



Stable Regime, Historiography and Truth Commissions: A Case Study of Pashtun Tahafuz Movement of Pakistan

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Abstract

This article discusses the Pashtun *Tahafuz* Movement's (PTM) demand for establishing a Truth and Reconciliation Commission (TRC) to facilitate the right to truth of victims of the war on terror in Pakistan. It highlights the tension among the right to truth, geopolitical considerations, and historiography in pursuit of transitional justice under a stable regime. It argues that Pakistan is not likely to establish a TRC due to its geopolitical considerations vis-a-vis Afghanistan. It, however, also underscores that PTM as a pressure group could contribute greatly to realising several human rights based right claims of the war victims, if it disengages itself from the anti-Pakistan Afghan diaspora.

Key words: Pashtun *Tahafuz* Movement, Transitional Justice, Truth and Reconciliation Commission, Right to Truth.

Introduction

The Pashtun *Tahafuz* Movement (PTM)—Pashtun Protection Movement in English—emerged in the Pashtun districts of Pakistan on the border with Afghanistan in the post-9/11 US-led war on

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terror (Mallick 2020). The war, initially directed at the Taliban government in Afghanistan, quickly spilled over into the Pashtun border districts of Pakistan, formally known as FATA.¹ Consequently, these districts suffered massive violence, widespread abuse of human rights, and immense material damage (Amnesty 2012, Crawford 2018, NACTA 2018, ICG 2009).

The PTM demands a Truth and Reconciliation Commission (TRC) to identify the perpetrators of the human rights violations and to ascertain the causes and conduct of the war on terror, thereby allowing the victims to know the truth about the violence they suffered (Siddiqui 2019). The commission has not been established and remains a mere PTM demand which Pakistan's government refuses to entertain. Nevertheless, several PTM activists have high hopes for the commission and believe that only an 'independent' TRC can uncover the truth about these rights violations.² It is therefore appropriate to discuss whether Pakistan could establish a TRC and to what extent a TRC could serve the victims in their right to the truth. This article argues that Pakistan is a stable regime that is unlikely to accept the PTM demand due to geopolitical reasons. In case Pakistan does establish a TRC, as some other stable regimes did (Wiebelhaus-Brahm 2020), the geopolitical context and historiographical function of the TRC will likely undermine the right to truth.

The article is structured as follows. The first section is an introduction and the second focuses on the study's methodology. The third section provides a theoretical context and the fourth section introduces the concerned stakeholders. The fifth and sixth sections are discussions over the PTM's demand of a TRC. The seventh section is the conclusion.

Methodological Approaches

This article is a piece of insider action research. When members of a group seek to inquire into the working of their group, they can be assumed to be undertaking insider action research (Coghlan and Brannick 2005).

I belong to the same ethnic group that the PTM claims to represent—the Pashtun—and support the PTM³. I, however, disagree with PTM's association with the anti-Pakistan Afghan diaspora, which openly asks for the disintegration of the Pakistan state.⁴ This association, in my view, is detrimental to the PTM right

claims on the state of Pakistan, because it makes PTM look like a movement with secessionist tendency which the state would not tolerate. Consequently, the state tends to deal with PTM as a security concern, which takes the state's focus away from the human right claims and makes it less likely for the public to support the group's goals.

In the positivist tradition, researchers with insider perspectives have biases that compromise the objectivity in their research. Post-structuralist scholars, though, argue that positionality (a researcher's sense of self and the situated knowledge they possess as a result of their location in the social order) is part of the research.

Inside positionality has both advantages and disadvantages. In my case, the advantage is that, as a Pakistani Pashtun and a PTM supporter I am relatively less likely to be distracted by the "ethnographic dazzle"—which is a distraction from comprehending subtle meaning making, which may lead a researcher to draw simplistic conclusions (McNess, Arthur, and Crossley 2015).

Empirical information for this article comes from my pre-understanding of the PTM,⁵ which includes multiple interactions—both face-to-face and on social media—with PTM activists, including its leader, Manzoor Pashteen.⁶ The interactions are linked with my interest in the war on terror in the Pashtun area of Pakistan, the area I am from and where I have a home as well as family, friends, and colleagues. Moreover, I have also had discussions with some security personnel of Pakistan who fought the Taliban and Al-Qaida militants on the frontlines, including the uniformed officer who has killed Saiful Asad, the infamous Uzbek Al-Qaida militant known for beheading many people in the area.⁷

Pre-understanding can also have disadvantages. For example, the researchers may assume they know enough based on their pre-understanding and may not probe as much as an outsider or a less knowledgeable researcher might. This may prevent an insider researcher from making critical reflections on the research phenomenon (Coghlan and Casey 2001). The disadvantage of assuming too much is more likely that the researcher—in this case myself—is politically involved in the research context. For example, I often receive social media hate from some of those who disagree with me, especially people in the Afghan diaspora.

The Afghan diaspora strongly supports the PTM's demand for the establishment of an independent TRC. Their support has confronted me with the ethical challenge to draw a clear line between my role as a PTM supporter with a note of dissent and my role as a researcher. I deal with this challenge by looking into literature about truth commissions in order to explore what a TRC could achieve in Pakistan in terms of the right to truth.

Theoretical Context

Modern transitional justice is a complex post-Second World War notion that evolved in the decades following the war's conclusion. It aims to address violent legacies of the past to facilitate a transition towards a more peaceful and democratic society. Depending upon the context, it involves various judicial and non-judicial mechanisms and processes, including truth-telling (Haider 2016) in the form of truth commissions.

Truth commissions are non-judicial, independent panels of inquiry established to uncover facts in the context of serious human rights violations in a country's past (ICTJ Focus Truth Commission 2008). The commissions are especially relevant as a restorative justice mechanism in contexts where retributive justice may not be an option for various reasons, such as political pressure. So far, over 70 truth commissions have been conducted around the world (CMI TRUCOM project webpage). To what extent these various commissions around the world have achieved their stated objectives is debateable (Hayner 2011, Chapman and Ball 2001, Grandin 2005, Wiebelhaus-Brahm 2020). Nevertheless, fresh demands for these commissions keep coming. The latest demand is from the PTM in Pakistan. "A truth commission will help bring out truth on what really happened in our area since 9/11," explains PTM's leader, Manzoor Pashteen, to a news website (Siddiqui 2019).

Truth Commissions and Stable Regimes

Transitional justice is associated with periods of political change (Teitel 2003), typically a change from an authoritarian to a more democratic power setup or a change from conflict to a peace context. This is the reason why most truth commissions have been conducted in post-conflict and post-authoritarian contexts to resolve domestic conflicts. There are also examples of mature democracies establishing truth commissions, for example, both Norway and

Canada employed a truth commission to establish a shared understanding of the past oppressions against their indigenous minorities. Other stable governments, such as Bahrain, Morocco, and Sri Lanka, framed and used truth commissions to ward off domestic and international pressure and evade accountability for the massive rights violations that occurred (Wiebelhaus-Brahm 2020). Frames are not themselves (transitional justice) ideas but ways of packaging and presenting ideas that generate shared beliefs, motivate collective action, and define appropriate strategies of action' (Merry 2006, 136). Most governments may have a tendency to exploit transitional justice norms to advance their own interests and some do so by framing the ideas of transitional justice (Loyle and Davenport 2016).

Pakistan is also a stable government where the longstanding civil-military power imbalance remains the defining feature of power politics (Rizvi 2000). Pakistan's army has also retaken the war on terror battleground in the border districts from the *Tehrek-e-Taliban Pakistan* (TTP) militants through massive kinetic operations,⁸ but the conflict in Afghanistan is still going on with no realistic signs of its ending in the near future, which motivates Pakistan, like other states, to subordinate human rights causes to geopolitical interests.

Also, due to geopolitical reasons, major world powers involved in conflicts around the world prefer stability over human rights. This is also a reason why Sri Lanka, which lacks the geo-strategic importance that Morocco and Bahrain have for the major world powers, faced far greater diplomatic criticism on its human rights violations than the latter two countries (Wiebelhaus-Brahm 2020).

Pakistan is also a US ally in the war on terror. Both countries are accused of rights violations and a major investigation would implicate them both (Amnesty 2012, Sanders 2018, Alston, Morgan-Foster, and Abresch 2008). Due to the ongoing conflict in Afghanistan, both countries have restricted access to intelligence information about controversial practices of the war on terror, so much so that, even years after the war, leaks are the primary means revealing any information about them, such as the Wiki Leaks. It may be very difficult to identify perpetrators of the rights violations or even construct an authentic historical narrative without access to the relevant intelligence information. This indicates it is unlikely that Pakistan or the US would support a commission that might lead to moral or political pressure on them to share classified information.

Transnational Justice, Truth Commissions, and Historiography

Truth commissions do not claim to produce professional historiographies, but they do strive to construct authoritative histories of the past that have the capacity to affect public narratives about the historical contexts. They construct histories through human rights investigations. This is a challenging task because transitional justice is an inherently political phenomenon (Vinjamuri and Snyder 2015) where the political field influences the truth commissions' rights investigations. Truth commissions deal with this challenge by adopting various narrative strategies that rule out alternative history narratives (Bakiner 2015) and by implication may also compromise the victims' right to truth (Duthie and Seil 2017, Chapman and Ball 2001).

The time period of a truth commission's enquiry is linked with the commission's historiographical aspect because it will determine how comprehensive the historical narrative will be (ICTJ 2013, 10). Some commissions' mandates impose strict restrictions on the start date of the human rights investigation (such as the commissions in Sri Lanka and Chad), while some have a long time period to investigate, such as the Norwegian commission which is mandated to look into the time period since 1800 and could even extend its search further into the past, if necessary.⁹ Some stakeholders may dispute a specific time length because it has serious implications in terms of how the commission will narrativize the past (Bakiner 2015). In case of a TRC established in Pakistan, the time period of its human rights investigation will likely be a point of dispute among the concerned stakeholders.

Gramsci's famous statement that "history is always contemporary, that is, political," depicts well the Afghan narrative of history (Qassem and Durand 2008), in which they see the violations of Pashtun rights in Pakistan during the war on terror as a continuation of the nineteenth-century Great Game between Russia and the British (Hopkirk 1992), which resulted in the first, second, and third Anglo-Afghan wars in Afghanistan. The Great Game later transformed into Cold War-era tensions between the Soviet Union and the West in the region, culminating with the Soviet invasion of Afghanistan. The Soviet withdrawal led to prolonged chaos in Afghanistan, resulting in the 9/11 attacks, which triggered the war on terror. The Afghans see the Pakistan state as a continuation of

British colonialism in the region, whereby, they believe the British snatched territories from India and Afghanistan to create the state of Pakistan in order to promote Western interests against the Soviet Union.¹⁰ They say that Pakistan's Pashtun territory belongs to Afghanistan and must be reunited with it (Qassem and Durand 2008).¹¹ In this regard, the PTM demand for a TRC is looked upon by Afghans as a historical event that would help to substantiate their claims on Pakistan's Pashtun territory.

As Afghanistan's neighbour, Pakistan could not remain unaffected by the conflict in Afghanistan and consequently becomes involved, especially when Afghanistan becomes an arena of international proxy wars, which Pakistan perceives as a potential security threat (Rubin and Siddique 2006). Afghans typically see Pakistan's involvement through the lenses of their old Afghan claims on the Pashtun areas of Pakistan (Qureshi 1966). As a result, there is more Afghan anger and hatred towards Pakistan than any other regional and international power involved in the country.¹² A significant section of the Afghan population, especially Pashtun, refuse to accept the international border between Pakistan and Afghanistan—also known as Durand Line—which makes it difficult for any government in Afghanistan to publicly reject claims on Pakistani territory (Qassem and Durand 2008). The post-Taliban government in Afghanistan had no formal policy on the border with Pakistan (Rubin and Siddique 2006), but Afghan ministers and officials stated from time to time that they do not recognise the border with Pakistan, or they claim that the people, not the government of Afghanistan, have the right to decide about the border.¹³ The Taliban also does not formally recognise the border between the two countries and this is also the position of the Taliban who returned to power in Kabul in August 2021.

Truth Commissions and the Right to Truth

There is growing international support for the right to truth among victims who suffer human rights violations in conflicts. According to the UN's basic principles and guide on the right to a remedy and reparation, access to relevant information about human rights violations is part of the victims' right to remedy concerning the violations (UN60/147 2005). Based on the Inter-American Court on Human Rights' decision in the Velasquez Rodriguez case in the late 1980s, it is often assumed that states have an obligation to help

victims to seek the truth about their past rights violations (Brahm 2007). There are various soft law instruments to ascertain the right to truth (Shelton 2009). However, support does not mean that the right to truth is a claimed right that the state is obligated to ensure (Sweeny 2018). Applied to Pakistan, it means that what PTM demands—the victims' access to truth (via a TRC)—is not a human right obligation on the Pakistan state.

Pakistan has taken some steps to address some of these human rights violations. In 2018, the border districts were legally integrated with the rest of Pakistan by a constitutional amendment that abolished the British colonial made Frontier Crimes Regulations, FCR.¹⁴ Also, some work on the area's infrastructure development is in progress and millions of internally displaced people have returned home. However, this is not enough considering the massive scale of the rights violations.¹⁵ In some situations, the steps taken to address the rights violations seem to be mere framing of human rights ideas to calm the domestic critics than anything substantial to address the actual rights violations. A case in point is Pakistan's Commission of Inquiry on Enforced Disappearances (COIED) made by the government in 2011 to address the issue of the disappeared people has so far failed to address the matter (ICJ 2020).¹⁶

Stakeholders

Truth commissions are contested processes in which stakeholders compete for power to establish the *truth* (Ross 2006). Stakeholder are actors who are likely to take an interest in a process if they have a stake in its outcome (Sternberg 1999). In terms of a TRC in Pakistan, there are several potential stakeholders, but I will focus on the following four: the PTM as a collective voice of the war victims; the state of Pakistan, especially the army; *Pakistanised* Pashtun; and the anti-Pakistan Afghan diaspora.

Pashtun *Tahafuz* Movement (PTM)

The PTM emerged from the Mahsud¹⁷ *Tahafuz* Movement (MTM) in Waziristan, the border district that arguably suffered most in the war on terror. In 2015, about 15 young men from the area formed the MTM to give a voice to the victims, who at that time could not openly speak due to fear of the Taliban and the intelligence agencies of Pakistan. They used social media to create public awareness about

the sufferings of the war victims and voluntarily worked to support them.

In 2018, Naqeeb Mahsud—a Karachi-based, internally displaced emerging fashion model from Waziristan—was extrajudicially killed by the police in Karachi. In response, the MTM led a protest march from Waziristan to the capital, Islamabad. On the way, war victims from other border districts joined. The movement was no longer limited to the war victims from the Mahsud tribe of Waziristan. By reaching Islamabad, the movement had become a collective voice of all Pashtun in Pakistan whom the war on terror affected. As a result, the MTM was renamed as the PTM.

The PTM is mainly led by the children of war—that is, minors who became adults during the war on terror in the region—which includes the 25-year-old leader of the movement, Manzoor Ahmad Pashteen. The movement put forward five demands to the Pakistan army: end extrajudicial killings, end forced disappearances plus presentation of the disappeared persons to the court of law, dignified treatment of the public at military check posts, the removal of landmines in Waziristan, and justice for Naqeeb Mahsud’s family. Later, the PTM also put forward its demand for a TRC in a large public gathering in Lahore in April 2018.¹⁸ Zubair Mahsud (Zubair 2018), a prominent PTM activist now based in the US, first proposed the idea and was quickly taken up by the group as one of its demands.¹⁹

Afghan Diaspora

The Afghan diaspora refers to Afghans, especially Pashtuns, who live abroad as a result of the prolonged violence in Afghanistan since the Soviet invasion in 1979. They support PTM and their support is deeply rooted in historiography and their claims on the Pashtun territory of Pakistan and the role of the British Indian empire since 1838 and later the role of Pakistan in Afghanistan following the partition of the British India in 1947. They see PTM as a wider Pashtun movement uniting Pashtuns of Pakistan and Afghanistan against the state of Pakistan.

The Afghan diaspora has opened PTM platforms in Europe and North America, where they often hold anti-Pakistan demonstrations. Moreover, the diaspora uses social media to promote anti-Pakistan narratives among the Pashtuns of Pakistan.²⁰ Their goal is to

encourage Pakistani Pashtun to revolt against Pakistan to avenge Pakistan's role in the proxy wars in Afghanistan.²¹

Pakistanised Pashtuns

Responding to the social media campaigns of the Afghan diaspora, the Pashtuns who are integrated in Pakistan (also known as *Pakistanised Pashtuns*) have also taken up social media to counter the Afghan narratives. Every day, both Afghan diaspora Pashtun and *Pakistanised Pashtun* use social media forums to discredit each other's narratives. The Afghan activists name *Pakistanised Pashtun* as the biggest hurdle in their way to dismantle Pakistan, or what the Afghans variously call the Punjab Regiment, the British project, *Chetalistan* (dirty land), or the unnatural state.²² They also assert that Pashtun of Pakistan are slaves of Punjabis. There are also cases where the Afghans physically attacked *Pakistanised Pashtun* or vice versa, due to disagreements over history narratives.²³

The Pashtun are integrated into Pakistan, especially in its powerful armed forces (Fair and Nawaz 2011); in the country's mainstream political parties, in its economic hub Karachi and they are settled in all regions of Pakistan. All this has led to what can be termed as the *Pakistanisation* of Pashtun, which is also marked by their lack of attention to Afghanistan's irritant claims on Pashtun areas of Pakistan (Qureshi 1966, Ahmed and Khan 2020).

The *Pakistanised Pashtun* supported PTM in the beginning but have since distanced themselves from it. They view the PTM more as a group with separatist tendencies than as a movement fighting for the rights of war victims. This is also the reason why PTM demonstrations abroad are overwhelmingly dominated by anti-Pakistan Afghans with no or little participation from Pakistani Pashtuns. The *Pakistanised Pashtun* stand as allies of the Pakistan state in the clashes over historical narratives with the Afghans.²⁴

Pakistan State, More Precisely its Army

The Pakistan army's establishment continues to exert definitive influence over the country's security policy. This is precisely the reason why the PTM always directly addresses the Pakistan army—but almost never the civilian government of Pakistan—in its narratives about the war on terror and also accuses the army of collusion with the Taliban. Speaking with a news website, Manzoor Pashteen said:

The world was told that the Pakistan army was fighting against terrorism. Of course, there was somewhat of a small conflict they were engaged in – but it was a really strange conflict. The Taliban were a handful and yet they survived and escaped while hundreds of our people were killed. How is this possible? And then the Taliban would also target civilians through suicide bombings. From both sides, we were the ones who were being killed. We need to investigate why. (Siddiqui 2019).

There is a considerable distrust between the army and PTM and the latter has now demanded that a UN-led commission must investigate the rights violations in the war on terror.²⁵

Pakistan's powerful army generals' initial reaction to the PTM was positive. Major-General Asif Ghafoor—the then former director-general of Inter-Services Public Relations (DG ISPR)—said that the Pakistan army chief had given strict instructions not to use force on PTM gatherings (Dawn 2018). Some of the PTM demands were moving towards resolution.

Manzoor Pashteen, the PTM leader, has confirmed on social media that hundreds of disappeared persons have returned to their homes and that the intelligence agencies' practice of disappearing people has slowed down. Moreover, the extrajudicial killing of Pashtun has declined. The security forces' behaviour towards people passing army check posts has also improved. Another PTM demand—that Anwar Rao, the police officer who killed Naqeeb Mahsud, must face justice—has also been partially addressed, as the case is now in the court.

However, the Afghan diaspora's growing association with the PTM and its leaders' growing presence in anti-Pakistan Afghan online platforms could not sit well with the powerful Pakistan army. Moreover, the army is also unlikely to appreciate the voices in PTM that concur with the historical narrative of the Afghan diaspora. For example, within days of its creation, some PTM activists raised the slogan, "Accountability from Najib to Naqib."²⁶ This slogan underscores that some in the PTM exclusively hold the Pakistan army responsible for the massive violence experienced in Afghanistan since the 1979 Soviet invasion, in which Pakistan sided with the West as a front-line ally. Those Pashtun nationalists in Pakistan, who are often suspected of harbouring anti-Pakistan views, quickly joined the PTM and began to dominate its platform in Pakistan.²⁷

Consequently, the army's view of the PTM has become less unsympathetic. In April 2019, a Pakistan army spokesman publicly warned the PTM, saying that "their time is up" (Dawn 2019). Now PTM activists are frequently arrested and harassed by security agencies, and some of its activists have been killed, allegedly by state agents.²⁸ There is a complete blackout of the PTM on Pakistan media. News about the movement is reported via social media.

Discussion: Pakistan as a Stable Regime and the PTM's Demand for a TRC

There is no meaningful international or domestic pressure on Pakistan to respond to the rights violations. Support of major world powers can promote human rights causes but the support is often dependent on geopolitical dynamics (Wiebelhaus-Brahm 2020). Pakistan does respond to international pressure from its major Western allies. A case in point is Pakistan's efforts to improve its financial regulations (Butt, Rashid, and Khan 2020) in response to the Financial Action Task Force (FATF)'s decision in 2018 to put Pakistan on the grey list due to its lack of measures for anti-money laundering and terrorism financing, a decision that springs from the geopolitical considerations of the US in Afghanistan (Shah 2021).

The War on Terror is a different case, where both the US and Pakistan are deeply involved and the conflict in Afghanistan has entered a new stage of proxy wars following the fall of the government of President Ghani and the return of the Taliban to Kabul in August 2021. Additionally, both state and non-state actors are accused of massive rights violations in the war on terror (Amnesty 2012). The state and non-state actors are not limited to Pakistan and the US since the war on terror is a global war involving several regional and international powers. A further twist of complexity is added by anecdotal evidence and also by the involved states' accusations against each other that many of the non-state actors, militant organizations, and individual militants are proxies of the involved states' intelligence agencies.²⁹ This means that both intelligence agencies and their proxy militant groups are directly or indirectly implicated in or at least suspected of the rights violations.³⁰ The involved intelligence agencies are unlikely to publicly share honest information when the conflict in Afghanistan is still far from over. This ensures that there is no compelling international pressure on Pakistan to address the rights violations.

Moreover, the PTM does not have support from a major power to demand a UN-led TRC.³¹ Most TRCs around the world are formed by national governments. In some cases, the commissions were established by other means, such as the UN led East Timor's commission that held the Indonesian security forces responsible for the gross human rights violations in the East Timor (CAVR 2005).

The East Timor case is different from the war on terror. The UN never accepted the Indonesian occupation of East Timor and the area remained on the UN agenda as a "non-governing territory under the Portuguese administration" until its independence in 1999 (CAVR 2005, 12). The UN, however, could not do anything against Indonesia because the country was a trusted Cold War ally of the West. Following the Cold War, Indonesia came under pressure to address the East Timor question leading to the UN-led initiative that culminated with independence of East Timor. Contrarily, no Pashtun area of Pakistan is on the UN agenda. Moreover, in the current geopolitics in the region, it is unlikely the UN would entertain the PTM demand for a UN-led TRC.

Pakistan, however, is not unfamiliar with UN-led inquiry commissions. Even if Pakistan accepts a UN-led commission, it is much more likely that the country would closely guard its security-related, sensitive information from the reach of the commission. This is what Pakistan did with the UN commission on the assassination of Benazir Bhutto, the former prime minister of Pakistan, allegedly killed by Al-Qaida militants in 2007. The commission faced a lack of cooperation from Pakistan's military and intelligence authorities (United Nations Commission of Inquiry 2010, 3). Moreover, the US government also did not allow the commission members to meet US intelligence officials (United Nations Commission of Inquiry, 2010). As a result, the product—the commission's report—adds nothing significant to what is already publicly known about the high-profile killing.

At the domestic level, the PTM demand of a UN-led TRC is different from the demand for the UN-led investigation on the assassination of Benazir Bhutto, although both are located in the war on terror context. Bhutto was the twice-elected prime minister of Pakistan and leader of the largest federal party of Pakistan, the Pakistan People's Party (PPP), which demanded a UN-led commission. The party supporters and others across Pakistan

supported this demand. The party came to power in the election following the assassination, and formally requested the UN investigate, a request that the UN accepted. The PTM does not have the wider public support in Pakistan that the PPP had for its demand for the UN-led enquiry.

In its initial days and weeks, the PTM generated wider public support in Pakistan, especially in the Pashtun areas. This, in turn, generated public pressure on Pakistan's army to respond to the PTM's demands, and the army did positively respond to an extent. There is no doubt that a popular Pashtun movement could not be ignored by Pakistan's army because Pashtun are integrated in the army, which would not want to be publicly perceived as an anti-Pashtun organization. In this context, then, the PTM had the opportunity to press the army-dominated Pakistan state to address the Pashtun rights violations in the war. The opportunity went astray when PTM's linkages with Afghan diaspora became increasingly clearer, daunting its public support. As a result, it could not generate enough domestic public pressure on the army to establish a truth commission.

Historiography and the PTM's Demand for TRC

In the unlikely event of Pakistan establishing a truth commission on the PTM's demand, the commission itself is likely to land in controversy over historiography. Truth commissions confronting challenges over their historiographical role is not unusual. Commissions around the world have adopted one or more of the following four strategies to deal with contestations over historiography: *adjudication*, *avoidance*, *giving voice* and *transformation* (Bakiner 2015). *Adjudication* is confirmation or disconfirmation of elements of the contending history narratives, *avoidance* refers to avoiding judgement on the conflicting history narratives, *giving voice* means bringing to the forefront the experiences of the hitherto silenced individuals and groups, and *transformation* is disengaging the history narratives from its social embeddedness by incorporating the rights and transitional justice perspectives in the discussion about the past.

None of the above narrative strategies could sufficiently work in Pakistan. Adjudication and avoidance will easily make the commission's final report biased in the eyes of one or more of the stakeholders. The give voice strategy appears in two shapes in

commissions' work. One is to give voice to the sufferings of those forced into silence and oblivion. A commission in Pakistan could also do so but this will be short of the PTM demand which wants the commission to identify the perpetrators of the rights violations and ascertain the causes and conduct of the war on terror. Second, truth commissions may provide an opportunity to the perpetrators to testify and confess to the rights violations. Historical evidence suggests that most truth commission mandates do not allow the commissions to identify the perpetrators and therefore, the commissions have produced something less than the "complete truth" (Stanley 2005). Even in favourable circumstances, only a small number of perpetrators testify before commissions (Bakiner 2015). It is even more unlikely that perpetrators in the war on terror could come forward to confess before the commission when conflict in Afghanistan is not over.

Transformation refers to formulating the commission report on human rights and transnational justice ideas in order to shift the focus on the state's human rights obligations and generate moral pressure on it to reform the discriminatory political order (Grandin 2005). States engaged in geopolitical struggles may construct transitional justice-based mechanisms to address human rights violations, but are likely to subordinate the mechanisms to strategic considerations. This is what Pakistan did in the past and is likely to do so in the future for at least as long as the conflict in Afghanistan remains. A case in point is Pakistan's commission on the killing of Osama Bin Laden-; the commission that Pakistan made in order to pacify the domestic and international public outcry on the US killing of the Al-Qaida leader in a military area in Pakistan. The commission adds nothing significant to what is already publicly known about the high-profile killings.

Conclusion

Across the world, the main goals of transitional justice are institutional reforms, reparations, memorialisation, accountability, acknowledgment, and truth-telling. Activists and scholars have highlighted smaller but significant forms of justice to many, if not most, victims of rights abuses living under stable regimes (FreedomHouse 2013). Pakistan can be an illustrative example of justice under a stable regime.

Pakistan's government has undertaken multiple legislative and administrative reforms to address the destructions that the war on terror has caused. New laws have been enacted [National Action Plan (NAP) and the National Counter Terrorism Authority (ACTA)³² and the border districts have been legally integrated in Pakistan (the eighteenth constitutional amendment). Reparations have also been paid to many, though not all, war victims, and infrastructure rebuilding is underway. The border with Afghanistan, which has remained open since the time of the British, is now being fenced in a bid to control cross-border terrorism.

Importantly, hundreds of forcibly disappeared people have returned from secret jails.³³ The frequency of both disappearances and targeted killings has decreased. Several military check posts in the war-affected areas have been removed and some have been replaced with police check posts. Improvement on the last three issues (forced disappearances, targeted killings, and the army check posts) came as the direct result of the PTM activism which compelled the army to respond.

Memorialisation refers to plans to preserve the memory of human rights violations, including through architectural memorials, commemorative activities, and educational programs to establish historical public records in order to help prevent repetition of the rights violations (ICTJ/Truth-and-Memory). The Pakistan state has taken steps towards memorialising some of the rights violations, although more needs to be done; for example, most massacre sites have not yet been memorialised.³⁴

Memorialisation cannot be limited to state initiatives, and people can also contribute to it through individual and collective efforts. Such efforts are already underway in Pakistan; for example, PTM activist, Alamzeb Wazir's, book about the disappeared persons.³⁵ The PTM itself is a form of memorialising the war victims in the sense that the PTM's struggle is now part of Pashto poetry. Moreover, the PTM has brought many cases of rights violations to public knowledge and has preserved them in social media video clips; otherwise, the memory of these violations could have drifted into oblivion.

Accountability, acknowledgment, and truth-telling remain a challenge in Pakistan in the face of the conflict in Afghanistan and the military's domination of Pakistan's politics. However, a lot more can be done to remedy the rights violations. The PTM as a pressure

group could play a remarkable role to compel the state to address these rights violations but only if it prevents itself from becoming a proxy in the international conflict in Afghanistan. This requires the PTM's complete disassociation with the anti-Pakistan Afghan diaspora

Notes:

¹ Federally Administered Tribal Areas (FATA) of Pakistan

² The PTM's leader, Manzoor Pashteen, and other prominent PTM activists, such as Ali Wazir, Dr. Said Alam Mahsud, Mohsin Dawar, Bushra Gohar, and others have expressed such hope on their social accounts and in interviews.

³ See my facebook posts and writings, such as this: <https://farhattaj.org/wp-content/uploads/2020/05/Article-PTM-irredent-claims-army.pdf>

⁴ Since the emergences of the PTM, the Afghans settled in the West have established multiple platforms for PTM. They regularly hold demonstrations against Pakistan in the Western cities that call for destruction of Pakistan and its army. They use social media platforms against Pakistan. Some in the diaspora also participate in the platforms that use propaganda against Pakistan as mentioned in the Indian Chronicles report of the EU Disinfo lab. (EU Disinfo Lab 2020)

⁵ The PTM is basically a social media-driven movement that mobilises and organises its activities on the ground through social media activism.

⁶ I twice met Pashteen in 2019, once in Islamabad and once in Peshawar at the house of my longtime friend, Jamil Gilani, who is also a prominent PTM activist. The meeting at Gilani's house in Peshawar was about 8 hours long, during which multiple aspects of the PTM struggle were discussed. In addition to that, I know some prominent PTM activists and about their longtime political struggle long before the emergence of the PTM in 2018, such as Dr. Said Alam Mehsud, Afrasiab Khattak, and Bushra Gohar. All of them are prominent Pashtun political activists of Pakistan. Moreover, I am also in contact with some other activists of PTM, such as Hayat Pregal, a well-known rights activist from Waziristan, Pakistan. One of the ideologues behind the emergence of PTM is Akhtar Khan Wazir, who is also a friend of mine and who authored a chapter and a half in my book *Taliban and Anti-Taliban*.

⁷ I choose not to disclose the identity of the officer because he is currently on duty in the armed forces of Pakistan.

⁸ Although the army is still in the area and still sporadically faces terror attacks from across the border in Afghanistan, especially in the Waziristan district.

⁹ Mandate of the Norwegian Truth and Reconciliation Commission: https://uit.no/kommisjonen/mandat_en

¹⁰ For example, see any of the daily Afghan social media narratives about the conflict in Afghanistan.

¹¹ The Afghan state has not placed claims on Pakistani territory in any international legal forum, minus its objection to Pakistan's UN membership in September 1947, an objection that it took back within a few weeks (see UN digital archives, see 92nd and 96th UN plenary meetings on 30 September 1947 and 20 October 1947, respectively). The Afghan state, being too weak now,

does not openly support claims on Pakistan, but occasionally Afghan officials issue statements in support of claims on Pakistan, such as the former Qandahar police chief, Abdul Razik Achakzai (killed in October 2018), who often supported such claims. Now his brother, Khadeen—also Qandahar's police chief—keeps making such claims. Other Afghan ministers and officials make such claims from time to time. Afghan intellectuals routinely make such claims, and even the Taliban, paradoxically, the traditional allies of the Pakistan intelligence agencies, also support such claims.

¹² The anger can be seen in loud anti-Pakistan protests by Afghans across Europe and North America and also protests inside Afghanistan.

¹³ For example, in 2006, the Afghan minister for border and tribal affairs said that Afghanistan does not recognise the border with Pakistan. Similarly, the slain police chief of Qandahar repeatedly refused to recognise the border. The current President Ghani also said (in a TV interview that later circulated on social media) that the people, not the government of Afghanistan, will decide about the border with Pakistan.

¹⁴ The FCR was a British response to protect the northwest frontier of British India from Russian advancement in the nineteenth and early twentieth centuries. Many argue that Pakistan specifically kept this region under the colonial FCR to counter claims of neighbouring Afghanistan over the Pashtun areas of Pakistan.

¹⁵ Millions of IDPs have returned to their homes; hundreds of disappeared persons have been released and reunited with their families, apparently on the condition that they will not publicly speak about their ordeal, since most of the released persons from the border districts have never publicly spoken about their disappearance, minus a few exceptions.

¹⁶ <http://coioed.pk/>

¹⁷ Mahsud is a tribe in Waziristan.

¹⁸ The Nation, "PTM demands truth and reconciliation commission":

<https://nation.com.pk/23-Apr-2018/591180>

¹⁹ Pakistan Today, April 16, 2019, "Pashteen reiterates formation of commission in meeting with senators."

<https://archive.pakistantoday.com.pk/2019/04/16/pashteen-reiterates-formation-of-commission-in-meeting-with-senators/>

²⁰ See the daily live Facebook discussions of the Afghan diaspora, such as this:

<https://www.facebook.com/profile.php?id=100063486131874>

²¹ In their social media narratives, Afghan activists and intellectuals openly ask the Afghans to use the PTM to pay Pakistan back in "kind." Just as Pakistan used the Mujahideen and now use the Taliban for its proxy wars in Afghanistan, the Afghans must use the PTM to disintegrate Pakistan.

²² Pakistan is a military dominated federal state. Punjab is its largest federating unit and the largest military recruitment area, which has led many Afghan activists to term the whole Pakistan state the "Punjab Regiment."

²³ For example, the recent Afghan social media activists attack in Saudi Arabia on Akhundzada Mahmud, a *Pakistanised* Pashtun social media activists.

<https://www.facebook.com/farhat.taj.184/videos/194309119317987>

²⁴ For example, see their daily facebook clashes.

²⁵ See, for example, social media pages of leading PTM activists, such as Said Alam Mahsud.

²⁶ Naqib is Naqib Mahsud, the young man whose extrajudicial killing led to the creation of PTM. Najib is Dr. Najibullah, the former president of Afghanistan, hanged by the Taliban with alleged ISI support.

²⁷ Some people are linked with the Awami National Party (ANP) and the Pakhtunkhwa Mili Awami Party (PMAP), such as Afrasiab Khattak, Usman Kakar, and even Mahmud Khan Achakzai, a PMAP leader, who once called the Pakistani Pashtun to take Afghan citizenship. See the BBC Pashto report. https://www.bbc.com/pashto/pakhtunkhwa-45779042?ocid=socialflow_facebook&fbclid=IwAR1j2jw0FN0HQlJqPe3P5jCOUcYP09cN-pdcLjFhw_sq47e8T0KJm29I3_A

²⁸ Such as the PTM activists, Arman Loni and Arif Wazir, who were recently killed.

²⁹ For example, Pakistan says that India and other hostile agencies fund the *Tehreek-e-Taliban Pakistan* (TTP). Pakistan is widely accused, including by the US, of supporting the Haqqani Network Taliban in Afghanistan.

³⁰ For example, the Haqqani Taliban are said to be the proxies of Pakistan fighting in Afghanistan and the TTP militants—who attack Pakistan army—are proxy of other countries who want to damage Pakistan. The Pakistan army used massive kinetic operations to eliminate TTP in the border districts and the US army used drone attacks, allegedly with consent from the Pakistan army's leadership, to target militants. This does not imply that the US and Pakistan always agree on the way the war on terror is conducted.

³¹ PTM leaders, such as Said Alam Mahsud, have demanded a UN TRC.

³² <https://nacta.gov.pk/history/>

³³ The PTM leader, Manzoor Pashteen, has confirmed in his social media interviews that several hundred disappeared persons have come home following the PTM's emergence.

³⁴ Several schools, parks, and roads have been named after students, policemen, and political leaders killed in terror attacks.

³⁵ The Urdu book *Main Madai hu mujrim nahin (I am Petitioner, not Criminal)*. A copy of the book is available on the social media accounts of PTM supporters.

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