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The Structure of Governance, Rise of Taliban Militancy and Human Displacement. A Study of Patterns of Conflict induced Human Migration in District Swat (2008-09)

* Sanaullah

† Yunas Khan

‡ Mubasher Hassan

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Abstract: This paper explores the nexus between governance crisis, militancy and how people resort to different migration patterns in order to cope with the unwanted situation. It suggests that the transition from one system of governance to another was not only incomplete but full of confusion and lacunas. This resulted in people's reduced trust in the state institutions. As the vacuum was created, non-state forces in the shape of the Taliban emerged who smoothly established control over the entire region, and people welcomed such a change in the hope of a better governance alternative. However, as the situation worsened and law and order deteriorated, the Pakistan army launched a full scale military operation. People were forced to migrate to safer places, preferably to the nearby districts where they took refuge temporarily. Once normalcy returned and miscreants were eliminated, people immediately returned to their places of origin. It is found that very few families opted to settle in the camps while the majority of the people stayed with their relatives and friends and those financially well off took houses for rent to live.

Introduction

Conflict, violence and wars bring destruction, devastation and many other evils including human displacement and migration. People migrate to safer places for shelter, food and income generation in the wake of human-induced conflicts. In recent history, the mass migration of Afghan refugees to Pakistan in the wake of the Russian invasion in 1979 suggests that displacement is sudden, quick, unprepared and in large number. Data and figures suggest that people had to leave their homes immediately after the conflict erupted, leaving their belongings and precious possessions behind. Some had to travel bare foot for miles in the first instance in search of safe shelter. As many as three million were estimated to cross the Durand line between Pakistan and Afghanistan and settle in different parts of the country. But the maximum number of

refugees settled in the borderland between the two countries and the province of Khyber Pakhtunkhwa (Khan W. M., 2019). The reason for choosing the location in the neighborhood to settle may be the reason that the migrants and recipients shared the same common heritage, history and same ethnic origin. All this provided a comparative convenience and benefits to living. The point is that if there is conflict and war, there is subsequent human displacement and migration.

In the year 2009, the scenic district of Swat in Khyber Pakhtunkhwa became the central point in Pakistan's war against terror, leading to the worst kind of humanitarian crisis. In the wake of a full fledged military offensive to deal with the armed uprising led by Tehreek e Taliban Pakistan, Swat chapter, some more than 2.5 million people chose to migrate to safer places (ORAKZAI, 2011). Importantly for well over a year, the governmental

* Demonstrator, Department of Political Science, Abdul Wali Khan University Mardan, KP, Pakistan.

Email: sana-ullah@awkum.edu.pk

† Assistant Professor, Department of Pakistan Studies, Islamia College University, Peshawar, KP, Pakistan.

‡ University of Peshawar, KP, Pakistan.

machinery in the Malakand division had broken down to the point of dis-functionality as the area had literally been taken over by the hard core Islamic militants, and the local people had to quit their homes and places of inhabitation in distress and urgency, leaving all their belongings and possessions behind them at the mercy of Taliban militants. Though this displacement was unprecedented in terms of number, as recent history hardly has seen such a mass migration that was unique for many reasons, hardly any academic research work has been conducted to ascertain the patterns of migration of those displaced in the wake of governance breakdown and rising militancy.

Historically, the study of human migration has been dominated by two strands of theoretical models; the conventional economic model assumes that a migrant is a rational actor. It suggests that because of unequal distribution of factors of production, labor moves from areas where it is abundant and where capital is scarce to regions where labor is scarce but capital is abundant [_\(Borjas, 1989\)](#). The historical approach relate population movements through time to the model of the "demographic transition by delineating socioeconomic development into five stages, starting with the pre-industrial era and culminating in a super-advanced society where there will be a substantial decline in human mobility as progress in means of communication will bring a place of work closer to place of residence [_\(Fargues, 2011\)](#). However, it is worth mentioning that these theoretical models proposed by social scientists were reflective of the industrial era and represented specific economic arrangements, social institutions and political systems. This classical approach has now entered a state of crisis, challenged by new concepts and situations. To address this lacuna, what I propose is to develop an explanatory model that will first concentrate on processive changes and secondarily on situational changes as a primary reason for human migration. To serve this purpose, this research work will primarily focus on addressing the fundamental questions like who is migrating, why is he migrating, where is he migrating, and what are the patterns of his migrations?

I plan to carefully analyze why and how the inability of successive governments in Pakistan to successfully transform informal raw governance

mechanisms into an effective formal governance structure even after the passing of four decades contributed to the subsequent breakdown of the governance system in the Malakand division. Although under-researched, what I assume is that this was one of the major reasons for the rise of the Taliban-style regime in Swat. More specifically, this paper will focus on if people resorted to migration as a coping strategy or if they were forced to migrate in the wake of insurgency and counter-insurgency and will analyze in detail the patterns of their migration when Sharia was officially declared the supreme law of the land, creating the general impression at the local level that the state had surrendered to, and approved of Taliban style government system in Malakand division. This is important to ascertain because migration patterns are heavily dependent on why and under what conditions people choose to or are forced to migrate.

Swat presents a unique case to study, unique for its demographic composition, governance structure and importantly, political history whereby many jihadist movements emerged and spread to the neighboring areas from time to time. During the British rule, Swat retained the status of a princely state, ruled by the Wali of Swat, a title awarded in 1917 and was allowed maximum autonomy in its internal affairs and administration. However, upon the British withdrawal from the Indian subcontinent in 1947, the Wali signed the Instrument of Accession with Pakistan, and in return, the State was allowed to enjoy and maintain the same level of independence by the Government of Pakistan. From 1917 until its merger with Pakistan in 1969, the Wali gradually modernized the State of Swat and transformed it into one of the well administered and efficiently governed political entities [_\(Sultan-i-Rome, 2009\)](#).

In comparison to other parts of the country as well as adjacent princely states, the Wali provided the locals with an efficient governance structure with improved access to quality education, health care facilities and a network of roads and other services that the neighboring states didn't. Although the structure of governance was more informal and involved least paperwork, and bureaucratic offices, according to Justine Fleischner, the local people still rank it as far better than the one replaced by the government of Pakistan [_\(Fleischner, 2011\)](#). According to Akbar

Ahmed, Ibn e Khaldun Chair of Islamic Centre in American University, the governance system in Swat state during the Wali regime had three prominent features that helped it win approval from the general masses in Swat. The first one was that the structure of the state was clearly defined, with Wali at its center. Second, the state provided fast and correct justice, fast in the sense that cases were heard, and decisions were made quickly with shorter orders. These verdicts had, by and large, the general acceptability because these decisions were in accordance with established customary law and local Pashtun traditions. Thirdly, the state effectively maintained law and order. It is for this reason that, in comparison to the current state of affairs in Swat, the system of governance during Wali's time is considered much more efficient and responsive to the demands of the local population (Fleischner, 2011).

Since the State's merger with Pakistan in 1969, the structure of governance has undergone marked changes with the introduction of new bureaucratic offices, judicial courts, legal and political systems that involved much paperwork and formal procedures as well as the establishment of multiple centers of authority. Tragically, the differences between the two systems, i.e. pre and post-merger structures of governance, were so wide that the transition was neither complete nor successful which led to much confusion and complications at every level of hierarchy. It was perhaps for this reason that the system of governance degraded a great deal in the last four decades. At the center of the inefficiencies was the breakdown of the justice system, with cases lingering on for decades in the courts and delays in land reforms while the state was unwilling to break the concentration of land that had gathered in few hands. There exists much confusion in political, constitutional and administrative spheres and a common man finds it very difficult to understand things (Aziz, 2010). For example, although the people of Swat are entitled to elect representatives to the National and Provincial Assembly, laws passed by these two bodies don't extend to the district. In other words, if there were a crisis of governance, the seeds lie in the unsuccessful transformation from one system of governance to another over the years.

The Structure of Governance and Militancy

The structure of governance and conflict has a direct and deep relationship. These two variables are directly interconnected, which means that militancy and conflicts weaken as well as raise questions over the effectiveness of the governance systems in a given state. At the same time, strong and efficient governance indicators discourage insurgency and challenge the credibility and legitimacy of the insurgent movements. Most of the scholarship on the insurgency and counter-insurgency suggests that a legitimate government would not allow the insurgency to pop up its head and win gross root support. And the legitimacy can be won only through the provision of good governance features that help people to repose trust in their elected government (Khan, Khalid, & Elahi, 2020).

District Swat presents an interesting case to study as to how the radicals established control over the region while people at large stood behind them and in most cases, even welcomed them. The case study is interesting for the reason that the people of Swat, in comparison to other parts of the country, are more peaceful in nature and the region is famous for comparative peace and stability along with its natural beauty. The people are more law abiding whose patriotism and allegiance to the state institutions is beyond any question. There is hardly any instance of people questioning the legitimacy of the state and its institutions. Though the State of Swat was merged into Pakistan under an agreement in 1969 between the State of Pakistan and the Wali of Swat, this agreement was never questioned by the locals nor launched any movement to resist the merger. In other words, the argument is that such is the political temperament of the local people. The big question mark is why the miscreants chose Swat to be the starting point for the implementation of their agenda and why, unlike other parts of the country, they didn't stand up to challenge them. The answer can be found somewhere in the structure of governance that fueled insurgency and the resultant public support for the insurgents.

Prior to its merger with Pakistan in 1969, Swat was a princely state that retained much of its independence and autonomous status on the eve of partition. The structure of governance was

significantly centralized and authority emanated from a single office at the top, the Wali. The affairs of the state were conducted through informal, traditional methods, involving the least bureaucratic formalities and official documentation. The system of justice was swift, with people never waiting for years in the courtrooms for the disposal of their cases. Cases of civil and criminal nature were disposed off with the least inconvenience. People didn't have to bear the cost of lawyers and other official formalities. Matters were decided in accordance with local customs and traditions that had the greatest level of acceptability among the parties. The governmental machinery was simple and people's grievances were addressed immediately with the least possible delays. Above all, people's trust in the state apparatus and governmental machinery was impressively high and people were satisfied with the way they were being governed. (Aziz, 2010).

After the merger in 1969, the administrative structure and the way the princely state was governed transformed and was made part of the mainstream provincial government of the Khyber Pakhtunkhwa. After the merger, the State administratively became a Provincially Administered Tribal Area with Commissioner Malakand Division as the overseeing authority and assisted by the Deputy Commissioner, Swat. Although people had the right to elect representatives to the provincial assembly, its laws could not be extended to the district unless approved and notified so by the governor of the province. Soon the governance system got exposed to the challenges resulting from the inefficiencies of the state machinery and many lacunas and weaknesses of the state structure popped up its evil heads. People soon found themselves in a situation that they wanted not to live in and move back to the past, but to no avail.

On the governance spectrum, the merger brought with it serious issues and challenges. There could be seen significant confusion and misunderstanding in matters related to administrative affairs and legal details. With Wali no more part of the system of governance and administration, people had no one to turn to for the removal of their grievances and litigation issues. With the new law coming into force, the traditional delays in the justice system could be seen all around. The Justice system was no as

cheaper as people had become used to during the days of Wali because people had to hire lawyers with huge fees to pursue their cases in the courtrooms. People now had to wait for years for cases to decide that earlier were disposed off within days. Delays in the justice system were perhaps the greatest of the reasons that marked the breakdown of the governance system. (Avis, 2016). And as the Taliban were aware of this factor, they established informal courts that decided cases without any undue delays. This simply won them gross roots support.

With the establishment of different offices, the same bureaucratic delays and red tapism were things that caused people serious inconvenience in the new system. People's problems multiplied but found state's response extremely slow and unsatisfactory. They had to roam around in different offices but often unable to meet someone cooperative enough to resolve their problems. All this created an environment quite conducive for militants to come and challenge the state. People's sentiments and public opinion had to a greater extent, turned against the state institutions and they wanted an alternative force or system to take over the district. Taliban were the ultimate beneficiaries.

The nexus between the breakdown of the governance system and militancy is beyond any doubt. As the state machinery paralyzed in Swat, the dormant networks of religious militants popped up and effectively cashed on government failures. Historically, the residents of the Malakand division have remained vocal proponents of Islamic sharia as the system of governance and have even pressurized the state through strikes and demonstrations of street power for the implementation of sharia law. The militants won popular approval by making loud commitments for an alternate system that would be Islamic in outlook, having all the elements of a system of good governance. As such narratives had the approval of people at large, militants swept away almost 80 percent of the district in a short period of time. Life came to a standstill, and violence became a matter of routine including the beheading of non-conformists. Once the militants established their control firmly, they established sharia courts for quick dispensation of justice, established their own checkpoints and started patrolling the area. For the sake of land redistribution, the Khans and landlords were

targeted and deprived of their land and distributed among the local population. This gave way to the launching of a military offensive led by the Pakistan army that involved the deployment of heavy weaponry including tanks, artillery and even jet fighter planes. Swat presented a picture of civil war, resulting in heavy casualties. As the insurgency and counter-insurgency operations intensified, the district presented a deserted outlook because as many as 90 percent of people migrated to safer places.

Militancy and Patterns of Human Migration

No doubt, there has always been and will continue to be an interconnection between violent conflicts and human displacement and migration (Shah, Saleem, & Muhammad, 2019). People move to safer places in search of food and shelter and diversify means and sources of income to better cope with the crisis. In other words, people switch to migration in the wake of a crisis as a coping strategy. However, when the crisis is sudden in nature and bigger in magnitude, migrants, as well as the receiving authorities, are more expected to be ill-equipped and so challenge the very potential and capacity of the state authorities and its institutions. It is important to make clear here that migration in the wake of conflicts is forced, meaning thereby it is to be most possibly unplanned and so bring many hardships and problems for those who migrate. Often, the migrants are forced to live in camps, away from cities, where they are exposed to harsh weather conditions. This was even seen in the case of those displaced by the conflict in Swat.

When the military started a counter-offensive to uproot terrorism in district Swat, people had to leave their homes in despair. They didn't have time to plan their destination. Many left behind all their belongings and other precious possessions in order to ensure that they were not caught in the midst of a crisis. For them, it was more important to find a safe place in the nearby district where their life and the life of their dear ones were safe and protected. A great majority of those displaced by the crisis had to be accommodated in the government-run camps. In those camps, the government had to provide all the basic necessities including food, shelter and other important means of livelihood. It is important to write here that a smaller minority of the displaced opted for the camps to live in while a greater majority decided to live with their

relatives and friends and some, especially those who were financially well off, took houses for rent on a temporary basis to live in. It is estimated that 5000 out of 2.8 million opted for government-run camps in the districts Mardan and Swabi (Walsh, 2009).

As long as the selection of the destination is concerned, people in greater numbers chose to settle in the immediate districts in the neighborhood. A great majority chose the district Mardan, the closest district geographically to the Malakand division. The question is, why did they select the nearby location? Literature suggests that when people leave in urgency, leaving their belongings behind and migrate only for safety during a sudden humanly induced crisis, they prefer to settle in the immediate neighborhood because they think that they will come back once normalcy returns to the area. It is for this that they don't plan long-distance migration. Instead, short-distance migration is more advisable in such a situation.

Conclusion

The scenic valley of Swat was exposed to the worst kind of humanitarian crisis in the year 2008-09 when some 2.8 million were forced to migrate in search of safety and protection of life. Earlier, the militants had taken control of almost the entire district, imposing their own brand of legal code, the Sharia to regulate the socioeconomic and political affairs of the region. What this paper argues is that transition from Swat being a princely state to a mainstream district of the settled areas was both incomplete and full of confusion. This led to a serious governance crisis, which resulted in people's reduced trust in the state and its institutions. All this worked to the advantage of the militants, who took advantage of the weak state apparatus. On the other hand, people also welcomed these miscreants, for they thought their alternate system of governance was much better than the one that was in place. As the situation got worse, the Pakistan army had to launch a full-fledged military offensive, causing people to leave their homes and other places of living. People almost resorted to the same patterns of migration. Almost all of them settled in the nearby districts, some in while others out of the government-administered camps. They all repatriated once the operation was over and the situation became normal.

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