The Fall of Swat Valley to the Taliban: Reflecting on Immediate and Long Term Causes

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Abstract

A religious movement initiated in mid-1990s by the Tehrik-e-Nafaz-e-Shariat-e-Mohamadi (TSNM) for bringing about Shariah in the valley of Swat gradually transformed into an armed insurgency by 2007. Initially, the government tried to quell the movement and the insurgency by small army operations and peace deals. However, when the insurgency strengthened in 2009, the government decided to carry out a large-scale army operation Rah-e-Rast. In this article I critically reflect on the immediate and deep-rooted causes of the fall of Swat Valley to the Taliban. The immediate causes include the flawed peace pacts between Pakistani State and the Taliban, and state’s reconciliatory policy and the resulting complacency. The deep rooted causes include partial merger of the valley with Pakistan, exploitation of religious sentiments, weak legal and judicial system, economic deprivation, international politics, and lack of comprehensive counter insurgency and de-radicalization policy.

Key Words: Swat Valley, Taliban, Peace and Conflict, Counter-insurgency.

Introduction

The causes and reasons of the violent conflict in the valley of Swat, Pakistan, which unfolded in the 2000s were invariably rooted in the historical context of the troubled politics of the valley. The immediate causes of the conflict in the valley were the breakdown of peace deals between the state and the Taliban. On the part of the state, these peace deals were struck for a long-term strategic interest to curb the advances of the Taliban in the neighboring settled districts. Until recently the insurgency, and generally the War on Terror, were going on in tribal agencies of the Northwestern border of the state. The valley of Swat was the first settled district where the Taliban began to infiltrate. On the other hand, the more deep-rooted and pervasive causes of the conflict were based in local grievances about the economic and political system of the valley.

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The government failed to make advances in the socio-economic and political conditions of the local people of Swat valley. As a result the bond between the state and the people weakened. It gradually led to building of public grievances against the government, especially when the people would recall that they had chosen to integrate with the state of Pakistan (1969) with great expectations. The Taliban benefited from the weakening bond between the local people and the state of Pakistan, and they subsequently exploit this weakness. It would not be an exaggeration to say that the conflict in the valley has its roots in the neglect, on the part of the successive governments, of the socio-economic development of the people of the valley. The people therefore felt marginalized when the Taliban took over the valley and the government order to carry out military operations against the latter. As the operation begins the people are removed from their homes and left alone in camps.

The Causes and Reasons of the Conflict in the Swat Valley

A. The Immediate Causes and Reasons

1. The Flawed Peace Pacts between the State and the Taliban

When the War on Terror began in late 2001, the armed wing of the Tehreek-e-Nafaz-e-Shariat-e-Mohammadi (TSNM) began to recruit volunteers from the Swat valley to send them across the border to fight alongside the Taliban. The erstwhile government of President General Pervaiz Musharraf was alarmed by this recruitment drive of TSNM. Accordingly, the government banned the organization. Its leader Sufi Mohammad was incarcerated. Some of his diehard followers were also either arrested or driven away of the valley (“Enemy of Peace’ Maulana Sufi, 2 sons Arrested,” 2009; W. A. Shah, 2015). However, the organization did not stop from carrying out its recruitment plans. Under the new leadership of Maulana Fazlullah, who was also son-in-law of Sufi Mohammad, the organization carried out its plans and became more radical and violent.

At the time when he assumed the leadership of TSNM, Maulana Fazlullah was a young man. He saw the War on Terror in Afghanistan from a radical trans-national perspective. Unlike his father in law he wanted to raise an army and raise funds for carrying out jihad in Afghanistan as well as inside the tribal Pakistan.
He also hit upon a new tactic of recruiting young men and collecting funding through the FM radio. Fazulullah put up an unauthorized FM Radio in Swat and began to reach out to local people. The FM Radio proved to be an innovative and successful propaganda tool. Part of its success came from the local demand for Islamic teachings and part of it came from the unavailability of other radio or TV networks and channels. It is also worth noticing that a large number of Fazulullah’s audience was the women. Fazulullah knew that controlling the minds of women would help him in two ways: mothers would not stop their sons from going to war and secondly they would donate their savings and other valuable items. And he was right in his speculations; the women did contribute even their jewelry to his Jihadi endeavors.

It is worth noticing that both Sufi Mohammad and Maulana Fazalullah did not begin as Taliban. They belonged to a class of Afghan Jihadis. Throughout 1990s and early 2000s they struggled on their own to bring around Shariah legal system in the valley. In this struggle they were only partially successful, and therefore not satisfied with their failures. With the making of the Tehrik-e-Taliban Pakistan, TTP, in South Waziristan in 2004, they felt encouraged. Soon they joined ranks with the Taliban. With TTP’s support in October 2007, they launched an armed struggle to capture the Swat valley.

At this stage when Maulana Fazalullah’s forces were negotiating and seeking support of the Taliban, the erstwhile government did not do much to stop these negotiations and the formation of a joint force of Fazalullah and the Taliban. Thus Fazalullah’s forces with the support of the Taliban overran the valley and removed state’s institutions of the judiciary, police, district administration and local government. They imposed their version of Shariah in the valley. Anybody who contravened Shariah law was punished with harsh punishments. By mid-November Pakistan Army began its operation called Rah-e-Haq in the valley to drive out Fazalullah and the Taliban (A. Ahmed, 2008).

Although the Army was successful in driving out Fazalullah (TNSM) and the Taliban, the latter kept on waging slow guerilla warfare from outside the valley. Moreover, through their local networks—madrasas, mosques and likeminded people in the society—they kept up the demand for implementation of Shariah. In
order to counter the imminent danger of return of a violent rule of the TSNM and the Taliban, the government planned to bring back the older and relatively moderate leader of TSNM, Sufi Mohammad. In 2008 Sufi Mohammad was released with an agreement that he would endeavor to stop violence in the valley and rally the TSNM followers behind him (“Sufi Muhammad released,” 2008). However, to government’s dismay Sufi Mohammad had lost his following to Maulana Fazalullah and the Taliban. The government had played a failing card. It also became clear that the TSNM had effectively merged with the Taliban and the latter had become a new force in the valley.

In order to end violence and unrest in the valley, the government began a prolonged phase of negotiations with the Taliban in late 2008 and earlier 2009. Although government was engaging in these negotiations from a stronger footing—as the Taliban had been removed from the valley—however, the negotiations were giving a signal of government’s inherent weakness. The people were left to guess who could they trust and rely on for governance, the government or the Taliban. After prolonged negotiations and much debate the government struck a deal with the Taliban in February 2009. With the deal the government agreed to implement Shariah law in the valley. Although Shariah law would be enforced through state institutions, the Taliban claimed it their victory against the government. Now they began to push for more. They in fact wanted that they should be given authority in the dispensation of justice and administration of local affairs because they thought they knew Shariah better than the government did. When they saw that they did not get much share in the implementation of Shariah, they denounced the agreement with the government and restarted the guerilla warfare. They were able to take over the valley and the adjoining district of Buner within a month. In May 2009, the Pakistan Army decided to carry out yet another operation named Rah-e-Raast (“Operation launched for capture of Fazalullah,” 2009). The operation involved evacuating the population, which immensely disturbed their social life as they for the first time became IDPs.

2. State’s Complacency and Reconciliatory Policy
When Maulana Fazalullah put up a radio station the state could have acted promptly and removed the radio station. It was a private radio station for which he or his followers hadn’t gotten license. Moreover, the Maulana was airing anti-state propaganda, as well as preaching jihad and convincing people to raise funds for the same. So it was obvious from his speeches that he had taken to the course of active armed struggle against the state. The state’s intelligence agencies should have taken notice of it and prompted the government to nip the evil in the bud. This was however not done, rather government adopted a reconciliatory policy and hoped that the Maulana could be persuaded to make agreement with the state.

The radio station went on with the perverse propaganda against the state until the military carried out an operation and physically removed it. With the passage of time the propaganda turned from preaching jihad to giving violent threats and making terror announcements. For instance, it is popularly known that one of Maulana’s disciples Khalil Mulla, would begin his terror announcement around prime time (8pm) in which he would often present the list of people who would be persecuted/punished next day in public. These punishments were normally justified in the name of religion. Thus the radio station became a source of spreading fear and terror in the hearts of people. It was a cutting edge tool of the militants to establish a rule of terror.

B. The Deep-rooted Causes and Reasons
1. Integration: Constitutional and Legal Issues

The British colonial Raj in India instituted Swat a princely state. Accordingly, it was loosely attached to the colonial government. This status of princely state outlived the independence of India and Pakistan. Swat, along with Chitral and Dir, remained princely states loosely attached to the state of Pakistan until 1960. In 1960 under the Ayub Khan’s government these princely states were politically integrated with the state of Pakistan. However, this integration was only a partial one, or one step away from a self-governing princely state. According to the new arrangement the Swat became a semi-district, with a political agent who exercised administrative, financial and judicial powers. With this political arrangement Swat became virtually a tribal agency. This arrangement ended with the end of Ayub Khan’s government. In 1969 the office of the political
agent was replace by a regular office of the Deputy Commissioner (International Crisis Group, 2013, p. 3).

The integration of the three princely states was painfully slow. Even the new constitution of 1973 did not fully integrate these states as regular districts of the country. Rather the constitution in Article 247 provided a legal status for these states that was equivalent to tribal agencies. They are called Provincially Administered Tribal Areas, and for their legal purposes would remain under the office of the provincial Governor and the country’s President. Accordingly to this Article the federal and provincial legislatures would enforce any law in these districts without the authorization of the governor and the president. On the other hand, the governor and president were given the authority to make regulations for “peace and good government” in these districts (See Article 247). An indirect consequence of the provisions in the constitution was that while Swat’s people’s representatives in provincial and federal legislatures could participate in political debates and vote on bills, they could not make laws for their own constituencies.

It is in 1974 through a Parliament Act (PATA) that higher courts of Pakistan extended their writ to the valley. In 1975 after mass public protest against forest royalties in the valley the government introduced to separate regulations, the PATA Criminal Law (Special Provisions) Regulation and PATA Civil (Special Provisions) Regulation. These laws gave local bureaucracy greater latitude to settle disputes and maintain public order. These laws vested judicial powers in the office of Deputy Commissioner who constituted Jirgas and referred cases to them. Even though Jirgas heard the bulk of cases a parallel system of district and session court judges also existed and they dealt with three specific kinds of cases. First in which the government was the interested party, and third in which anyone was involved in a case of Islamic nature. The Jirgas were chaired by the Tehsildar or his deputy and two representatives from each side. The appellate jurisdiction of the Jirga was vested in the office of deputy commissioner. However, he would normally delegate it to an assistant commissioner or other subordinate officer. The aggrieved party could also appeal to the Divisional Commissioner. Moreover, the provincial Home Secretary also exercised revision authority. Interestingly the aggrieved party could
file its case with High Court and Supreme Court in their original writ jurisdiction.

In 1990 the Peshawar High Court struck down PATA Regulation for violating fundamental rights enshrined in article 25 of the 1973 Constitution of Pakistan. Later in 1994 the Supreme Court upheld this decision on the grounds that the regulation undercut the objectives of good governance. The Supreme Court further ruled that the regular trial courts with district and sessions judges would hear cases in PATA. This eventually merged Swat’s justice system with Pakistan’s mainstream justice system. However, this arrangement could not last long as the government of Pakistan introduced Nafaz-e-Shariat after violent campaigning by a local religious movement, Tehreek-e-Nafaz-e-Shariat-e-Mohammadi. Even though Shariat was introduced, the campaigners protested that the structure of the system remained much the same. Therefore they kept on campaigning until 1999 when they successfully got another regulation from the government, the Nizam-e-Adl. The regulation repealed the earlier regulation. This regulation provided for a system of consultation on the part of judges that they would consult with the local clerics and religious scholars in deciding any case. This legal framework remained in place until April 2009, when Tehrik e Tablian Pakistan (TTP) and government of Pakistan struck a peace deal that conceded to former’s demand of imposing Shariah in Swat. Accordingly a new regulation call Nizam-e-Adl Regulation, 2009, was introduced. Under this regulation Qazi Courts would be presided over by government officials who are trained in Islamic law.

2. Religion, Society and Politics

Religion was an aspect of the conflict in Swat valley, even though it is difficult to make a point that it was one of the cause or grievance. It was an aspect in the sense that the conflict sees a debate on the religion between the State and the Taliban. Interestingly, this debate takes place in the context of a more or less secular society of Swat—the one based more on Riwayat (tradition) than on religious ideology.

From historical vantage point, the society of Swat can be explained in secular terms from the fact that in local internal social life—in the people to people relations—there has never been
conflicts on the basis of religion, even with the non-Muslim minorities. It was only when they were confronted with foreign intervening or invading forces that they took to the cause of religion. As we have explained in the previous chapter on the historical origin of state and society in Swat, its growth and maturation did not engage religion discourse at any stage.

The religious debate between the state and the Taliban, which grips the Swat conflict, does not go back to much distant past. Its roots stretch back to 1990s as indirect consequence of the Afghan jihad. Sufi Mohammad was part of this jihad and he participated from the forum of Jamaat e Islami. He got his war experience and jihadi relevance of his experience in this Afghan war. When in 1990s civil war begins in Afghanistan, its impacts were noticed in the neighboring tribal and border areas of Pakistan. The Afghan civil war was based in religious/sectarian-cum-ethnic reasons of domination. The debate that resulted from this civil war crossed the border into Pakistan. Sufi Mohammad and his followers began to think about the possibility of an Islamic Shariah law in the valley. When the Supreme Court of Pakistan struck down the PATA law, there created a legal vacuum. This was a turning point for Sufi Mohammad’s campaign to establish Shariah law in the valley. His party TSNM began its active campaigning. In order to counter TSNM’s religious campaigning, the government began its own religious discourse by introducing Shariah law through parliamentary act in 1994. Sufi Mohammad rejected the state-imposed Shariah as only superficial. When his propaganda against the state-imposed Shariah increased, the state introduced a new Shariah law in 1999. Thus we see that the state and religious forces engage in a debate on religion as an appropriate organizing system in the society.

Religion becomes an aspect of the present conflict in this historical backdrop. However, it gets strengthened with the beginning of the War on Terror. Just as the wars in the past, when the British or Russia intervened in the region and there was a call for jihad, the War on Terror brought back the religious slogans of war. In the beginning Sufi Mohammad and his followers raised funds and volunteers from the valley to fight across the border in Afghanistan. However, when they faced heavy casualties and returned in dismay, they began to think of establishing an Islamic
Shariah law in the valley. This task is then carried out through an armed struggle under the new leadership of Sufi Mohammad’s son-in-law Molona Fazalullah. He institutionalizes the religious debate by establishing a private illegal FM Radio station. The radio station gives him a new stronger voice than ever before to reach out to a larger audience, which included the women for the first time.

3. The State of Law and Justice

One of the major causes of the rise of the TSNM and later the TTP in Swat valley was the weak legal and judicial system. Some scholars take this weak system or judicial dispensation as the most prominent cause of the development of local grievances, which eventually lead toward the rise of TSNM and the TTP (See International Crisis Group, 2013; Rome, 2006, 2009; Zafar, 2009.).

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The legal and judicial system in the valley kept on switching between secular and religious ones. Initially there was a secular system under the Wali, but it was not like the British or Pakistani secular system. It was a mixture of local traditions, secular codes of the colonial government, and religious laws. This system however dispensed justice fast. The local people were therefore used to fast disposing of their cases. But when the system was replaced by the secular system of Pakistani state, the latter had a slow operation. Therefore, the people were not happy with the slow operation of the judicial process. They longed for the earlier system. This longing for or let us say the weakness was exploited by the TSNM. The TSNM began to promise the people for speedy justice system by introducing Islamic Shariah.

Apart from the problem of slow dispensation, the local people were faced with the confusion of complexity in the judicial system. As we mention in our previous chapter, the judicial system was divided into three sub-systems—state judicial system (including bureaucratic-judicial offices), Islamic Shariah system, and traditional Jirga. Then there was confusion about cases in which state used to be a party. The local people would often confuse where to register their case, and who could best represent them. This problem was compounded by the role of the local elite. According to a report, the introduction of mainstream judicial system of Pakistani state to Swat valley was less opposed by the general masses and more by the local elite, including bureaucracy. The elite were not expecting that the militants would one day turn against them. The demand for Shariah took momentum only in 1990s, when PATA Regulation was struck down. Otherwise from 1975 until 1994 there were hardly any strong calls for Shariah in the Valley, although that much of the PATA Regulation was not in line with Shariah. The strongest opposition to the introduction of mainstream state justice
system interestingly came from district officials who suspected loss of their judicial powers (under PATA that they exercised) (International Crisis Group, 2013, pp. 5–6). Moreover, according to Sultan-e-Rome, “The legal system was still characterized by extended postponements, technicalities, prolonged procedures, unaffordable expenditures, and in some cases bribes as well” (Rome, 2011, p. 56).

It is also interesting to notice that even in the aftermath of the conflict the judicial system has still problems for the local people. For instance, in 2011 the government introduced The Actions (in Aid of Civil Power) Regulation, which gave powers to the military to incarcerate people having cases of criminal/terrorism nature (Article 8-9).

4. Economic Deprivation

It is difficult to overlook the economic deprivation, poverty, and unemployment in the valley. Many studies have been done to notice how far these factors contributed in the rise of militancy, terrorism and conflict in the valley. Generally speaking, the latest literature on terrorism suggests that economic deprivation is one of the major causes. For instance, according to Blair et al because of their poverty the people of backward areas tend to fall victim of terrorism (Blair, Fair, Malhotra, & Shapiro, 2013). Accordingly to Myers it is the sense of deprivation in the people especially when they find themselves comparatively underprivileged than other strata in the society that makes them vulnerable to falling victim of militant discourse (Myers, 2006, p. 17). Similarly, according to Arshid Saleem Hashmi one of the most compelling causes of terrorism and violence is economic deprivation (Hashmi, 2009, pp. 1–2). In the similar line of arguments, Abbas Zaidi analyzed the linkages between poverty and militancy across Pakistan, and found “conclusive” evidence of positive linkages between the two. He further elaborates that poverty along with illiteracy is significantly reflected in the “rank and file” or foot soldiers of the militant organizations (Zaidi, 2010, pp. 399–400).

Some scholars suggest understanding the rise of the TSNM and the TTP in Swat valley in the context of economic deprivation. In a study carried out by Peracha, et. al., there is considerable evidence to establish the relationship between economic backwardness and
vulnerability to terrorism. In their “cross-sectional” sample survey they discovered that 52% of the militants came from a very low socio-economic class whose families, on the average could earn USD 93 a month. A large number of the youth, who joined militants, were from the families having a large number of siblings (from 5 to 6). Peracha concludes that poverty was one of the most significant factors in the making of these young militants (Peracha et al., 2012, pp. 440-446). Similarly, according to Rabia Zafar in the Swat region the rise of militancy and violence owes much to the lack of development and poor economic conditions of the people (Zafar, 2011, p.1). And according to Sajid Malik, Fazalullah and his followers used the carrot and stick policy. They offered generous financial assistance to families of those who joined their ranks (S. Malik, 2013, pp. 85–90). According to S. Abbas even though poverty is not the single factor that brings about militancy, nonetheless it impels young men to join militant organization as the surrounding socio-economic milieu is heavily facilitative in this connection (Abbas, 2007).

Another interesting thesis in the relationship between economic deprivation and terrorism/militancy is related to the emergent class conflict. This thesis is based in New Leftist theory. It says that in a society where economic deprivation is prevalent there are greater chances of rise of hatred and violence against the dominant strata/class (See W. Ahmed, 2012). This thesis can be further stretched to argue that one of the strategies Molana Fazalullah was employing to take control of power in the valley was encouraging poor landless people to aspire for land. In other words, through his FM radio he used the strategy of recruiting poor landless young men to his force by giving them the hope of land grabbing as the form of war booty.

5. Geo-strategy, Culture and Militancy

In the previous chapter, we described the geo-strategic location of Swat valley. We also put light on Pukhtun culture and the Pukhtunwali code. Here in this section we point out how these two aspects became part of the conflict, even though indirect ones. In other words, the valley’s location, along the Pakistan-Afghanistan border, and Pukhtunwali cultural code were exploited by both the TTP and the state. It is interesting to note that some writers
suggested that the state should exploit those features in Pukhtunwali that help fight against militancy (Orakzai, 2011, pp. 40–42).

The geo-strategic significance of Swat Valley is evident from the fact that it has remained part of PATA, which lied between settled districts and tribal agencies. Moreover, just as it seems closer to tribal agencies and Afghanistan, its southern tip is only 70 miles from Islamabad. When the Taliban took over the valley in 2009, the major headlines in newspapers world over were that the Taliban were very close to the capital city. For instance, the New York Times published a report stating, “Pushing deeper into Pakistan, Taliban militants have established effective control of a strategically important district just 70 miles from the capital, Islamabad...” (Perlez, 2009b). From the strategic location of Swat valley, the Taliban then infiltrated into Buner district and within a week took over it. When they wish to withdraw they can easily go back into the valley, then from there into the tribal agencies, and from there into Afghanistan.

According to Lindholm, writing in mid-1990s, when militancy and violence were at the rise in the valley, the region has historically seen a number of wars and violence and therefore made aggression and need for weapons the inherent and essential features of Pukhtun culture (quoted in Naz, Ahmed, & Ibrahim, 2012, p. 181). This thesis is further stretched by Arab Naz and Ibrahim by suggesting that the geostrategic necessity and historical experience of wars have made “Pukhtun culture as a whole still aggressive, traditionalistic, and weapon loving despite the tremendous onslaught of social change over time” (Naz et al., 2012, p. 181).

The government strategy to counter militancy in Swat, as well as generally on the borderland, involved engaging cultural institutions and Pukhtunwali. For instance one of the strategies used to counter militancy was the raising of local Lashkars. It is part of local Pukhtun culture that people defend their territory from foreign intervention and depredation (misuse for violent purposes). This institution of Lashkar was exploited by state discourse in order to confront it against militants. Accordingly generous funding was made available for raising Lashkars providing them with arms and ammunitions and giving the volunteers salaries. A recent PhD thesis by a student of university of Peshawar investigates raising Lashkars
as counterinsurgency strategy and argues that the state reactivated the institution of Lashkar in Pukhtun culture to provide a front line bulwark to militants in Swat (Ullah, Rehman, 2016).

6. Lack of Comprehensive Counter-Insurgency and De-radicalization Policy

When the War on Terror began, Pakistan hadn’t had any experience in counter-insurgency and de-radicalization strategies. Even though that the conflict in Swat valley had much older roots than the War on Terror, not much attention was paid to develop a comprehensive (research based) counter insurgency plan. Moreover, the army, the police and the Khasadar force were not trained or equipped to fight insurgency and terrorism. Later, the know-how, training, and equipment for counter-insurgency and de-radicalization come with support of foreign allies and their funding. It can be said that Pakistan did not expect to invest in counter-insurgency, because its primary preoccupation was the conventional war (with its Eastern neighbor). However, the neglect of the western border resulted in its continuous vulnerability to insurgency and smaller conflicts. Eventually, when the Taliban started their active guerilla warfare by 2005 in South Waziristan and the valley of Swat, the government began to think of counter-insurgency strategy.

Initially, the government only concentrated on counter-insurgency strategy and later after the removal of the Taliban from Swat Valley in 2009 it began to engage de-radicalization policy as well. The idea of de-radicalization was already in practice in Europe and in the Middle East, but it took some time to introduce it in Pakistan. It not only needed training and expertise, but also needed funds for the same. So with the help of foreign experts and researchers the government allowed some private initiative, like the ones through Sabawoon (NGO), to begin de-radicalization efforts. In this context, the government also engaged the FATA Secretariat for supervision of private initiatives (Kaiser, 2014).

Reference


