

Negotiations with the tribes of Waziristan 1849-1914 – the British experience.

introduction –

Tribal raids and retaliatory military expeditions are often seen as the principal features of the British relationship with the border between Afghanistan and what is now Pakistan, referred to by the British as the North-West Frontier. However, it is not always fully appreciated that there were also continual negotiations. The paper begins by making some general points about the principal Frontier forum for negotiation, the jirga, before going on to explore some aspects of the negotiations that took place with the tribes of Waziristan, principally in the period from 1849 to 1914. These were often extremely difficult, and the paper continues by investigating the reasons for this, which included the nature, not only of tribal society and culture, but also of British administration itself along this border.

the context -

The annexation of the Punjab in 1849 brought the British Indian state into contact with a number of large and independently-minded, mainly Pashtun, groups living in the mountainous terrain between the Punjab and Afghanistan. Until 1947 the British continued to experience difficulties with this region, and the Government of India devoted an enormous amount of time, energy and money to it. Waziristan in particular became a major problem, even though after WWI the ratio of troops and police to civilians was higher than anywhere else in the Indian empire.¹ Since 9/11 and the overthrow of the Taliban government, when many Taliban fled from Afghanistan to areas on the Pakistani side of the border, it has become a contested region again. South Waziristan is currently occupied by the Pakistani army, while one of the principal Afghan opposition groupings, the Haqqani network, has an office in Miran Shah.² North Waziristan in particular has been the target of many attacks by American drones.

Waziristan lacks well-defined boundaries. About sixty miles across at its widest point, it may be envisaged as a rough parallelogram extending from the Gumal river in the south about ninety miles north as far as the Kaitu river and across it in a easterly direction to Thal, then south along the edge of the Bannu and Tank districts as far as the Gumal river, which forms its southern border. Mostly in Pakistan, it includes the district of Birmal, which nowadays forms part of the Afghan province of Paktika. Its southern half is mostly mountainous with narrow valleys and gorges, the northern half more open with 'large fertile valleys separated by high barren hills'.³

¹ Viceroy's Memo, in India Office Records (IOR) L/P&S/12/3265, p.30, Alan Warren, *Waziristan The Faqir of Ipi and the Indian Army The North-West Frontier Revolt of 1936-37* (Karachi: Oxford University Press, 2000) p.286.

² Thomas Ruttig, 'Loya Paktia's Insurgency (1) The Haqqani network as an autonomous entity', in Antonio Giustozzi (ed), *Decoding the new Taliban Insights from the Afghan Field* (London: Hurst, 2009) p.64, Claudio Franco, 'The Tehrik-e-Taliban Pakistan', in *Decoding the new Taliban*, pp.274/5.

³ Lal Baha, *North-West Frontier Province Administration under British Rule 1901-1919* (Islamabad: National Commission on Historical and Cultural Research, 1978), p.33.

others, until late in the century the British Government of India generally pursued what was called a 'close' or 'closed' border policy, and tried to avoid taking direct control of the Frontier region.

However, some interference with the tribes could not be avoided. In relation to Waziristan for instance some Mahsuds and Wazir sections were accustomed to carrying out raids and robberies in the administered areas, as well as in the Gumal pass, and continued to do so after 1849, and the government could not ignore this. In addition, as concern with India's apparent vulnerability to attack from the north-west grew in the later 19th century, many British officials began to advocate a forward policy, and argue that because of its strategic location Waziristan needed to be brought securely within Britain's sphere of influence. The relationship with Waziristan was therefore an increasingly difficult one, and over the years the British were to launch a number of military expeditions against the tribes, and at one or two points there ~~were major insurrections with~~ was some heavy fighting. However, to focus solely on this aspect is misleading. The purpose of the military expeditions was not only to subdue and punish the tribes, but also force them to talk to the border officials, and the expeditions were often followed by lengthy negotiations.⁶ Moreover the fact that until the 1920s the permanent military occupation of Waziristan was ruled out meant that the British had to manipulate and manage its inhabitants as well as sometimes repressing them. This also meant negotiation, and given that the tribes had no chiefs, negotiation with jirgas, the jirga being the traditional Pashtun forum for negotiation and decision-making.

jirgas

The British diplomat Mountstuart Elphinstone, who travelled along the Frontier during his journey to Kabul in 1809, described 'something like a system of soviets, in which the *kundi* (ward or hamlet) *jirga* sent representatives to a village *jirga*, which sent selected members to a *khel* (clan) *jirga*. This in turn was represented in the main tribal *jirga*. Ultimately, the best representatives of each tribe sat in the Loe (Great) Jirga, which advised and on occasion selected or overturned the Amir or King of Kabul.'⁷ Jirgas undoubtedly played a very important role on the North-West Frontier. For the social anthropologist Fredrik Barth, '*jirgah* – councils and the honourable pursuit of public affairs' is one of the three dominant institutions of Frontier Pashtun society.⁸ In mid-19th century Waziristan the jirga tradition was reportedly flourishing. Among the Mahsuds for instance different levels of jirga culminated in grand tribal councils comprised of delegates chosen by lower-level jirgas to speak on their behalf.⁹

⁶ These usually ended with the offending tribe being made to pay compensation for property seized, injuries received and lives lost in its raids, as well as a fine. After the amount of compensation and fine had been settled, an agreement would be drawn up between the government officials and the tribe's representatives. Typically the latter undertook that good relations would be maintained with the government, and that tribesmen would not commit crimes in British territory, nor harbour wanted men or receive stolen property (Beattie, *Imperial Frontier*, p.187).

⁷ James Spain, *The Pathan Borderland* (The Hague: Mouton and Co., 1963), p.69.

⁸ The others are '*melmastia*, hospitality, and the honourable uses of material goods,' and '*pardah* – seclusion, and the honourable organization of domestic life' (Fredrik Barth, 'Pathan Identity and its Maintenance', in Barth (ed) *Ethnic Groups and Boundaries The Social Organisation of Culture Difference* (London: Allen and Unwin, 1969), p.120.

⁹ Major H.H. Johnston, Mahsud Notes, in India Office Records, British Library (IOR), L/P&S/20 B.307, pp.22/23.

Although the jirga played a number of roles, its basic purpose was ‘to arrive at a joint decision on a matter of common concern’.¹⁰ Such concerns included conflicts of various kinds between tribal members which the jirga would attempt to mediate and resolve. Decisions were reached by applying a combination of Islamic law and local custom, and in theory the jirga could impose penalties on individuals or families. These could include fines, the destruction of a man’s house, and even banishing him from tribal territory. The jirga could appoint tribal officers (in Waziristan referred to as *chalweshtis*; in Khost across the border in Afghanistan as *arbakis*) to see that these punishments were carried out.¹¹ Secondly the jirga was a forum in which the opinions of different tribesmen on issues affecting them could be put forward, so it had some sort of representative function. Among these issues were the tribe’s foreign relations. The jirga could decide to go to war and call on each section to provide men for this, or it could negotiate on the tribe’s behalf with an external power.¹²

This at least was the theory. However, the ethos of the jirga was an egalitarian one, and in Waziristan especially tribal values emphasised the importance of personal independence and freedom from authority.¹³ Every man considered himself the equal of everyone else. During the jirga participants sat in a circle on the ground (women it should be noted did not take part). Everyone had the right to speak, although as one British report put it, ‘headmen and persons of dominant character usually take the lead. Family prestige will command some respect, but not when the qualities of leadership are lacking’.¹⁴ In the jirga men had to treat each other with respect ~~and everyone had to be given a chance to say his piece~~ because Frontier Pashtun values stressed the need for them to be ready to defend their honour, for instance to react aggressively to insults. In a memorandum he wrote after serving as Deputy Commissioner of the Bannu and Dera Ismail Khan district in the early 1850s, Major Reynell Taylor said that in dealing with Pashtuns, political officers should ‘carefully avoid rough over-bearing language’.¹⁵ Nevertheless weapons were not usually brought into the jirga itself, and in spite of the often extremely vigorous debate jirgas rarely broke up in violence.¹⁶ However, as ~~while~~ William Merk noted, ‘it is never a mistake to listen in reason to what men have to say in jirga’.¹⁷ Not to hear a man out’, he said, ‘or to overlook a point may, and in most cases does, mean certain bloodshed thereafter’.¹⁸ ~~whi~~There was no formal speaker and decisions were not usually reached by voting; ‘discussion and negotiation continue until the decision is unopposed, and thereby unanimous and binding as an individual decision by each participant. A

¹⁰ Barth, ‘Pathan Identity and its Maintenance’ in Barth (ed) *Ethnic Groups and Boundaries*, p.121.

¹¹ Alfred Janata and Reihanodin Hassas, ‘Ghairatman-der gute Pashtune. Exkurs uber die Grundlagen des Pashtunwali’, *Afghanistan Journal*, vol.2, no.3 (1975), p.96. On recent attempts by the Afghan government to turn the *arbakis* into a paid militia see Ruttig, ‘Loya Paktia’s Insurgency’, pp.68/69, 86.

¹² For some discussion of how jirgas changed when used by the British to enforce the Frontier Crimes Regulations, see Spain, *Pathan Borderland*, pp.145/6.

¹³ Akbar S. Ahmed., *Pukhtun Economy and Society Traditional Structure and Economic Development in a Tribal Society* (London: Routledge & Kegan Paul, 1980), p.91.

¹⁴ *Report on the Administration of the North-West Frontier Province 1939-40*, IOR L/P&S/12/1348, p.6.

¹⁵ Reynell Taylor, *District Memorandum Dera Ismail Khan 1852*, (Lahore: Punjab Government Press, 1865), p.120.

¹⁶ Spain, *Pathan Borderland*, p.71.

¹⁷ Papers relating to Mahsud-Waziri Operations (East India: North-West Frontier), Command Papers; Accounts and Papers, House of Commons Parliamentary Papers [Cd. 1177], p.171.

¹⁸ Cd. 1177, p.172

faction which will not accept a decision can only avoid commitment by leaving the circle in protest'.¹⁹

Given this egalitarian ethos, in practice jirgas were not necessarily able to impose their will on recalcitrant tribesmen. As the *1938-39 North-West Frontier Administration Report* explained, in Waziristan 'the average "jirga" has influence, but little power'; 'almost every head of a household considers himself a member of the tribal jirga and has no intention of obeying the jirga's decision unless he happens to agree with it. It is this multiplicity of wills that makes the maintenance of peace on the Waziristan border so difficult'.²⁰ Nor, given the need to obtain the consent of all those present, was the jirga always able to reach agreement, even after a succession of meetings.²¹ In 1936 for example, a Zilla Khel jirga was collected by the South Waziristan Political Agent, Major Humphrey Barnes, to discuss ways of dealing with a member of the tribe wanted for raiding. It could not come to a decision and stick to it. As Barnes said; 'During the past week I have seen the jirga every day and could bring them to no decision that would last more than a few hours, "Those behind cried Forward, but those in front said – Back!"'.²² In the end he had to send the men home.

The requirement for unanimity meant that jirgas could be very time-consuming. ~~The Derajat Commissioner, W.H.R. Merk, said that 'it is never a mistake to listen in reason to what men have to say in jirga'.²³ The result was that 'the debates and proceedings are most lengthy, as all savage councils are, and from the nature of things must be, where not to hear a man out, or to overlook a point, may, and in most cases does mean certain bloodshed thereafter.'~~²⁴ It also put a premium on oratorical skills. Those who spoke well and persuasively were more likely to be able to convince others of the correctness of their point of view. However, it was not just a matter of making speeches. To be effective a man had to respond to the mood of the moment and make sure that what he said suited the way the debate was developing. Before an important meeting in October 1900 Merk apologised to his superiors for not being able to give ~~them a rough draft more than a rough idea~~ of what he intended to say at it:

'In the case of a jirga like this it is impossible to do so. Proceedings more resemble a lively debate than a speaker addressing an audience. One goes into a jirga with a fixed purpose, but the actual words used depend upon what one feels and perceives at the time being is the temper and are the thoughts of those present, upon their arguments and objections, upon the divisions of opinion that arise at the moment, in short upon a set of conditions and circumstances that originate mostly at the sittings themselves.'²⁵

Negotiation through jirgas was therefore an arduous process. Negotiators needed quick wits and physical stamina, and a robust sense of humour was a definite asset, as

¹⁹ Barth, *Ethnic Groups and Boundaries*, p.122

²⁰ IOR L/P&S/12/3148, pp.11, 13.

²¹ Spain, *Pathan Borderland*, p.70

²² Express Letter No. 2901 PC 1721-PS, 8-10 August 1936, Norwef. Nathiagali to Foreign Simla, IOR, L/P&S/12/3247. The Zilla Khel Ahmedzai Wazirs mostly lived around Wana.

²³ House of Commons Command Paper (Cd) give title, 1177, p.171.

²⁴ Cd. 1177, p.172.

²⁵ Cd. 1177, p.172.

Reynell Taylor's description of negotiating with Wazirs in Bannu shows. Taylor explained that his predecessor, Major Herbert Edwards, bequeathed to him,

'the custom of receiving the Waziri Mulliks [maliks] in large beviés ... They were allowed to sit round the tent or room in a ring much as they would at one of their own councils, and any order that was given or proposal made was fully discussed as in their own jirgah, and the heads of each tribe proceeded to deliver their opinions on the point at issues; and, if opposed to the proposition, to argue the matter with the presiding officer with all the ingenuity and acuteness, sharpened by long practice in such discussions, which they possess. This was all very well with Major Edwardes, who could always hold his own in the debate and turn the argument, or failing that, the laugh against the best orators ...but I was more easily non-plussed and confounded by some of their ... arguments, retorts, queries, &c; and, surrounded by numerous indifferent or not over well affected spectators, who rather enjoyed the joke, I have at times found that the Waziri conclave had the best of it.'²⁶

Sometimes in the jirgas they held with British officials, it was more important for the participants to impress their fellow-tribesmen than they to reach an agreement. As Taylor reported, some of the men who were:

'willing enough to work for Government at other times, always sided ostentatiously with their countrymen on these occasions, and lived in a perfect halo of applause from them for the truly noble and Waziri sentiments of which they delivered themselves, the same being in entirety in opposition to their every-day language, to the interests of Government, and to the real interests of their tribesmen'.²⁷

To avoid these difficulties he met the Wazirs individually whenever he could.

negotiations

Even though, as we have seen, there was no guarantee that men would accept a jirga's decision, or indeed that the jirga would come to a decision at all, there was no real alternative. If the British wanted to reach agreements with the tribes they had to work mainly through these gatherings. However the process was further complicated by ~~Three~~ three other factors. These ~~were These were~~ the existence of factions (*gundis*) in British territory along the Waziristan border, the tribal tradition of sharing, and the lack of institutionalised authority and the associated tendency to factionalism within the tribes themselves.

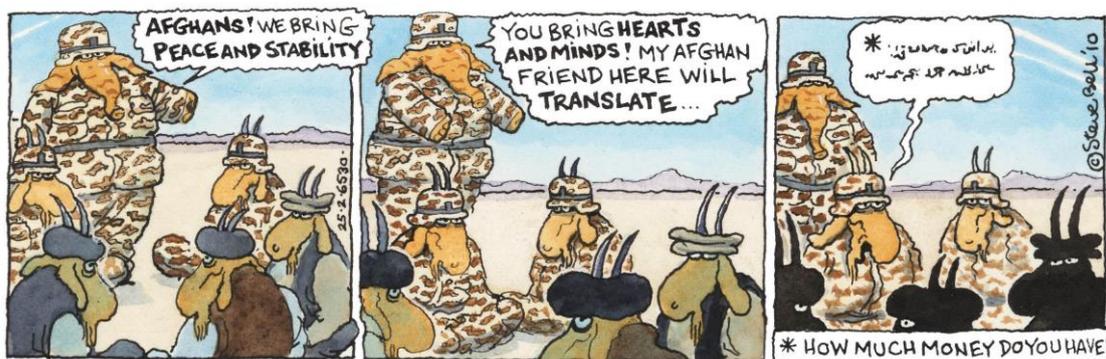
As regards factions, these existed before 1849, and survived after it. At this time few British officials spoke Pashtu, and in any case they were few in number, so that for the first twenty or thirty years after 1849 intermediaries played a prominent part in managing relations with the tribes along the whole Waziristan border. There was an additional complication in that ~~Firstly, as regards factionalism within British territory, for some years after 1849 the two districts on the border, Bannu and Tank to the south, and Bannu to the north, the two districts on Waziristan's eastern border,~~ were administered in different ways. The Bannu district was fully incorporated into the Punjab administration. Tank however, was more like a princely state. It was ruled

²⁶ Taylor, *District Memorandum*, pp.132-3. Malik is a word of Arabic origin for king or chief.

²⁷ op. cit., p.123

by a local Khan, Shah Nawaz, later given the title of Nawab (also a Pashtun, but from a different tribe than those of Waziristan).²⁸ In the 1820s Shah Nawaz Khan's father had been driven out by the previous rulers of the Punjab, the Sikhs, who handed Tank over to another group of Pashtuns. Referred to in the British sources as the 'Multani Pathans', during the 1830s and 1840s they developed links with the Waziristan tribes.²⁹ ~~He died some years earlier and w~~When the British took over in 1849 ~~they put~~ some Multanis were appointed to posts in the new Frontier administration, particularly in Bannu. Shah Nawaz Khan, however, also had tribal connections, in particular with some of the Mahsuds. In fact his mother was a Mahsud and he was married to the sister of an influential tribesman, Yarik Khan Alizai.

The result was that after 1849 the Multani and Shah Nawaz Khan factions competed for influence in the administered areas along the Waziristan border. Each was ready among other things to try and use its links with the trans-border tribes to discredit the other. This might involve misrepresenting British intentions to the tribes, even colluding with them to arrange raids and robberies. As the Bannu Deputy-Commissioner, Captain Alexander Munro, reported in 1861, 'Our views and objects had been so distorted' by the time they reached the tribes, 'that ... they were calculated rather to excite and mislead them than to encourage [them] ... to make advances towards more friendly intercourse'.³⁰



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During the 1850s, as noted above, the Mahsuds continued to carry out raids into the districts along Waziristan's eastern border. Some of these were almost certainly provoked by the Multani Pathan faction to discredit Shah Nawaz Khan and show that he could not manage the border properly. In March 1860 the Multanis were partly responsible for inciting some fifteen hundred Mahsuds to carry out a surprise attack on Tank. The tribesmen were intercepted by cavalry as they crossed the plain between the foothills and the town and as many as two hundred were killed. This might have been regarded as sufficient punishment, but the British responded by launching their first military expedition into Waziristan. Before it set out, messages were sent inviting

²⁸ Katti Khel Lodis (see e.g. Sir Olaf Caroe, *The Pathans* (Oxford: Oxford University Press, 1958), p.18).

²⁹ ~~Multani Pathans reference~~The Multani Pathans were the descendants of a group of Alizai Pashtuns from Kandahar (for more details see Herbert Edwardes, *A Year on the Punjab Frontier, Vol. 2*, (London: Richard Bentley, 1851), pp.16-17.

³⁰ Commissioner Derajat Division (CDD) to Government Punjab (GP), No. 174, 28 July 1873, in IOR Punjab Proceedings 143 A34 Sept. 1873.

the Mahsuds to negotiate, and at one point there was a meeting with a Mahsud delegation. However, even though several hundred Mahsuds died in clashes with the troops, who destroyed many houses and much cultivation, still the tribe would not surrender.

The Mahsuds were then barred from visiting British territory, and not until nearly a year later was an agreement reached with Reynell Taylor, the Derajat Commissioner. The forty-seven Mahsuds who negotiated it had not been fully representative of the tribe as a whole; in particular some of the leading Shingi Bahlolzais were left out, including an influential man called Nabi Khan. He was the dominant voice in one of the main Mahsud factional networks, and had links with Azem Khan Kundi, a local landowner living in British territory, who had connections with the Multanis. Shortly after the agreement was reached, five third Punjab Cavalry grass-cutters were killed by Mahsuds. The fact that they were deliberately murdered suggests that the attack was arranged by Nabi Khan to show that he should have been included in it.³¹ Negotiations had to be restarted, and it was not until the autumn of 1861 that the British managed to come to another agreement with a broader range of tribal representatives.

The Multanis also seem to have been partly responsible for a serious crisis on the Bannu border at the end of the 1860s, which led to some important changes in British administrative and legal arrangements. This centred on the Muhammad Khels, who, like some other Ahmedzai Wazir groups, had pastures and cultivable land both in British territory and in Waziristan; most of them spent the winter in British territory and the summer in the hills across the border. By 1870 they had several grievances, among them the fact that some of the local officials who belonged to the Multani faction had publicly insulted some of their leading men. In June, without any warning, a large group of Muhammad Khels, assisted by some Dawars, ambushed a detachment of British troops on the edge of the Bannu district, killing six soldiers, and went off into Waziristan. The situation looked serious, as at one point it seemed that all the Wazirs who wintered in British territory, several thousand in number, might join them. They were persuaded not to do so, and even though the Muhammad Khels received some help from the Dawars, they had to surrender ignominiously in the following year.

The British blamed the Multani officials for exacerbating the problems with the Muhammad Khels, and tried to reduce their influence in the Bannu administration. The Multanis resented this and looked for an opportunity to show the British that the border could not be properly managed without them. When in 1872 British officials decided to punish the Dawars for assisting the Muhammad Khels, and summoned the Dawar jirgas to a meeting at Bannu, the Multanis saw their chance. They secretly encouraged the Dawars not to cooperate with the British, and the jirgas stayed at home. The British reacted by imposing a substantial fine on the Dawars, and when one of the jirgas would not pay their share, troops were sent into their territory and killed at least forty men.³² Partly because of the Multanis' involvement in these episodes, it was decided that British officials should take more responsibility for

³¹ Violence is communicative (Are Knudsen, *Violence and Belonging Land, Love and Lethal Conflict in the North-West Frontier Province of Pakistan*, Copenhagen: NIAS Press (2009), p.8), hence, as Robert Johnson points out in his paper in this collection, it can also be a form of negotiation.

³² Beattie, *Imperial Frontier*, pp.95/6

managing the border. They were to be given extra staff, and left in their posts for longer; they were also required to learn Pashtu.³³

The second problem the British faced when it came to negotiating with the Wazirs and Mahsuds was that in spite of their lack of unity, they had a sense of tribal solidarity which could not be ignored. This was based on the idea of a thread or link - *sarishta* – connecting the different groups, and the resulting concept of *nikkat* (from the Pashtu word for grandfather – *nikka*). *Nikkat* was a tariff according to which any benefits acquired from, and any losses suffered at the hands of outsiders were to be shared in fixed proportions, first between Wazirs and Mahsuds, and then between the three main Mahsud divisions, Alizais, Bahlolzais and Shaman Khels, and so on down to the smaller subdivisions.

The fate of a modest settlement scheme introduced in 1866 by the Deputy Commissioner, Frederick Graham, illustrates the difficulties *nikkat* caused. Assuming that it was poverty that led two particular Bahlolzai Mahsud sections in particular (the Shingis and Abd al-Rahman Khels) to carry out plundering raids, he proposed to settle twenty of their families in British territory and give service to twenty-five of their men in the frontier militia. However, the Mahsuds insisted that the British keep to *nikkat* and include all three sections in the scheme, and the negotiations were protracted and difficult. The Shingis were divided into three groupings, two large ones and one small one, each of which had to be dealt with separately. Moreover, confident that the land and militia appointments would have to be shared out equally between them, the Alizais and Shaman Khels, as well as the other Bahlolzais, encouraged the Shingis and Abd al-Rahman Khels to ask for more land and more militia places. As a result, thanks to *nikkat*, although Graham had hoped to pacify the Shingis and the Abd al-Rahman Khels in particular, he was only able to give the Shingis three militia appointments and the Abd al-Rahman Khels two, and the other Bahlolzais four, while the rest went to the Alizais and Shaman Khels (eight each).³⁴ One reason why Graham was able to reach an agreement at all, it is worth noting, is that he was negotiating from a relatively strong position. A number of Bahlolzais had recently been captured in British territory and Graham refused to release them until negotiations were concluded.

The third major difficulty, and probably the most important one, was the absence of any institutionalised tribal authority. The British wanted leaders who could speak for the tribes and control them on their behalf. Though in some areas to the north of Peshawar there were such men (Khans), the Frontier Pashtuns were usually more or less, to quote a contemporary report, ‘democratic or anarchical’. The Mahsuds especially were regarded as ‘extremely democratic in their ways. If ten men are wanted to do a bit of business, a hundred will come’.³⁵ In the absence of leaders, the British would have been content to work with a ‘representative jirga of moderate size

³³ *op. cit.*, pp.96/7.

³⁴ *op. cit.*, pp.48/51. Maj. H.H. Johnson, *Mahsud Notes*, IOR L/P&S/20 B307, pp.1/2.

³⁵ CDD to PG, No. 598, 7 June 1889, in IOR L/P&S/7/259.

which would have authority in the tribe'.³⁶ But this did not exist either, making it difficult for the British to find men with whom to negotiate productively.³⁷

Events during the later 1870s provide a good illustration of this. After further raiding, in 1874 Major Charles Macaulay, the Dera Ismail Khan Deputy Commissioner, reached an agreement with members of the Nawab's faction among the Mahsuds, led by Umar Khan Alizai.³⁸ As in 1861, Nabi Khan Shingi was left out, and he demonstrated that this agreement was unworkable too by arranging another spoiling operation, this time a robbery in the Bain Pass. A new agreement had to be negotiated with a different jirga and with Azem Khan Kundi's help, Nabi Khan was able to supplant Umar Khan as the principal Mahsud intermediary with the British. This was naturally resented by the Nawab and Umar Khan and their supporters.

They were also upset because of the way another Mahsud settlement scheme had been introduced in the later 1870s. This was a much more substantial effort than Graham's. Two hundred Mahsud families were to be given land in British territory, and fifty horsemen and a hundred foot were to be employed to maintain the security of the Gumal Pass. Like Graham, it should be noted, Macaulay had some Mahsud hostages living in Dera Ismail Khan whom he planned to release after agreement was reached. However, it seems that because Macaulay wanted to avoid some of the difficulties that had attended the earlier settlement scheme, he did not distribute the land or the appointments according to *nikkat*. So, for example, whereas the three sections had had more or less equal shares in the 1866 scheme, in 1878 seventy-four Bahlolzais took part, compared with sixty-two Alizais, and only fifty-five Shaman Khels. Moreover some of the more influential Mahsuds like Umar Khan did not join in. The result was that, instead of helping to pacify the Mahsuds, the scheme unsettled them, and the tensions to which it gave rise were one of the main reasons for Umar Khan's decision to attack Tank in 1879. This time the Mahsuds were successful; the bazaar was burned and British administration in the district temporarily collapsed. To be fair, the tensions associated with the Second Anglo-Afghan War also played a part, but ill-feeling arising from the way settlement scheme had been implemented and the changing factional balance along this border were important factors.³⁹

During the 1880s there was relatively little trouble with the Mahsuds, partly because British interference with southern Waziristan remained quite limited. However, towards the end of the decade the British revived the earlier scheme to make the Gumal pass secure for trading caravans. Accordingly a survey expedition was sent

³⁶ The Derajat Commissioner, George Ogilvie, quoted in Richard Bruce, *The forward policy and its results* (General Books, 2009; first published London: Longman Green, 1900) p.116.

³⁷ Among the reasons for this, as Robert Johnson notes in his paper in this collection, appears to have been *tarburwali*, the rivalry between agnatic relatives endorsed and encouraged by Frontier Pashtun tradition (see e.g. Akbar S. Ahmed, *Resistance and Control in Pakistan* (1991), London: Routledge; first published as *Religion and Politics in Muslim Society*, Cambridge (1983), p.24.

³⁸ Beattie, 2002, p.112.

³⁹ In fact these factional networks and rivalries actually extended as far as Kabul (Leach and Kurdistan). When the Afghan ruler Dost Muhammad Khan died in 1863, one of his sons, Azem Khan, and his nephew, Abd al-Rahman Khan, took refuge in Waziristan with Nabi Khan. Azem Khan's rival for the succession, his half-brother, Sher Ali Khan, had connections with the Nawab of Tank and his Mahsud supporters (Evelyn Howell, *Mizh A Monograph on Government's Relations with the Mahsud Tribe*, Karachi: Oxford University Press, 1979, first published Simla: Government of India Press, 1931), pp.3/4.

into the pass during the winter of 1878-88. Arrangements had been made for the Mahsuds and Zilla Khels to provide an escort, but things soon went wrong. The tribesmen gathered in far large numbers than expected. The Mahsuds and Zilla Khels quarrelled, and the next night shots were fired through the Deputy Commissioner's tent! He was not hurt but the expedition had to be withdrawn.⁴⁰

a representative jirga?

So disunity and factionalism continued to make British relations with the Mahsuds and some of the Wazirs difficult. The term 'jellyfish tribe' was coined by Malcolm Yapp to describe the way the Frontier Pashtuns resisted external intrusion.⁴¹ Their strategy was one of 'dividing in order not to be ruled', refusing to recognise any leader, internal or externally imposed, and maintaining a diffuse form of organisation.⁴² This certainly seems to have been the Mahsuds' response to external pressures. As the Derajat Commissioner George Ogilvie pointed out in 1889, thanks to their 'anarchical condition', efforts to establish a representative Mahsud jirga which could exert its authority over the tribe as a whole had so far been unsuccessful.⁴³

However, some British officials began to argue that this problem could be overcome, in particular Richard Bruce, who had previously worked with Major Robert Sandeman in Baluchistan.⁴⁴ Here Sandeman had managed to extend British influence by paying allowances to selected chiefs and backing them with force when necessary. When he arrived in the Derajat in the late 1880s, Bruce was keen to apply Sandeman's approach to the Mahsuds. He agreed that they lacked any kind of institutionalised authority, but argued that it was actually British policy towards them which was responsible for this. Before 1849, he maintained, the Mahsuds had had leaders, and it would be possible to recreate them. 'The main difficulty', he wrote, 'will be to undo the evils we have ourselves done. By ignoring the headmen and working through go-betweens we have raised up a multitude of nobodies in the tribe until their jirgas have become a perfect rabble. These men have pushed themselves to the front either by sharp practice or in the general scramble'.⁴⁵

He therefore set out to find men who seemed to him to have some authority in the tribe however informal, and pay them allowances, and so develop a kind of oligarchy of influential men who would form a 'manageable representative jirga on a sound basis'.⁴⁶ In return for the allowances they were to nominate fellow-tribesmen to serve as irregular police to prevent attacks on caravans in the Gumal Pass, 'control the tribe as a body, and ... surrender individual criminals to the Government for trial'.⁴⁷ In fact Bruce made two attempts to form this representative jirga. The second one in the mid-1890s was particularly elaborate. He chose 270 supposedly influential men, referred

⁴⁰ See e.g. Howell, *Mizh*, p.10.

⁴¹ Malcolm Yapp, 'Tribes and States in the Khyber 1838-42', in R. Tapper (ed) *The Conflict of Tribe and State in Iran and Afghanistan* (London: Croom Helm, 1983), p.186.

⁴² Tapper, 'Introduction', in Tapper (ed) *The Conflict of Tribe and State*, p.54

⁴³ quoted in Bruce, *The Forward Policy*, p.116.

⁴⁴ See Christian Tripodi's reference to Sandeman in his paper in this collection. Bruce was Deputy Commissioner and then Commissioner Dera Ismail Kan from 1889 to 1896.

⁴⁵ Richard Bruce, Memo. on our past and present relations with the Waziri Tribe, 1888, in Governor-General to Secretary of State for India, No. 13, 23/1/90, IOR, L/P&S/7/59.

⁴⁶ CDD to GP, No.715, 9 Sept. 1889, No. 24, IOR India Proceedings 3396.

⁴⁷ Baha, *North West Frontier Province Administration*, p.34.

to as maliks, and divided them into five classes, each class receiving a different allowance.⁴⁸

To begin with Bruce's policy seemed to work. For instance when a British official was killed by Mahsuds in 1893, 'Bruce's maliks' (as the British sources sometimes refer to them) did manage to capture and surrender five of the men responsible. However, in revenge tribesmen killed three of the maliks and the other two fled, and it proved impossible to capture the murderers. After this the maliks tried not to upset their fellow-tribesmen, and made no effort to prevent tribal raiding. This grew worse throughout the 1890s, partly in response to the introduction of a more intrusive British policy in the tribal areas – the forward policy.⁴⁹ Barton is probably right when he says that most of the maliks had 'never intended to facilitate British control. What they wanted was the Feringhee's money'.⁵⁰

One alternative to the maliks was religious leadership. For the first thirty or forty years after 1849 Islamic loyalties do not appear to have greatly influenced tribal responses to the British, at least in Waziristan. However the more intrusive British policy introduced towards the end of the 19th century did enable a religious leader to begin to play a prominent role. He was Muhiy-ud-Din, a (Sultanai) Shabi Khel Alizai Mahsud, referred to by the British as the Mullah Powindah. He had been a *talib ul-ilm* in Bannu, and described himself as *badshah* (monarch) of the *Taliban* (he and his followers may be seen as forerunners of today's Tehrik-i-Taliban).⁵¹ He first came to prominence when in the autumn of 1894 Bruce was sent to Waziristan to demarcate part of the Durand Line, which was to divide Afghan from British spheres of influence along the border. He established himself at Wana, but in November at the instigation of the Mullah the camp was attacked by some 2,000 Mahsuds, and they were only repulsed after some hard fighting. Later the British did actually negotiate with the Mullah Powindah, and at one point gave him land in British territory and paid him an allowance in an effort to persuade him to use his influence in their favour.⁵² However the appeal to religious loyalties was not enough to persuade the majority of the tribesmen to follow him either, and Bruce's maliks themselves actually encouraged raiding in order to show the British that they could not manage without them. By the early 20th century therefore, there were two principal Mahsud factions, the maliks', and the Mullah's, each competing for the support of the rest of the tribe.⁵³

A third alternative was to try and negotiate with and manage the tribes through much larger jirgas which would in theory be more representative of the Mahsud tribe as whole. In the early 1900s this was the cornerstone of a new approach to Mahsud management introduced by the new Commissioner, William Merk. Merk had previously dealt with the eastern Mohmands and Afridis, who also lacked strong

⁴⁸ What look like rather similar attempts to institutionalize the jirga and turn it into a means for extending the government's authority among the Pashtun tribes on the eastern Afghan frontier were later made by the People's Democratic Party of Afghanistan in the early 1980s. Antonio Giustozzi, *War, Politics and Society in Afghanistan 1978-1992* (London: Hurst, 2000), pp.137-9.

⁴⁹ Howell, *Mizh*, pp.97/8.

⁵⁰ Sir William Barton, *India's North-West Frontier* (London: John Murray, 1939), p.215.

⁵¹ Beattie, *Imperial Frontier*, p.155, Caroe, *The Pathans*, p.471. *Talib* is short for *talib ul-ilm* - seeker after (religious) knowledge.

⁵² See e.g. Howell, *Mizh*, pp.27, 45.

⁵³ Cd. 1177, p.212

leaders. Merk's approach was the opposite of Bruce's. Like Bruce he accepted that 'Contact with a settled Government like our own' had had 'a disintegrating effect' on the Mahsuds.⁵⁴ There was, he agreed, 'political paralysis' within it, but it was Bruce's attempt to manage the tribes through maliks that was responsible. The Mahsuds, he maintained, constituted 'an independent little republic', in which some men had some influence but 'little real power',⁵⁵ and 'with a democracy of this kind, it is fatal to deal with individuals, however powerful they may be'.⁵⁶ The tribal jirga 'was the natural, and indeed the only possible, governing agency'.⁵⁷

In accordance with Merk's plan therefore, from 1902 allowances were paid to a much larger number of Mahsuds. Each tribal section elected Wakils (representatives) through whom the allowances were distributed to their other members. In return for this the Wakils, some one thousand five hundred of them in all, received a further special payment. In practice this meant 'tumultuous assemblages of several thousand tribesmen at Tank twice a year or so, for each tribesman to receive perhaps a couple of shillings representing his share of the tribal subsidy, with perhaps two or three times as much entertainment allowance during the stay of the jirgah in Tank.'⁵⁸ These arrangements were not particularly successful, but neither was an attempt in the middle of the decade to reduce the number of Wakils to around three hundred, and their number was raised again to around one thousand five hundred. Although it certainly did not solve the problem, under the circumstances Merk's was arguably the most effective approach,

One reason for these difficulties with the Mahsuds, it should be briefly noted, was that the British forward policy had encouraged the ruler of Kabul, Abd al-Rahman Khan, to try and build up his influence in Waziristan. Even after the demarcation of the Durand Line in the mid-1890s, which in any case he recognised only reluctantly, he allowed Mahsuds and Wazirs, including raiders and robbers as well as the Mullah Powindah, to come and go across the new border as they wished. He gave some of them land to settle on in Afghanistan, paid the Mullah Powindah among others an allowance, and more than once supplied the Mullah with large quantities of ammunition for his followers' guns.⁵⁹ During WWI there were some serious problems with the Mahsuds, and in 1919, following the Third Anglo-Afghan War, a serious insurrection broke out (see Christian Tripodi's paper in this collection). However, allowances were reintroduced in the 1920s after this had been crushed; in return for them the Mahsuds and Wazirs were to provide irregular militiamen, known as khassadars.⁶⁰

In his paper Christian Tripodi suggests that in response to manipulation by British Political Agents and Tehsildars the tribesmen often behaved deviously and deceitfully. Certainly the question of how far the Waziristan tribes ever really intended to keep to the agreements they negotiated with the British is worth raising. As late as 1945 the Report of the Frontier Committee commented that 'negotiations

⁵⁴ Cd. 1177, p.122

⁵⁵ Cd. 1177, p.193.

⁵⁶ Ibid.

⁵⁷ Cd. 1177, p.286

⁵⁸ Barton, *India's North-West Frontier*, p.215.

⁵⁹ Howell, *Mizh*, pp.47, 56.

⁶⁰ See Christian Tripodi's paper in this collection.

with [the Mahsuds] ... are difficult and treaties seldom binding'.⁶¹ It is possible that things may have looked rather different to the Mahsuds. The changes in British policy towards them, for instance the modifications to the distribution of allowances in the 1890s and 1900s, may have made them wonder whether in fact it was the British who were not to be trusted.⁶²

As regards the organisation and conduct of the negotiations themselves, the British had to ensure that the jirgas were well-organised and effectively managed, which could be challenging, especially when they were attended by thousands of men. '[T]he difficulty hitherto found practically insurmountable has been to put a limit on the members of the jirga', the Commissioner, Ogilvie, pointed out in 1889.⁶³ When Graham was negotiating in 1866 with the Mahsuds in connection with his settlement and frontier militia schemes he dealt with four or five hundred men. By the early 20th century jirgas had swelled to very substantial gatherings. In 1910 for example nearly eight thousand men attended one held to sort out a redistribution of allowances.⁶⁴ It became too much for the officials to manage, and some men had to be sent home.⁶⁵ The practical difficulties of organising such large gatherings can easily be imagined. The Punjab Lieutenant-Governor Dennis Fitzpatrick's description of his meeting with nearly a thousand Mohmands in 1896 shows what the British were up against: the Mohmands 'absolutely refused to put forward any men to represent them, even to the extent of being allowed to sit in front at the meeting. Almost the whole number sat down before us just as they managed to find room, and such of them as got near enough all tried to talk together'.⁶⁶ Security was another obvious problem with so many armed men present. Although as noted above, weapons were customarily not brought into the jirga itself, 'inter-sectional bickering' could lead 'to loss of temper and sometimes bloodshed, even if feeling was not directed against authority'.⁶⁷

conclusion

The British encounter with Waziristan from 1849 to 1947 was not simply a military one, and on many occasions there were long drawn out negotiations between the British officials and tribesmen. As elsewhere along the North-West Frontier, the forum for negotiation was the jirga. It was a meeting of adult men from a particular tribe or tribal section whose purpose was to resolve conflicts, and to manage relations with other groups and external powers. Decisions in the jirga were reached by consensus, and if agreement could not be reached it broke up.

⁶¹ According to one website consulted recently, 'the Mahsud and Wazirs were also very cunning and crafty with the English. In peace talks, whenever the English would give demands, they would always accept it; but later on, they would fulfil nothing' www.worldlingo.com/ma.enwiki/en.Mullah_Powindah - accessed 19/3/2011.

⁶² For example, as Robert Johnson points out in his paper in this collection, in December 1841 there was some double-dealing by the British negotiators in Kabul.

⁶³ CDD to PG, No. 598, 7 June 1889, in GG to SofSI, No. 13, 28 Jan. 1890, IOR L/P&S/7/259.

⁶⁴ Beattie, *Imperial Frontier*, pp.178, 205.

⁶⁵ Extract North-West Frontier Provincial Diary, No. 53, week ending 31/13/2010, IOR L/P&S/10/44.

⁶⁶ East India (north-west frontier). Papers regarding British relations with the neighbouring tribes on the north-west frontier of India and Punjab frontier administration, Command Papers; Accounts and Papers [Cd.496], House of Commons Parliamentary Papers, p.156.

⁶⁷ Caroe, *The Pathans*, p.402.

In trying to exert their influence in Waziristan, the British faced a number of difficulties. These included the harsh terrain, the tribes' attachment to their independence and their willingness to use force to defend this, and their connections with the rulers of Afghanistan and the ease with which the tribes could come and go across the border with it. Because of the way they particularly affected negotiations, this paper has concentrated on three problems in particular, firstly, factionalism, both in British territory and in Waziristan itself, secondly, *nikkat*, the tribes' belief in sharing between tribes and sections, and, thirdly, the nature of tribal social organisation, the fact that the tribes had no leaders or rulers through whom they could be manipulated.

After 1849 one of the two main factions in this part of the Derajat was led by Shah Nawaz Khan, appointed ruler of Tank by the British, and the other by the so-called Multani Pathans, a number of whom obtained positions in the British administration. Each had their own connections with the tribes, and tried to use these to undermine the other's influence with the British and increase their own, for instance by encouraging trans-border tribesmen to carry out raids in British territory. To try and prevent this British officials, speaking the local dialect of Pashtu, began to take more responsibility for relations with the tribes, and less use was made of intermediaries, whether locally-recruited officials or influential men. However, the tribal ideal of sharing, *nikkat*, undermined attempts by the British to try and modify the behaviour of particular sections by targeting resources on them. It meant that in connection with the 1866 Mahsud settlement scheme, the modest resources at the disposal of the British officials were shared too widely to have much of an impact. In the more generous scheme introduced in the late 1870s, by contrast, the failure to keep to *nikkat* created resentment among those who were left out.

The fact that there were no leaders with the authority to speak for the tribe as a whole meant that it was important to obtain the consent of as many men as possible to any agreement. Failure to do so could lead, as in 1861 and in 1874 for example, to spoiling operations carried out by those who had not been included in them. Towards the end of the century Bruce tried, without much success, to address the difficulties this caused by attempting to create a stratum of influential men who would be able to control their fellow tribesmen on behalf of the British. An alternative approach was to try and win over the principal Mahsud religious leader, the Mullah Powindah, and use him to extend British influence. However, in spite of their attachment to Islam, he was unable to command the loyalty of the majority of the tribesmen either. A third strategy was to assemble much larger numbers of less influential men and negotiate agreements with them. It was the one adopted by Merk in the early 20th century, and though it was probably the most effective, its success was still relative.

Though Afghanistan and the Afpak frontier are obviously very different today, there are some parallels between the later 19th and earlier 20th centuries and current circumstances. There is for example the diversity of groups in the insurgent coalition. This 'makes them harder to counter - they have no central leadership that can be dealt with, co-opted or eliminated'.⁶⁸ Arguably therefore there are lessons to be learned from the British experience on the Waziristan border and in Waziristan itself. Firstly,

⁶⁸ David Kilcullen, 'Taliban and counter-insurgency in Kunar', in Giustozzi (ed) *Decoding the new Taliban*, pp.231/2.

negotiations should be conducted directly and not through intermediaries. Secondly, as many different shades of opinion and sources of influence as possible should be represented in them. Thirdly, while culture certainly does not explain everything, the evidence from Waziristan suggests that the more we know about the culture of those with whom we are negotiating, the more likely it is that negotiations will be successful.