

Briefing paper by the Internal Displacement Monitoring Centre (IDMC)

## **Can Shi'a and Sunni overcome the sectarian divide? Displacement and negotiations in Kurram, 2007-2011**

**May 2011**

### **Summary/Introduction**

*Since 2007, Kurram agency, FATA, has experienced conflicts - some of them along sectarian lines - which have killed some 5,000 people and displaced more than 100,000. The belligerents' confinement of their enemies has affected most of the agency's remaining population.*

*Kurram agency merits IDMC's analysis for several reasons. The sectarian and regional dimensions of local clashes are significant beyond the humanitarian needs of the IDPs; efforts to mitigate the situation entail political negotiations to address assistance and return as well as redress mechanisms; the planning of a responsible return movement depends on access to qualitative and quantitative information on the IDPs; and donors and agencies with an interest in protecting people in central FATA need to hear the voices of the local leadership to be able to understand the local political dimensions of the ongoing crisis.*

*Between December 2010 and April 2011, IDMC conducted 60 interviews with internally displaced households and eight discussion groups with elders. This paper is a product of that research and comprises five sections. It covers the factors which have created an environment conducive to displacement; the actions which triggered displacement from 1980 to 2011; the consequences of confinement; IDPs' living conditions; and the potential for durable returns . It concludes by making recommendations for supporting the IDPs.*

*The main conclusions are as follows:*

*TTP has been unable to win widespread popular support in Kurram. But their tactics of terror have transformed local conflict into sectarian wars after 2007. It is not clear that people from different sects will be able to live side by side again in Kurram.*

*While the military actors in Afghanistan have incentives to maximize their military gains before a national dialogue, militants will continue to push for open corridors through Kurram Agency and spoil local agreements.*

*Especially problematic is the dual role of the state vis-à-vis external spoilers. Since an agreement depends on a predictable and reliable state as guarantor of any*

*agreement and protector of all citizens in Kurram this ambiguity makes a successful agreement unlikely.*

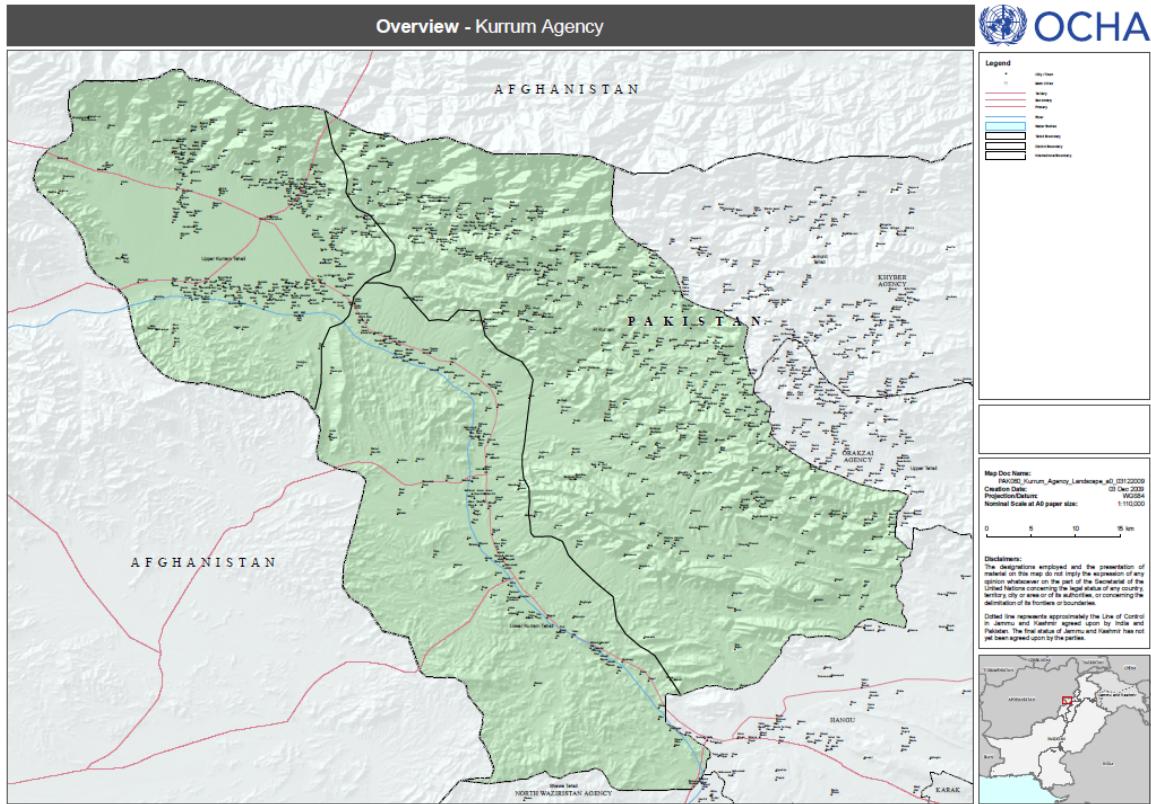
*Despite militants' practice of sabotaging jirgas convened to manage sectarian conflict, tribal governance structures remain important. Tribal leaders, across sectarian lines, have continuously attempted to manage the conflict through negotiation.*

*The Murree Agreement is the outcome of a negotiation process which addresses the grievances of the major tribes in a sectarian context. It can be successfully implemented and should be supported.*

*Friends of a Democratic Pakistan and United Nations should, upon request and after a cautious analysis of the viability of a peace settlement, plan for a responsible return process which takes into account the principles of safety, dignity and voluntariness. Local peace building is a pressing concern. A carefully planned intervention which allows displaced leaders to meet could prove to be a requisite for a successful return movement.*

## **1. Background**

Kurram Agency with a population of half a million borders is one of seven political agencies of the Federally Administered Tribal Areas (FATA). It borders Afghanistan (Nangarhar and Paktia) to the west, Orakzai and Khyber agencies to the east, Kohat to the southeast and North Waziristan to the south. Kurram is divided into three administrative units (tehsils): Lower, Central and Upper Kurram. Upper and Lower Kurram form a picturesque and fertile valley; the river Kurram runs through it from the west to the east; the main road from the Afghan border runs alongside it. Upper Kurram is mainly populated by Shi'a Turi, but also contains Sunni, Christian and Sikh minorities who live in Parachinar City, which is situated at the center of a plateau. Villages, some of them of rival Mangal and Maqal tribes, are scattered in the forested hillsides surrounding the plateau, which rise up to almost 5,000 metres in the snowcapped Spinghar Mountain, its northern border with Afghanistan. Lower Kurram is also a fertile area, but the valley is narrow and hedged by low hills on either side of the river. It is the home of Sunni tribes of Jaji, Mangal, Para and Bangash. Turi and Shi'a Bangash also live there. Sadda, host of a large community of Afghan refugees, is an important town and market center, as is Baggan. While literacy rates in the Kurram Valley are double that of most other tribal agencies and living standards are traditionally comparatively high, the Sunni 'mountain' tribes in the rough Central Kurram score low on most socio-economic indicators.



Kurram Agency is strategically located only 100km from Kabul. It is a place where global and local interests meet. While external actors influence the correlation of forces inside the Agency the local leadership -- Kurram elders and clerics -- make decisions based on their local interests. Those interests are defined in terms of tribal autonomy and access to trade routes and infrastructure, fertile land, forests and water resources.<sup>1</sup>

Tribal disputes over forests, land and water resources within and between Kurram tribes have taken place for many years and are fundamental to understanding the recent violence (see ANNEX II: LAND DISPUTES). For example, the Mangal – a powerful Afghan tribe in Paktia and Khost provinces who also have some presence in Upper Kurram - are the historical enemies of the Turi who control Upper Kurram. Efforts by Mangal in Kurram to encroach upon land claimed by the Turi has often led to violence.

Tribal councils (*jirgas*) guided by Pakhtun customary law (Pakhtunwali) have governed these disputes. Traditionally, when a *jirga* failed to resolve a dispute peacefully, ad-hoc, armed militias (*lashkar*) made up of local tribesmen, were employed to settle local disputes by force. To gain the upper hand, inter-tribal alliances were forged on a temporary or more permanent basis. For example, when a Sunni tribe stood against a Shi'a tribe, the militarily weaker tribe often appealed to potential allies on the basis of faith. When that tactic succeeded, tribal clashes took on a sectarian character.

Sectarian tension has existed for some time and escalated into violent clashes in 1939,<sup>2</sup> 1961,<sup>3</sup> 1971<sup>4</sup> and 1973<sup>5</sup> but did not bring into question the co-existence of

different groups. Minority groups in mixed areas made great efforts to adjust their customs in order to minimise tension with the dominant groups.<sup>6</sup> When tribal and sectarian conflicts erupted, they were managed by the tribal and religious leadership. However, in some cases the customary law, or Pakhtunwali, failed to provide adequate guidance as to how to resolve sectarian violence. On those occasions, the state intervened -- often at the tribes' appeal -- to resolve the tensions.

The state as a rule managed these inter-tribal conflicts through the use of military and economic incentives. But during the 1980s and 2000s it did not act as it had in the past to keep the local peace. Instead, it sought to control and defeat threats to its national interest. For example, it warded off Pakistan Pakhtun and Shi'a ambitions for increased autonomy. It also worked to maximise Pakistani influence in Afghanistan. The tactics which the government used to pursue these goals implied the strengthening of sectarian leaders and the polarization of Shi'a and Sunni communities.

In the early 1980s Shi'a wanted a Shi'a majority province comprised of Kurram Agency, the Northern Areas and other contiguous Shi'a majority areas.<sup>7</sup> But their demands were not accepted. Instead, their claims were countered by policies of demographic change enforced by then President General Zia-ul-Haq's government, which resettled Afghan Sunni refugees in Kurram and accommodated Afghan mujahedeen who were fighting the Soviet-supported People's Democratic Party of Afghanistan (PDPA).<sup>8</sup>

The (Sunni) mujahedeen were perceived as a threat to the (Shi'a) Turi, who called for the mujahedeen's expulsion. The (Sunni) Mangal in Upper and Lower Kurram in contrast welcomed the mujahedeen as their allies against their main rivals in the Turi tribe. With this backdrop tribal and sectarian relations remained tense throughout the decade. Tribal disputes over resources or family blood feuds became increasingly interpreted as sectarian conflict. Sunni sectarian groups nurtured by the central government also became stronger, and militant clerics started to contest the established tribal leadership.<sup>9</sup>

Religious celebration became an arena for militant gatherings and provoked confrontation along sectarian lines. Clashes were regularly prevented by jirgas which took place before religious events. The jirgas strengthened community cohesion and allayed rumours that might otherwise have created suspicion.<sup>10</sup> Nevertheless, the provocative conduct of radical visitors undermined integration efforts by the local leadership both in Sunni majority and Shi'a majority areas. The resulting clashes, sometimes stimulated by government officials, became difficult to handle both for tribal authorities and for the administrative head of the agency, known as the Political Agent (PA).

In the 2000s, the US-led invasion of Afghanistan and the subsequent internationalised armed conflict again transformed local conflicts in Kurram Agency. Although the government of Pakistan officially allied with the U.S, elements of the security establishment also bonded with Afghan insurgent groups, which were seen as potential long-term partners in Afghanistan after the withdrawal of the U.S and ISAF. While most Sunni and Shi'a leaders in Kurram are angered by the influence of foreign

powers in Afghanistan and furious about US and ISAF attacks on Pakhtun, some local Sunni leaders have allied with Afghan and Pakistani Taliban (Tehrik-i-Taliban Pakistan - TTP) to further their local agenda whereas the Turi elite opposed the influx of outsiders into their territory.<sup>11</sup>

## 2. Violence of Kurram 1980 – 2011: Analysis

A detailed review of violent events from 1980 to 2011 is found in ANNEX IV. An analysis of those incidents follows.

Interviews with tribal leaders and a review of original news sources through Lexis Nexis searches do not back the notion that long standing sectarian hatred explains today's crisis. The regional power balance, the national efforts to secure control over Pakhtun nationalists, violent political competition between FATA clerics and elders, sectarian schisms, tribal disputes over resources, family feuds and personal aspirations are all factors which cause displacement and determine the feasibility of a durable solution for the IDPs.<sup>12</sup>

### *1980-2007: Fighting between refugees, Afghan mujahedeen and competing tribes*

In Upper Kurram, the major incidents of violence from 1980-2007 took place between two tribes, Turi and Mangal, the latter allied with the Afghan mujahedeen. In that case the cause of the fighting was not sectarian hatred but disputes over entitlements to fertile land and valuable forests.<sup>13</sup> In Lower Kurram, where an Imambara was contested, the wealthy Shi'a Bangash minority was displaced by mujahedeen and refugee gangs with the backing of local Sunni leaders.<sup>14</sup>

Displacements were mostly temporary. Those which ended up in protracted displacement probably did not affect even 10,000 people in the 27 years leading up to 2007. Although militarily weaker lashkars at times have been forced to leave their trenches, men have gone to extraordinary lengths to avoid being displaced. Clashes between families and tribes primarily displaced women and younger children -- those who were not expected to take part in the fighting and were not legitimate targets -- to adjacent villages.<sup>15</sup> But, as a rule, warring parties negotiated settlements allowing internally-displaced people to return to their village within weeks.

Displacements have been limited by the tribes' commitment to protect the collective land. Since land rights are collectively held and protected, land grabbing for the purpose of enrichment is difficult. Lashkars from other areas intervene to protect their people and their land. Even in cases where entire villages were looted and burnt, tribesmen of the IDPs from other parts of Kurram patrol the area protecting the land from occupation. Those who stay behind to protect the land of their tribesmen are often from poor families.

A sect-based defensive tactic to deter attacks on minority groups has been in place for at least twenty years, but is failing and now contributing to more violence. The mechanism has two components. First, when the Shi'a minority was attacked in Shi'a minority areas, Shi'a immediately attack Sunni in Sunni minority areas and vice versa. Sectarian radicals thus knew that if they killed a member of the opposing sect, people from their own sect would suffer retaliation somewhere else. Second, the sects

relied on the state to contain spreading clashes. The warring parties would fire into the air and contact the PA's office and the army. Those forces would then intervene in case the locals lost control over the situation.

But this mechanism, relying as it does on efficient state intervention, was and still is very risky. It did not work well when the state had other goals besides maintaining local peace. The failure of effective state intervention is one of the reasons why some local conflicts escalated in the 1980s and why they became transformed into sectarian wars after 2007.

The situation changed in 2007. That year represents a break with the past, a change in both the rules of violent conflict and the modalities of regulating such conflict. It can be divided into two phases – both ongoing.

#### *2007-2011: TTP-induced sectarian clashes*

TTP's incursion into Lower Kurram, combined with the retraction of state forces and the reduction in the state's mediation capacity, altered the local power balance. In early 2007, the TTP sought to establish training centers and slowly replace the tribal leadership in Kurram by exploiting the existing sectarian schisms. They found allies among clerics or elders who sought to improve their personal influence and their tribes' influence.<sup>16</sup> The ensuing clashes were mainly expressed along sectarian lines. By March 2011, the clashes had destroyed some 60 villages, damaged 95 places of worship, destroyed between three and seven thousand houses and displaced more than 50,000 people.

The militants initially enforced a social boycott of the Shi'a in mixed areas. The Sunni who opposed the boycott were punished. The boycott made people feel insecure and they stopped going to the fields to cultivate their land. Some of the family members soon started to seek alternative livelihoods in Parachinar and KPK.

The major clashes and forced displacements started later, during 2007 and 2008, and ultimately aimed at demographic change through internal displacement in areas of mixed Sunni-Shi'a population. The attackers destroyed homes and other types of property as well as temporary shelters. That destruction and the restriction on the movement of goods and people contributed to making the displacement protracted.

The blocking of roads has had dire effects since 2007. The insurgency-driven blockage of Shia and the Turi-driven blockade of Mangal and Maqbal in Upper Kurram have had disproportionately high human costs in comparison to any reasonable military gains. A number of people have been forced to seek alternative livelihoods in other parts of Pakistan and abroad. Families have been separated. Indeed, people seeking education or jobs in settled areas have found it difficult to visit their families in Kurram. Road blocks also are one of the most important barriers to return to Kurram and lead to isolation between the warring parties that inhibit dialogue aimed at reconciliation and peace. The isolation allows rumours to circulate and has triggered retaliations for *imagined* attacks and provocations.<sup>17</sup>

Sectarian tactics of terrorising the opponent into submission by committing unspeakable acts of violence including the exhumation and desecration of cadavers,

beheadings and parading of dead bodies also has polarised the tribesmen along sectarian lines and made reconciliation difficult.<sup>18</sup> The mixed Bangash tribe, who became divided after the clashes in 2007, currently live separated along sectarian lines and express deep bitterness towards each other. (Locals often hesitated to engage in brutality. That can in part be explained by the expectation that the fighting would eventually end and that the belligerents would eventually have to cohabit with each other once again.<sup>19</sup>)

Despite militants' practice of sabotaging jirgas convened to manage sectarian conflict, tribal governance structures remain important. Tribal leaders, across sectarian lines, have continuously attempted to manage the conflict through negotiation. A grand jirga reached a peace settlement in January 2008 and then again in October 2008. There remains a willingness to implement the agreements, but tribal leaders are unable to do so without the state guaranteeing security.

By 2009 the conflict had reached a difficult stalemate. TTPs ambitions had modified. Much of the population in mixed areas in Lower Kurram had fled to areas where the other sect was not present or to KPK. Minorities in Parachinar and other parts of Upper Kurram had escaped to Lower Kurram or KPK. Shi'a tribes continued to suffer from persecution and isolation but began efforts to secure captured areas by planning a new road from Alizai to Parachinar along the southern border with Khost, Afghanistan.<sup>20</sup>

#### *Military operations against militants (since October 2009)*

Today, the situation is marked by military operations against militant-controlled areas in Central and Lower Kurram and the continuous dispute over the confinement of Turi and Mangal/Maqbal communities.

The state had long been accused of allowing the militants to enter the area. Before 2007 tribal and sectarian fighting would time and again be halted by the army if the involved parties failed to reach an agreement within days or weeks.<sup>21</sup> But after the TTPs entry, the army and the Political Agent remained relatively passive; and -- according to Sunni and Shi'a leaders – voluntarily so.

When the government did act, it acted in Central Kurram to suppress militants connected to the Orakzai-based command structure. At least 60,000 people have been displaced by army operations in Central Kurram. The vast majority of them have either returned home or continued into secondary displacement in KPK.

Despite these efforts, militant bases – some with the presence of foreign militants -- were observed in March and April 2011 at several locations in Central and Lower Kurram. According to press reports, the Gulbuddin Hikmetyar and the Haqqani network are expanding their presence in areas of Lower Kurram.<sup>22</sup>

### **3. Organisation and living conditions in displacement**

#### **Displaced groups and their leadership**

Excluding the IDPs in Hangu and some areas of Kohar, there are 8,100 displaced families from Kurram living in KPK registered by the IDP Vulnerability Assessment Profiling (IVAP).<sup>23</sup> IVAP projects that a total of 60-70,00 IDPs from Kurram live in KPK. These IDPs are equally distributed between male and female. The average size of families in displacement is 5.5.<sup>24</sup>

Around 20% of the IDPs in KPK fled after the clashes in Upper and Lower Kurram in 2007, while 35% fled during 2008. Some 30% of the registered IDPs fled during 2009 and 15% in 2010, mainly due to the effects of confinement and army operations in Central Kurram, as well as Turi-Mangal fights in Upper Kurram.<sup>25</sup>

The pattern of displacement is uniform across sectarian and tribal divides. People fled initially to save their lives. They fled to relatives in nearby towns and villages inside Kurram. Most families wanted to stay near their homes to see whether they could return. After some weeks, if they assumed that an imminent return was unlikely, they continued to KPK. The secondary displacement was motivated by the need to sustain the family and find a longer-term, albeit temporary, solution for the family.<sup>26</sup>

Kurram IDPs have mostly chosen their place of long-term refuge according to tribal and faith-based considerations. The vast majority of the registered families in KPK are either living in Kohat, Hangu or Peshawar.<sup>27</sup>

The internally-displaced families support each other, and the leaders are respected by the community. By and large, displaced elders are authorized to represent the displaced families in meetings with authorities;<sup>28</sup> the leaders consult the household heads prior to negotiations and inform them about decisions. The main objectives in meetings with external actors is negotiating conditions for returns and, secondarily, conditions for accessing services. As a result of their efforts, a number of internally-displaced households have accessed food rations and had their children admitted to school.<sup>29</sup>

#### **Security during displacement**

The initial stage of displacement has often been hazardous and traumatic. Some IDPs were forced to flee at night by foot and then hide in caves or other natural shelters. Some were shot at and killed. Children and elderly reportedly have perished out of exhaustion *en route* to safety.<sup>30</sup>

The final destination is much safer than the escape routes, but due to sectarian extremism, only relatively so. Displaced leaders in Hangu and Peshawar are intimidated and some leaders have been killed during displacement. Some of the threats are intended to prevent the IDPs from returning to Kurram.<sup>31</sup>

A number of those Sunni or Shi'a IDPs who did not have their ID cards have been arrested by the national police only to be released upon the payment of a bribe.

#### **Access to basic services**

The IDPs from Kurram are better off than most IDPs from other agencies and claim to be well regarded in the host community. Apart from the very initial phase of displacement, when some groups of IDPs starved, households interviewed by IDMC in general accessed food, health services and shelter.

Nonetheless, there are great economic differences among IDPs. Indeed, such differences between IDP households from Kurram are greater than those between the IDPs at large and the host community. All IDP households were better off before displacement. But there is a clear correlation between wealth prior to and during displacement. Those who were relatively well-off before displacement continue to enjoy better living conditions during displacement. They have more savings, they have wealthier relatives who can offer them support and they have greater possibilities for getting well-paid jobs or for migrating abroad. Those who were poor prior to displacement continue to live in situations of relative poverty in their place of refuge.

Families with vulnerable members are also struggling. According to IVAP, there is an orphan for every seven families, although only two separated children per thousand families. There is one widow per fifteen families and one person living in a situation of physical or mental disability per ten households. On average one in every five families has a family member who is chronically ill.<sup>32</sup>

All IDPs received support from relatives in their initial place of refuge inside Kurram Agency. Upon arriving at their secondary (and final) place of refuge, they stayed with relatives for some weeks before moving into rented accommodation.<sup>33</sup>

The rent in Hangu and Kohat doubled with the IDPs arrival and is, together with overcrowding, of great concern to the IDPs. Due to the pressure on the housing market some families complain that they are often kicked out of their residence because someone else is willing to pay a higher price. Others say that they have flexible arrangements with the owner that allows them latitude to pay when funds become available.

The situation is clearly worse for recently displaced. This seems to indicate that IDPs have a capacity to improve their living conditions over time and that humanitarian assistance mainly is needed at the initial stage of displacement.

Some 49% of the IDPs from Kurram in KPK are registered and can thus access assistance. One out of 50 reported having received cash grants (Rs. 5,000-25,000) and one out of five received household articles (NFIs). A higher number of IDPs receive food assistance, although irregularly. Food remains a priority for many families.<sup>34 35</sup>

Kurram IDPs in KPK have health facilities nearby; some 86% within 5km. The displaced families in Kohat also access health centers set up for the IDP's. The centers supply generic drugs. But some IDPs complain that they cannot access needed medicines. 80% have regular access to potable water.

Those who are displaced within FATA rely on their own resources and support from social networks, local religious charities and on some occasions MsF. Shi'a IDPs in

Parachinar are probably worse off than the other groups since they suffer the effects of confinement.<sup>36</sup>

### **Livelihoods and coping strategies**

On average, the people from Kurram are slightly better off than IDPs from other agencies. 82% of the IDP households have monthly earnings exceeding Rs. 2,500 (US\$ 30). However 8% of those who live in Peshawar live in extreme poverty with less than Rs 1,000 (US\$ 12) in earnings per month. 75% of the internally displaced households have debt, mainly to relatives and local lenders.

Most of the IDPs derive their principle source of income from work. Apart from the Shi'a IDPs in Parachinar, work is available in the place of refuge. In the case of Parachinar, however, men often have to travel to Peshawar or Islamabad in search of employment, leaving their families behind. Up to 10% of the displaced families have relatives in the Middle East (labourers, drivers) and receive remittances. Moreover, those who were state employees or retired receive their salaries and pensions in their place or refuge.

Expenses are kept to a minimum. The IDPs find shelter in inexpensive neighbourhoods and are cautious in their use of gas and electricity. Two-thirds of the displaced families have sold valuables to cover their expenses during displacement. One family out of seven has reduced their food consumption or decreased their spending on health.

Kurram IDPs are able to maximise use of family networks without putting undue strain on relatives. In the initial phase of refuge, these IDPs moved from one host family to another without staying too long in any one place. They received household items from some families, and loans from others.<sup>37</sup>

### **4. Negotiating across the sectarian divide while spoilers abound – is a solution possible?**

Kurram IDPs have demonstrated a capacity to integrate in their place of refuge.<sup>38</sup> but more than 90% aspire to return. Ongoing negotiations seek to create the conditions to allow them to do so in a sustainable manner.<sup>39</sup>

#### **Murree Agreement – a local consensus**

The Murree Agreement is the outcome of a series of jirga (tribal council) meetings between Sunni and Shi'a tribal leaders and government authorities during the autumn of 2008.

It reflects a significant step forward: a rejection of sectarian forces' efforts to divide the people of Kurram and an attempt by the tribal leadership on both sides of the sectarian divide to overcome growing differences. The agreement was signed by 50 Shi'a and 50 Sunni tribal leaders from Kurram, as well as the Political Agent, representing the government of Pakistan, on October 15, 2008 in Murree, Punjab, Pakistan.<sup>40</sup>

The Murree Agreement seeks to restore the situation prior to the clashes in April 2007. The return of the IDPs and the restoration of their properties are central themes.<sup>41</sup> The first clause of the agreement states that IDPs shall return to Kurram in conditions that are in keeping with law and tradition. The second clause guarantees humanitarian assistance to those living inside Kurram. The third clause holds that IDPs be given back their land and villages ‘as rightful residents under the auspices of the jirga members’ in conditions of security. The fourth and last clause states that all parties shall cooperate with the government to uphold peace and that any party that violates the agreement shall pay a fine of US\$ 2.35 million (see *Annex I: Text of Murree Agreement*).

An exchange of dead and captured fighters was carried out during November 2008. Food, medicine and other provisions were sent by the political administration to the affected areas. A jirga was convened to work out plans for the return of the IDPs. But a convoy of Sunni IDPs who were living in Kohat and travelled to Sadda in Lower Kurram with the intention of reaching Parachinar stopped *en route* because of security concerns.

Beyond that the agreement was not implemented. The villages that were occupied by warring groups have not yet been returned to their rightful occupants. Other terms of the agreement have been repeatedly violated by both sides, and violated with impunity.<sup>42</sup> According to both sectarian groups, the government has failed to prevent spoilers from destroying the fragile trust that the jirga inspired. Government collaboration, they say, is needed in order for the agreement to become reality.<sup>43</sup>

### **Barriers to a durable solution – land and violence**

At least two conditions must be met if IDPs are to find a durable solution to their problem. First, abandoned property and infrastructure must be recovered by their rightful owners. Second, credible security guarantees must be offered and enforced.

Recovery of abandoned property looks, at first sight, feasible in Kurram. Many of the abandoned villages and houses were destroyed but are not occupied by others and stand empty.<sup>44</sup> That contrasts with the practice in most displacement-affected areas where abandoned property is taken over by people associated with the adversary. Land has, however, in some cases been grabbed in Kurram and unless an agreement is reached to ensure a peaceful transfer of that land, people who try to reclaim it will face threats and insecurity.

It should be noted, however, that recovery of lost property is not strictly a problem related to the ongoing crises. Different ownership rights have been disputed over time and have been addressed in a number of previous jirgas, including the Kohat Pact of 1988. But no final resolution to the problems have been achieved (see *Annex II: Tribal land disputes in Kurram*). Disputes over roads, land and forests between Mangal and Turi tribes in Upper Kurram, for example, have not been resolved. It is suspected that the failure to resolve these issues was the cause of Mangal attacks on convoys on the main road from Thal to Parachinar in March 2011. These tensions can only be resolved if a procedure for managing long-standing tribal disputes over resources is established.

The security issue has several more components linked to ongoing clashes which began in 2007. First, the risk of non-compliance by spoilers is higher during sectarian disputes than during family or tribal disputes. Outsiders who are not accountable to local groups pose a problem for leaders who seek restitution for past crimes. Second, rules of warfare are increasingly ignored with impunity. When tribes see that fighters from other groups trespass the acceptable limits of warfare with impunity, they turn a blind eye to criminal conduct by their own fighters.<sup>1</sup> Third, provocations which are interpreted as sectarian in nature trigger wider cycles of retaliation (beyond the area of one village or tribe) which are difficult to control. This *contagion* makes it difficult to know how different events are related: the number of disputes is too difficult to track. Fourth, restrictions on the movement of goods and people isolate the parties and lead to the circulation of rumors. This makes it difficult for the parties to act on the basis of accurate information. Fifth, access to adversaries during religious celebrations which bring together both locals and outsiders represents opportunities to both settle past scores and provoke new ones, particularly for those who seek to exploit sectarian tension.

Potential mitigating actions which have been discussed include holding host communities fully accountable for their visitors; implementing mechanisms which ensure that spoilers are sanctioned by their own group and that sectarian armed groups (i.e. TTP, Sipah-e-Sahaba, Lashkar-e-Jangvi) are disarmed. Other actions which have been discussed include reducing public religious celebrations and limiting the participation of outside groups in them; and reorganizing paramilitary groups (i.e. Levis and FC) in line with tribal/sectarian presences in different territories and the protection needs of local populations.

### **Taliban pressure for Afghan corridor in exchange for open road**

Recognizing the presence of external spoilers, the people of Kurram have acknowledged that their ability to regulate inter-tribal or inter-sectarian conflict is exhausted and that they need a strong and credible third party mediator. That mediator has to be the state. But while Kurram elders feel that the government was predictable and relatively reliable until 2007, they also feel that it has become much less so within Kurram since, as it both supports some outside groups and attacks others.

Meanwhile, Afghan Taliban, sometimes via TTP's command, are putting continuous pressure on the Turi in order to obtain corridors through Upper Kurram into Afghanistan.<sup>45</sup> Tehrik-i-Taliban Pakistan's deputy commander Wali urRehman had offered the Turi free and safe passage in Lower Kurram in exchange for the use of Upper Kurram by August 2007. The offer, however, was rejected. A similar offer was presented after the Turi offensive in Lower Kurram in August 2008 which led to the destruction of TTP's base in Bagzai. Top-level Taliban commander Hakimullah Mehsud reportedly met Turi leaders in Balishkhel north of Sadda in March 2009. More meetings took place in September of that year. But the Turi leaders did not cede to the demand for free access to Afghanistan.<sup>46</sup>

Afghan and US/NATO forces also intervened to prevent the parties from reaching an agreement. The Afghan government contacted Turi elders in early 2009 and expressed concern over the possibility that the Taliban – and in particular the Haqqani network – would be granted free passage to the Afghan border. Talks were held in Paktia,

Afghanistan in May 2009 and included NATO officials, Afghan government officials and tribal elders from Upper Kurram. According to tribal leaders, NATO commanders realized that if the Kurram tribes failed to implement a lasting agreement (i.e. Murree Agreement), sectarian groups would exploit the situation and eventually position themselves in Upper Kurram.

After the Turi laskhars attacked militant hiding places in the Shalozan Tungi area near the Afghan border in September 2010, another push for a negotiated settlement took place, this time by the Haqqani network's leadership. The Haqqani, however, did not openly talk about routes, but instead posed as peacemakers between the conflicting parties in Kurram.

The tribes and faith-based groups were reluctant to allow the Haqqani to play such an important role. The Shi'a calculated that although the Haqqani were not the same as the TTP, they certainly had shared interests. Both the Sunni and Shi'a had witnessed the effect of 'Talibanisation' in other agencies, and they feared that the TTP might end up enforcing their rules in Kurram. Additionally, the (Shi'a) Turi considered that the Haqqani would not be satisfied with mediating an end to the conflict, but would also use their position to push for corridors through Upper Kurram. That, the Turi thought, could lead to retaliation by US or NATO troops or by anti-Shi'a elements of the security forces looking for an excuse to attack the Turi and weaken the Turi's position.

Although the Kurram elders had a number of reservations to the Haqqani's mediation, they also had incentives to engage in dialogue. After all, people desperately needed peace in their villages, and the consequences for the war in Afghanistan was in any case secondary. Moreover, a refusal of the right of any third party to try and settle disputes would go against tradition and be interpreted by other tribal leaders as a rejection of efforts to solve common problems. While the Haqqani leadership are considered to be outsiders in Pakistan, they belong to the same Zardar tribe as a number of the inhabitants in Shalozan Tungi and are famous (along with Wazir and Mehsud elders) among Kurram tribal leaders for settling delicate issues between disputing Pakhtun tribes.

Moreover, both Sunni and Shi'a leaders calculated that the intervention was very likely endorsed by the Pakistani security establishment. Since the security establishment is powerful, they thought, perhaps the negotiations would succeed this time.<sup>47</sup>

When the Haqqani kidnapped 20 Turi men and promised to release them if the Turi agreed to negotiate, the Turi ceded. Both Shi'a and Sunni elders were meanwhile encouraged to take part in the negotiations by members of the security forces and the political administration.<sup>48</sup>

Finally, Khalil and Ibrahim Haqqani took the lead in mediating a settlement through several rounds of negotiations in Peshawar and Islamabad. Their negotiation tactics aimed at keeping the parties isolated: the Sunni and Shi'a leaders never talked to each other face to face. They stayed in different rooms while the Haqqanis shuttled between them. This may have prevented mutual accusations and useless dialogue, but

it also made the tribal elders feel insecure and suspicious of each other.<sup>49</sup> After all, they had always resolved their issues in jirgas, where they sat in circles and confronted each other man to man.

By late October, the Sunni had granted the Haqqani full authority to implement the Murree Agreement, but the Shi'a lingered. They, like the Sunni, believed that the Murree agreement was valid and sufficient to allow them to proceed. But the Haqqani, contrary to promises that they would not do so, introduced a second agreement related to passage in Upper Kurram. The Shi'a insisted that this issue be left out of the discussions. Moreover, in order to discuss the other issues, the Shi'a insisted that the Haqqanis take full responsibility for the security of both the return operation and the integration of the IDPs in their place of origin.

But the Haqqanis refused to take responsibility for the security of the Kurram people beyond the members of their network. This caused confusion among both the Sunni and Shi'a because they had assumed that the Haqqani represented the security establishment and that the security establishment – if it needed to – would be able to control all potential spoilers of an eventual agreement.

Late October 2010 brought a new development. The government decided to close down five border crossings from Kurram into eastern Afghanistan. This virtually cut the Shi'a Turi off from the world. Analysts and negotiators alike believed that the real reason behind the closures was a desire to economically strangle the Turi in order to compel them to accept the opening of the corridor desired by the Haqqanis.

Media outlets reported in November that the measure was efficient: the Shi'a cut a deal with the Haqqanis network to grant insurgents a corridor to Afghanistan.<sup>50</sup> This is not clear from our research.<sup>51</sup> What is clear, though, is that the negotiations between the Sunni and Shi'a to finally implement the Murree agreement started to bear fruit.

#### Kurram Agreement – in memory of prior consensus

In February 2011 a new peace deal was signed between Sunni and Shi'a tribal leaders during a major 225-member tribal jirga in Parachinar.<sup>52</sup> The agreement established that grand jirga members would take steps to settle disputes in Kurram in line with the Murree agreement during the first month of peace from February 5, 2011 to March 5, 2011 (see *Annex III: Text of Kurram Agreement*).<sup>53</sup>

However, while the deal reinforced the intent and content of the Murree agreement, it did not significantly improve it. For example, the new deal did not clearly define procedures which would lead to safe and sustainable returns and compensation for the IDPs. Nor did it make reference to the failure of the state to guarantee the Murree Agreement or punishment of the individuals held responsible for the continuing atrocities in Kurram.<sup>54</sup>

Other problems soon became evident. Some of the most respected elders were not present at the negotiations. Those who did participate were accused of being unrepresentative, having been selected by high-ranking government officials, rather than elected by their own communities. Their ability to implement the accord was

thus questioned by those communities. The negotiations also were conducted in an atmosphere of violence and mistrust. Iqbal Hussain, a prominent Sunni leader from Parachinar, was killed on January 30, four days after the initiation of the grand jirga and just before the signing of the final agreement. The Sunni believe that he was killed by Shi'a radicals intent on dividing the Sunnis from Upper and Lower Kurram. Shi'a leaders, by contrast, believe he was killed by Sunni radicals opposed to his moderate leadership.<sup>55</sup>

Long-standing disputes over land, forest and water rights were not mentioned in the agreement. This was despite the fact that at least five major tribal disputes related to resources pit a Sunni tribe against a Shi'a tribe. In particular, the disputes over resources between the Mangal and Turi were not addressed. The Mangal, in addition to acquiring land entitlements in Upper Kurram, want the Turi to lift the siege on Shallowzan Tangi and want access to public positions in the Kurram administration.

The Tehrik-i-Taliban Pakistan (TTP) Kurram commander, Fazal Saeed, publicly expressed his support for the accord in interviews with the national press.<sup>56</sup> But in Kurram Agency his discourse was different. Sadda residents said that his forces prohibited any interaction with the Shi'a, particularly the Turi tribesmen. It was only the road from Thal to Parachinar that was at stake, they were told, nothing more.

The deal was limited to one month. Before one month had passed, Prime Minister Syed Yousaf Raza Gilani announced Rs 1.7 billion (US\$ 20 million) for the rehabilitation of the IDPs. The grand jirga from Kurram was assured that Rs 1 billion of that money would be granted in 2011 and the rest in 2012.<sup>57</sup>

### **Spoilers at work, but fragile negotiations continue**

After one month had passed, a Shi'a man was killed in Qissa Khwani bazaar in Peshawar. A series of retaliations followed. On March 5th, a vehicle was attacked near Mamu Khwar in Doaba, leaving four people dead. One week later, on March 13, Mangal militants attacked a Turi convoy in Hangu District, leaving 11 passengers dead. On March 24th, a Mangal attack against the Doaba Police Station in Hangu, intended as revenge, killed eight and injured 25, and on the following day some 13 passengers were killed while another 45 passengers from the Bagan area of Lower Kurram were abducted by militants in yet another attack on a Shi'a Turi convoy.<sup>58</sup>

Mangal tribesmen claimed responsibility for the attacks, saying they had not been represented in the negotiations of the Kurram Agreement and that their demands had been sidelined. The attacks alarmed the Turi community, whose elders demanded immediate action against the people involved in the violence. A further degeneration of the situation seemed difficult to prevent.

Continuing negotiations were leading to the release of hostages and modest progress towards a possible implementation of the agreement. Sunni leaders want to see the return of IDPs and the recovery of Sunni properties as the first order of business. But the Shi'a argue that the road should be opened before other steps are taken. Since a return process would mean a *de facto* opening of the road, the Shi'a of Upper Kurram will get what they want in any case.<sup>59</sup>

As of May 10, 2011, the road remains blocked and the security measures promised by the government had not been implemented. Shi'a protesters, supported by MQM, had been gathering in Islamabad for several days. They demanded that Turi warriors should be posted along the Thal-Parachinar road. The Kurram Shi'a member of the National Assembly, Sajid Turi, threatened to resign in protest of the insecurity on the road.<sup>60</sup>

## 5. Conclusion

It is not clear that people from different sects will be able to live side by side again in Kurram. Post-2007 violence there has created sectarian animosity which will be difficult to heal. A return process requires that cordial relations between tribes are restored and that conflicts – including numerous blood feuds resulting from the ongoing crisis – are managed by communities sharing the same space.

Turi plan to build a new road from Alizai to Parachinar along the southern border with Khost, Afghanistan, suggesting that they are, at best, cautious optimists about the possibility that the main road ever will be safe as a result of the negotiation with the Sunni. Displaced Sunni strongly oppose the new road because they say it will pass through a mixed Sunni-Shi'a area and lead to further displacements of the Sunni community.

TTP has been unable to win widespread popular support in Kurram. Their conduct, particularly the tactics of terror and anti-nationalist stance, has earned them a bad reputation. The Taliban thus currently rely on violence to operate in most parts of Kurram.

Nevertheless, the Kurram conflicts will be easier to resolve once the military actors in Afghanistan have fewer incentives to maximize their military gains before a national dialogue. Meanwhile, militants will continue to push for open corridors and granting them free access could probably improve chances of local peace, at least in the short term. But pro-government Afghan forces would have an incentive to prevent that from happening.

Especially problematic is the dual role of the state vis-à-vis external spoilers undermines its desired role as a neutral arbiter. Since an agreement depends on a predictable and reliable state as guarantor of any agreement and protector of all citizens in Kurram this ambiguity makes a successful agreement unlikely.

Negotiations wisely have not attempted to ‘restore’ the political realities in Kurram to what they were before the ongoing crisis began in 2007. Issues from before 2007 which are left unresolved cannot be addressed in this peace deal. But some procedure for addressing them must be established eventually. The grievances of the Mangal, who now also have a considerable displaced community from Upper Kurram, cannot be isolated from the negotiations with the Sunni from Lower Kurram. The Mangal presence in the Hangu area moreover enables them to spoil future efforts to open the road.

A return process must be adequately planned and based on the best accessible data. These data are available at IVAP and the parties must be familiar with them in order to plan and execute a successful return operation.

## 6. Recommendations

Friends of a Democratic Pakistan should support efforts designed to overcome the growing sectarian divide in Pakistan, in which Kurram Agency has both a crucial practical importance as well as a symbolic one.

A negotiation process which addresses the grievances of the major tribes in a sectarian context can be successfully implemented and should be politically and financially supported.

United Nations humanitarian agencies should, upon request and after a cautious analysis of the viability of a peace settlement, plan for a responsible return process which takes into account the principles of safety, dignity and voluntariness.<sup>61</sup> The Returns Task Force -- co-chaired by FDMA and UNHCR -- should already now start drawing up returns plans in consultation with IDPs.

Planned return movements should preferably start with the return of IDP communities which do not hail from mixed Sunni-Shi'a communities.

Trust can be built across the sectarian divide but the current dialogue has not permitted the Shi'a and Sunni to gain a meaningful understanding of each others' decisions the past four years. A carefully planned intervention which allows displaced leaders to meet could provide be a requisite for a successful return movement.

IVAP's data pertaining to the situation of IDPs from Kurram is the best reference for planning a return movement. OCHA should, as soon as possible, familiarize representatives of the Kurram IDP communities, FDMA and the facilitators of the Kurram agreement with the data gathered by IVAP.

Disputes over property entitlements must be managed through appropriate customary and statutory legal procedures. Donors should fund customary and statutory legal advisors to assist the parties to precisely define the unresolved property issues and establish a mechanism and a timeline to resolve them without violence.

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<sup>1</sup> *Turizona* – the Kurram customary law codified by the British in the 1890s – was only consulted by the Turi tribe and does not reflect the collective thinking of all tribes. The non-Turi currently claim that the provisions of this code are outdated and need to be revised and redrafted.

<sup>2</sup> When a sectarian war broke out in Laknow (India) in 1939, Turi Shi'a fighters from Upper Kurram were sent to fight alongside the Shi'a there, some elders say with the support of the British Political Agent. But the Sunni elders of Lower Kurram decided to intervene and prevented the Shi'a fighters from trespassing Sunni territory and thus reaching Laknow. This led to tension which was defused by the Political Agent. The event was called “Islamzoona” and is vivid in the collective memory today.

<sup>3</sup> In June 1961 – encouraged by a Shi'a leader that hoped to win political support in the local community -- the Bangash Shi'a minority in Sadda broke with the tradition of private celebrations of Muharam and held a public Muharam procession. However, the Sunnis moved to stop the procession. This provoked the Shi'a who were celebrating in Parachinar some 30km away and, according to Sunni elders, the Shi'a there rushed to Sadda and fighting started upon their arrival. The Kurram Militia failed to stop the violence and reportedly fired directly at the crowd. In total, 87 people were killed. After this event the Shi'a tribesmen were temporarily forced to flee Sadda but soon returned to recover their properties after a jirga agreement between the parties was reached. Both Shi'a and Sunni tribal leader believe that the political administration of Kurram instigated the clashes.<sup>3</sup>

<sup>4</sup> In 1971, clashes emerged with the plans to build a new Sunni mosque in Parachinar. The Shi'a opposed the construction, but the Sunnis were adamant to the project. The disagreement soon escalated to violent clashes which killed several people. The political administration intervened by calling for an inter-sectarian jirga tasked with restoring peace. The jirga failed to resolve the issue and its elders were subsequently jailed in D.I Khan (KPK). They were released upon the intervention of a Shi'a civil servant from Parachinar who was posted in D.I Khan at the time and were able to reach an agreement upon return to Parachinar.<sup>4</sup>

<sup>5</sup> The stabbing of the imam of the main Sunni mosque prompted short-lived but violent sectarian clashes in Parachinar city in 1973.

<sup>6</sup> Sunni and Shi'a villages in Lower Kurram – many of them members of the same Bangash tribe, have sustained longstanding peaceful relations which has helped them avert sectarian violence. Punjabi Sunni brought by British administrators to Upper Kurram (Parachinar) to work as tailors in the early 20<sup>th</sup> century have made great efforts to avoid tension with the Shi'a Turi; and some have converted to Shi'a-ism.

<sup>7</sup> Some Pakistani Shi'a leaders were motivated by the events which led to the Islamic Revolution in Iran, February 1979 and the Turi Shi'a played a leading role in the movement which reinvigorated Shi'a interest during the 1980s.

<sup>8</sup> Most of the registered refugees based in the Agency were living in 30 refugee villages in Lower Kurram. Three refugee camps were located in Moqbal areas of Upper Kurram. Refugees outnumbered Turi and other locals in Lower Kurram and tensions were continuous in some areas (see ANNEX II: LAND DISPUTES).

<sup>9</sup> The main faith-based organisations in Kurram -- Shi'a Anjuman-e-Hussainia and Sunni Ajnuman-e-Farooqia -- by and large have made efforts to reconcile differences between Sunni and Shi'a sects. But in 1984-85 Alamdar Federation was established by the Shi'a, and the Sunnis established Al-Baddar Federation, both of which promoted division. Sunni Sipah-e-Sahaba and Shi'a Sipah-e-Mohammad -- both declared opponents of the other faith-based community -- exacerbated this trend of polarization from 2003 onwards.

<sup>10</sup> Sunni celebrations in mixed areas of Kurram were private until the political administration of Gen Zia sponsored public gatherings. On a number of occasions, local leaders requested to be exempted from the celebrations but their requests were rejected by the PA's office. A compromise was reached in Parachinar where religious processions are limited to the following: (i) during Muharram (Shai), (ii) Chehlum (Shai) (iii) 12<sup>th</sup> Rabiul Awal (Sunni) and (iv) Yumul Quds (Shi'a).

<sup>11</sup> The Pakistan Newswire, December 22, 2001, Mengal tribe sought action against the culprits of Nov 22 incident; Business Recorder, March 11, 2001, Seven killed in Parachinar sectarian clash

<sup>12</sup> The conduct of militants -- once established among Sunnis in Lower Kurram -- provoked a rejection among the local people but the militants' tactics have been efficient and few people dare to speak out against them. Tribal leaders are still relatively strong, have the support of most tribesmen and – on the Shi'a side – control some of the lashkars (others are controlled by Shia clerics like Abid Hussain and Mussarat Hussain). The leaders are still capable of searching for negotiated solutions and agreeing on such solutions.

<sup>13</sup> The Mangal are one of the most powerful Pashtun tribes, residing in Southeastern Paktia and adjacent Khost provinces of Afghanistan. In the view of Turi leaders, the access to Mangal support across the border make the Pakistan Mangal a constant threat to the Turi hegemony in the Upper Kurram.

<sup>14</sup> Most of the registered refugees based in Kurram Agency were living in 30 refugee villages in the Lower Kurram while three in Upper Kurram (Muqbil's area). Refugees outnumbered locals in Lower Kurram.

<sup>15</sup> Except one woman from each family who stayed behind to cook for the fighting men.

<sup>16</sup> E.g. Mangal in Upper Kurram, Sunni Bangash in Lower Kurram and Mamoza in Central Kurram

<sup>17</sup> The exhibition of pornographic images of women of the opposing group is a recurrent theme.

<sup>18</sup> Accusations of locals taking part in these practices were but remain unsubstantiated. Note also that there are frequent rumours of Indian infiltration due to the observation that some of the killed or captured men are uncircumcised. But that is a local practice: Mehsud and Wazir men do not practice circumcision.

<sup>19</sup> The Sunni Bangash can come back but the Afghan refugees and Taliban are not allowed.

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<sup>20</sup> BBC News, 21 October 2010, The Pakistani tribe that is taking on the Taliban, <http://www.bbc.co.uk/news/world-south-asia-11486528>

<sup>21</sup> Mangals tribal leaders proclaim to have had many fights with the Turi between 1982 and 2007. But all those fights passed within a couple of weeks. After that, both sides would cease fire under pressure from the government; peace and normality would eventually return.

<sup>22</sup> Daily Times, 24 February 2011, Kurram: sacrificed at the global jihad altar,

[http://www.dailystimes.com.pk/default.asp?page=2011%5C02%5C24%5Cstory\\_24-2-2011\\_pg3\\_2](http://www.dailystimes.com.pk/default.asp?page=2011%5C02%5C24%5Cstory_24-2-2011_pg3_2),

<sup>23</sup> Statistical data in this section are taken from IVAP's survey in KPK: <http://www.ivap.org.pk/>). The qualitative data are from IDMC interviews.

<sup>24</sup> This compares to the average overall family size in FATA which is 8.5.

<sup>25</sup> Of the 4,700 families that have stated where they fled from (this could be either the last place of departure inside Kurram or their place of origin): 1,200 stated Sadda 1,000 said Parachinar. 600 families originate from Alizai and some 120 families fled Bagzai. More than twenty families come from each of the following towns: Sham Kae, Shaloozan, Munda, Masoozi, Belyamin, Bagan and Ali Sher Zae. More than ten families were displaced from Akbar Khan Sara, Maro Kheil, Marghaan, Meer Mat Khel, Muzafar Koot, New Abaadi, Pir Qaum, Sar Sarang, Taindu, Taeda, Tangi and Tari Tang.

<sup>26</sup> Fighting is often very local taking place between a limited number of bunkers or buildings in one or two streets in the same town. But since the rival factions use rockets and mortars imprecisely they have repeatedly hit populated areas which has prompted local displacements. During the fighting in November 2007, the exchange of hand grenades and shells near the Imambara and the main Sunni mosque repeatedly hit the areas in Sadda where the IDPs from Parachinar had taken refuge forcing them to flee again.

<sup>27</sup> Shi'a IDPs from Kurram are by and large living in Alizai and Parachinar inside Kurram, Uzterzai and Sher Kot Union Councils in Kohat, Raisain Union Council in Hangu, Peshawar and Islamabad. The displaced Sunni community lives in Kohat, Hangu and Peshawar, as well as in Hassan Abdal, Punjab.

<sup>28</sup> Some Sunni elders of Lower Kurram lost their authority due to their failed alliance with TTP. Moreover, the ability of some elders from Lower Kurram -- who were seen as natural leaders before the displacements -- to advance the interest of the community in the place of refuge has been questioned by some. Young aspiring Bangash Sunni, for example, complain that some of the wealthier community representatives who live in Islamabad lack an understanding of the interests and needs of the common IDP's.

<sup>29</sup> The IDPs who live in Punjab have not had similar representation and are still not registered as IDPs.

<sup>30</sup> Shame and humiliation was also part of the flight experience: „We had no blankets in the extreme cold..I will never forget the insult of women I saw there; they were not properly covered when they were en route. The scene of extremely beautiful women without veils openly crying out shame will never leave my mind.”

<sup>31</sup> Displaced Shi'a in Hangu found that sectarian tensions also were present in adjacent Hangu, and many chose to go to Peshawar where they live in mixed Sunni- Shi'a neighbourhoods and feel relatively safe.

<sup>32</sup> Among the displaced population, 1,096 are orphans (15 are separated children), 458 are widow; 752 live in a situation of 'physical or mental' disability, and 1732 are chronically ill.

<sup>33</sup> 92% live in rented accommodation 4% own their houses and 4% live with relatives

<sup>34</sup> Most families claim that the food lasts for only one or two weeks and that the distribution has been irregular. Some of the products which are supposed be included in the monthly rations are frequently missing, in particular sugar and tea. The IDPs believe that the people who work in the 'Social Welfare Cell' keep some for themselves and they are widely seen to have included families who were not displaced in the distribution list.

<sup>35</sup> Jaish-e-Mohammad, which is an illegal militant organisation, has a strong presence in Kohat and provides support to a number of Sunni IDPs. In particular they donate meat during religious celebrations, accomodate at least 13 families and have helped the displaced Sunni community to acquire a graveyard where they can bury the deceased. The displaced leaders insist that the militant organisation has not asked for anything in return for their assistance.

<sup>36</sup> Daily commodities are very expensive due to the blockage, although rents are inexpensive and a number of families live free of charge in the abandoned houses of Sunni IDPs who now reside in Kohat or Peshawar.

<sup>37</sup> Education is seen as coping strategy by Kurram IDPs. They believe that study will allow them to access better jobs and secure their future, both in displacement and if they find a durable solution. Even poorer displaced families have made an effort to ensure that their children study, despite concerns over the cost of admission to private schools.

<sup>38</sup> Most people have found work and are able to sustain their families. Well-off families have bought land and built a house. This in contrast to IDPs from a number of IDPs from Orakzai Agency who are unable to make a dignified living in their place of refuge and thus return out of poverty.

<sup>39</sup> 92% intend to return, 8% do not intend to return.

<sup>40</sup> Eleven leading tribal leaders from Bajaur, Orakzai, Mohmand, Khyber and Hangu and a lawyer from Peshawar also signed the document as facilitators/mediators of the consultations

<sup>41</sup> The agreement was written in the framework of the controversial Frontier Crimes Regulation (FCR) which regulates the relationship between tribes in FATA and between the tribes and the state. A central component of the FCR is how to sanction unlawful conduct. Under the FCR, punishment consists of collective fines and the destruction of law breakers' property. Restoration of the right to property can only be granted through a jirga decision or by the state.

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<sup>42</sup> Sunni leaders alleged that the government on one occasion imposed a fine on the Shi'a community following attacks on a Sunni convoy in the Alizai area but this information is not confirmed.

<sup>43</sup> Early 2010, a seemingly isolated attempt by an army commander to guarantee security on the main road and convince the elders to mend sectarian relations did not prosper.

<sup>44</sup> Some 85% of the Kurram IDPs in KPK believe that the house at the place of origin had been destroyed while 15% does not know or believe that it is left intact (IVAP, April 2011).

<sup>45</sup> I.e. Borki and Kharlachi passageways, Malikili-Kharlachi route, the Parachinar-Terimangal route leading to the Khost Bowl and a route leading to Tora Bora via Zairan and Malanah. In lower Kurram, the Taliban controls corridors through Shaheedano Dand and Ahmadi Shama to Zazi Maidan in Afghanistan's Paktia province and to Maqbal of Khost province. From Central Kurram, the militants access Afghanistan through Tirah Valley in Khyber Agency (see e.g. Mr Ashraf Ali in Columnspk. Com, 31 March 2011, Save The Kurram Peace Deal, <http://www.columnspk.com/save-the-kurram-peace-deal-by-dr-ashraf-ali/>)

<sup>46</sup> According to news outlets, residents of Upper and Lower Kurram were granted some concessions, including a partial opening of the main highway and resumption of chartered flights between Peshawar and Parachinar. (see e.g. New America Foundation, April 2010, p.5, The Battle for Pakistan - Militancy and Conflict in Kurram, [http://www.humansecuritygateway.com/documents/NAF\\_TheBattleforPakistan\\_MilitancyandConflictinKurram.pdf](http://www.humansecuritygateway.com/documents/NAF_TheBattleforPakistan_MilitancyandConflictinKurram.pdf); Shiitenews, 19 February 2011, Kurram Agency peace deal — Back door role of Haqqani Group, [http://www.shiitenews.com/index.php?option=com\\_content&view=article&id=2499:kurram-agency-peace-deal--back-door-role-of-haqqani-group-&catid=57:pakistan&Itemid=37](http://www.shiitenews.com/index.php?option=com_content&view=article&id=2499:kurram-agency-peace-deal--back-door-role-of-haqqani-group-&catid=57:pakistan&Itemid=37); Dawn, September 16, 2010, Zulfiqar Ali, "Taliban Trying to End Tribal Clashes in Kurram," <http://archives.dawn.com/archives/34446>)

<sup>47</sup> During the initial rounds of dialogue, the tribal leaders felt that their notion that the ISI was involved got confirmed. They saw that the Haqqani had a house in Peshawar known to the security establishment and that they also had access to helicopter during the negotiations. The Haqqanis also insinuated that their mission had the backing of powerful Pakistani institutions.

<sup>48</sup> Minister Sajid Turi and Sunni minister Munir Orakzai established contact points with the Haqqani.

<sup>49</sup> Sunni leaders attending the meetings included [NAMES]

<sup>50</sup> Dawn, 27 November 2010, Shi'a deal gives militants new Afghan access, <http://www.dawn.com/2010/11/27/shiite-deal-gives-militants-new-afghan-access.html>

<sup>51</sup> On the eve of the Haqqani led negotiations in December 2010, a Parachinar based Shia group, Tehrik-E-Hussain, distributed pamphlets in the city against the negotiations. The pamphlet titled "Real Objective of the Haqqani Network", condemned the negotiation and declared the Haqqanis "murderers" of innocent people of Kurram and "no negotiations with the murderers could be acceptable". The pamphlet also stated that the real objective of the Haqqanis was to ensure a safe passage via Upper Kurram to Afghanistan. "If we have to concede to the Haqqani's demand (safe passage) now, why did we have to resist them for past five years", asks the pamphlet.

<sup>52</sup> The agreement was facilitated by Malik Waris Khan Afridi, a former Federal Minister from the Khyber Agency, Ahmad Mumtaz, a leading tribal leader from Afghanistan, and the Haqqani Taliban group, although the latter was never publicly admitted. MNA Sajid Toori from Parachinar and MNA Muneer Orakzai played leading roles to bring the two sides to the negotiation table.

<sup>53</sup> A convoy led by the leading jirga members reached Parachinar; cherished all along the route by both Shi'a and Sunni communities.

<sup>54</sup> The Shi'as hold local Sunnis like Eid Nazar Mangal, linked with the Sipah-e-Sahaba, and the TTP's Fazal Saeed as being responsible for the crimes against them. The Sunnis hold local Shi'as like Abid Hussain ('Mehdi Militia' commander), Syed Hashem Ibrahimzai and a non-local Shi'a cleric, Maulana Irfan Nawaz Irfani, responsible for the atrocities committed against the Sunnis in Kurram.

<sup>55</sup> Displaced Sunnis from Parachinar city boycotted the grand jirga in response to the assassination of a leading Sunni tribal leader from Parachinar, Iqbal Hussain, and also because of a recent missile attack launched by suspected Shi'a militants from Balish khel on Sadda. The peace deal was thus announced without them, weakening its authority.

<sup>56</sup> Dawn reported on April 6<sup>th</sup> 2011 (No peace in Kurram, <http://www.dawn.com/2011/04/06/no-peace-in-kurram.html>) that the government had agreed to release one of his relatives and allow his petrol pump businesses to be reopened in exchange for his support, but that the government later failed to honour its commitments.

<sup>57</sup> Pakistan Today, 2 march 2011, Gilani announces Rs 1.7b for Kurram Agency IDPs, <http://www.pakistantoday.com.pk/pakistan-news/National/02-Mar-2011/Gilani-announces-Rs-17b-for-Kurram-Agency-IDPs>; The News, 2 March 2011, Kurram Agency to get Rs1 bn: Gilani, <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=33820&Cat=2&dt=3/2/2011>

<sup>58</sup> Militant Sunni under the command of Sattar Wazir, abducted 20 Bagan men at gunpoint some days later (Columnspk. Com (Ashraf Ali), 31 March 2011 Save The Kurram Peace Deal, <http://www.columnspk.com/save-the-kurram-peace-deal-by-dr-ashraf-ali/>)

<sup>59</sup> It is currently unclear whether the Turi actually complied with the Haqqani expectations of free corridors. The government also delayed the return process of Shi'a and Sunni IDPs, perhaps waiting for improved 'cooperation' from the Turi.

<sup>60</sup> See video clip here: [https://www.youtube.com/watch?v=aeiYdSbItW0&feature=mfu\\_in\\_order&list=UL](https://www.youtube.com/watch?v=aeiYdSbItW0&feature=mfu_in_order&list=UL); The Express Tribune, May 10, 2011, Parachinaris await next broken promise

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<http://tribune.com.pk/story/165303/parachinaris-await-next-broken-promise/>

<sup>61</sup> The foreseen needs upon returning are security (46%), material for rebuilding house (20%), food assistance (16%) and some 6% require transportation and temporary shelter.