown travelers and visitors. Each side was suspicious that the host might be spying for either side. Furthermore, the displacement also made the people weak financially, so they are no longer able to offer hospitality to their guests and visitors.

The tradition of *Badal* has been an integral part of the Pakhtun culture for centuries and is deeply ingrained in their social norms and values. It is believed that if *Badal* is not taken, it will bring shame to the entire tribe and weaken their reputation for being not able to defend themselves. It serves as a form of self-governance and conflict resolution that has helped maintain peace and order in the absence of any formal legal system. As per the Pakhtun spirit, *Badal* is a social obligation not to let an offender go unpunished, that is, to avenge a wrong done to Pakhtun. The concept of *Badal* is deeply rooted in Waziristani cultures and is seen as a way to restore justice and honour. However, it often leads to a never-ending cycle of violence and innocent lives being lost. This change is a step towards a more just and fair society where the rule of law prevails over tribal customs. However, it will take time to completely eradicate the practice of *Badal* and change mindsets towards seeking justice through legal means. Similarly, the *Nanawatay* (asylum or refuge) is affected negatively. The concept of *Nanawatay* has led to a breakdown of trust between the locals and outsiders, making it difficult for genuine asylum seekers to find refuge in Waziristan. The situation calls for a comprehensive approach that addresses the root causes of the problem and restores the confidence of the local community in extending asylum to those in need. Though it would take time to restore the people's confidence while adhering the concept of asylum and refuge.

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