



Mainstreaming Pakistan's Federally Administered Tribal Areas: Challenges and Future Prospects

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Abstract

Federally Administered Tribal Areas (FATA) is amongst the unstable and underdeveloped regions of Pakistan. The people of the region have been the subject of outdated Frontier Crimes Regulations (FCR) laws. These controversial laws have denied them equal essential human rights, economic and political opportunities as prevailed in the rest of the country. After the partition, FATA did not come directly under the orbit of national and provincial parliaments, which made this region a center of lawlessness and crimes. With the advent of the Afghan war, the region gradually became a sanctuary for militants and resultantly has fallen into the hands of radicals and extremists. FATA merger with Khyber Pakhtunkhwa (KPK) is an important step towards administrative development and mainstreaming the region. It is expected that under the proposed merger, the tribal people would get basic human rights. Moreover, a merger with KPK would eliminate the decade's long sense of deprivation and alienation. However, despite wide-ranging support for the merger, mainstreaming FATA is likely to be challenging, with many barriers and obstructions to be surmounted.

Keywords: FATA, Merger, Policy, Political and Socio-Economic Impacts



Introduction

The merger of FATA with the Khyber Pakhtunkhwa (KPK) province was initiated in November 2015. This procedure officially began with the formation of a cabinet-level committee on FATA reforms. This Committee eagerly met with the major stakeholders of the region particularly Masharaan (tribal elders), political activists, Maliks, civil society organizations and media personnel (Noor, Hashmi, & Bukhari, 2018, p. 18). Several meetings were conducted to offer an effective legal structure and workable administration for the people of this region (Aftab, 2018). After the comprehensive work, the committee's proposal was discussed in the National Assembly and on 31 May, 2018 this proposal became the 25th Amendment to the Constitution of Pakistan (Waseem, 2018).

FATA a landlocked tribal belt is situated on the northwestern side of Pakistan and separates Pakistan and Afghanistan. The separating boundary line between Pakistan and Afghanistan is also known as Durand Line (Ali I. , 2018). The region is divided into seven agencies which are Orakzai, Bajaur, Mohamand, Kurram, Khyber, South Waziristan and North Waziristan and six frontier regions known as Peshawar Frontier Regions which are Tank, Bannu, Kohat, Dera Ismail Khan and Lakki Marwat. All these agencies and frontiers cover an area of 27,220 sq. km (Malik M. A., 2013, p. 103). This tribal belt is mostly populated by Pashtuns who are also identified as Pakhtuns. Pakhtun is an ethnic group inhabited in Afghanistan and Pakistan on both sides of the Durand Line. Over two dozen tribes of Pashtun along with subtribes are settled in FATA (FATA, 2017). In Pukhtoon culture, Malik is considered a central and dominant personality in social and political activities. His deep-rooted sway in society influences warring parties to accept his decision.

FATA under British and Pakistan Administration

In united India, the British tried to govern this region mainly with the assistance of local Maliks and political agents. These local Maliks and political agents received enormous subsidies and grants in reward for their services (Malik M. A., 2013). The British government gave these political agents and Maliks some unchecked power to maintain law and order (International Crisis Group, 2006). The British administration also issued FCR laws. The FCR is a set of regulations that has many provoking clauses. Sections 21 to 24 are the most infamous and notorious parts of the FCR laws. These clauses are responsible to deal with the collective territorial responsibility. These problematic sections of the FCR laws have attributed unlimited power to political agents in tribal agencies. These political agents used to penalize an entire clan for committing crimes in



his area of influence. The punishment was carried out by arresting people, imposing penalties, seizing and even demolishing property (Malik M. A., 2013).

FATA is a part of Pakistan, however, the controversial laws of FCR and administrative arrangements have continued to keep it separate from mainstream Pakistan. Even after the independence, the country exercised a similar administrative arrangement in FATA as practiced by the British. The contentious clauses of FCR were retained in its original form as administrated under the British (Sulaiman & Bukhari, 2016). FCR denied people of the region many fundamental rights which other people belonging from other parts of the country attained with ease. The federal government also managed the tribal agencies by political agents and granted them unrestrained judicial and executive powers.

Effect of the Afghan War

The depraved governance systems under FCR and political agents and geopolitics nexus of FATA with Afghanistan have severely affected the people of the region. The tribal people have been denied timely justice and security over the years. Decades of isolation from mainstream politics and the absence of fundamental human rights have alienated the FATA people against the state. These deprivations and denials have generated a huge gap which has been filled by Islamic militants and religious groups particularly the Taliban (Nawaz, 2009). In the Afghan war, the tribal land was used as a training ground (Abbas, 2015). The tribal people became key instrumental in pursuing United States interests for defeating the Soviets.

The concentration of Jihadists from different parts of the world in the tribal region and local tribes' involvement in this war against the Soviet Union entirely changed the social dynamics of the region. The jihadists and militant groups radicalized the tribal region. These radical groups with the help of foreign assistance established hundreds of Madrassas for the promulgation of extremist ideology. These religious seminaries brainwashed thousands of young people and exploited them for the Afghan war (Noor, Hashmi, & Bukhari, 2018, p. 20). The post-Soviet war scenario further altered it into a land of extremism and a hub of militant groups. The absence of Pakistani state writ permitted the Afghan Taliban, Al Qaeda and Haqqani network to cement their sway in the tribal region. The rise of Tehreek-e-Taliban Pakistan (TTP) in December 2007 in Waziristan was the outcome of poor governance in the region. The TTP along with several home-grown militant and terrorist outfits carried out many fatal and lethal terrorist activities and killed more than fifty thousand people and inflicted nearly \$107 billion economic loss to Pakistan (Qazi, Aman, & Bashir, 2018). By end of 2018, the



country lost more than seventy thousand lives and suffered nearly USD 123 billion economic loss in the war against these terrorist groups (Al Jazeera, 2018).

Decades-long grievances of FATA

The constitution of Pakistan guarantees the basic rights of people irrespective of any region and obligates the judiciary to fairly and justly shield such rights from violation. It is regretful that all these constitutional provisions concerning basic rights only apply to the citizens belonging to mainstream Pakistan; people of FATA are exempted from these basic rights and privileges (Ali I. , 2018). There are twelve assembly members in Pakistan National Assembly and eight members in Senate which represent tribal people. These members from tribal land can participate and vote on any issue in all the proceedings of parliament, however, these tribal members have no input in administration and policies affecting FATA. Geographically, FATA is contiguous with Khyber Pakhtunkhwa, however, the region has no representation in the KPK provincial assembly (Shinwari, 2010). Moreover, the constitution of Pakistan did not allow FATA people to participate in a general action. People of the region were kept away to participate in the political process. It was until 2018, the people of the region were officially allowed to take part in the general election (Arab News, 2018).

Statistics indicate that FATA is amongst the poorest regions of the country. According to World Bank, people who earn less than \$1.90 a day are living in extreme poverty. Some more than 60 percent of people of FATA are living a life of extreme poverty (Ahmad A. , 2016). Another measure is also used to measure poverty which is the multidimensional poverty index. This index measures three elements: healthcare facilities, the standard of living standards and education. This index signposts that seventy-three percent of people in Fata and seventy-one percent of Balochistan's people live in multidimensional poverty compared to forty-three percent in Sindh and thirty-one percent in Punjab (Husain, 2019). Another survey also depicts a similar condition that the region has just one hospital for every forty-two hundred individuals and there is only one doctor for over seventy-eight hundred individuals. The adult literacy rate in FATA is lower than thirty percent which is also far lower than the country's average percentage of seventy-five percent. Children's enrolment in primary school is fifty percent, as compared to national enrolment which is sixty-five percent. In gender, this literacy gap is even wider, for men the literacy is forty-five percent while for women it is below ten percent (Dawn, 2016). The ratio of unemployment in the tribal agencies is also higher than other parts of the country. According to official statistics, FATA has a five million population (Dawn, 2017). A majority of the tribal population has migrated to other places mainly for better opportunities of earning (Ahmed, 2015). The Afghan war, the war against terrorism,



military operations and drones' attacks had further affected people severely in economic, cultural, psychological, social and political spheres. It is estimated that almost 3.5 million people were displaced because of these miseries (Chughtai, 2013).

Previous Efforts for Mainstreaming FATA

Efforts have been made by the government to introduce some administrative reforms in the region, however, these reforms could not improve rule of law, economic development, the functionality of political order, the standard of education and infrastructural conditions of FATA. Zulfikar Ali Bhutto a former Prime Minister took an initiative to include the region as a part of the North West Frontier Province (NWFP) for the general elections of 1977 (Ali Z. , 2009). The process could not be accomplished as a military coup in 1977 ousted his government. In 1996, another effort was made by the introduction of adult franchise in the region, for direct selection of National Assembly representatives (Kakakhel, 2010). Only the Maliks were previously allowed to cast their vote. In 2002, the administration of General Pervez Musharraf's introduced a system of local bodies system in the tribal region. A committee of the National Reconstruction Bureau (NRB) was constituted by the government to bring grass root reform in FATA. In all the agencies, the Agency Councils were established mainly to organize all the development works and limit the role of the political agents in the region. These amendments, however, achieved no significant results. In 2005 some legal reforms were introduced. After consulting the people of the region, a committee was formed to bring changes in the laws of FCR (Ali Z. , 2009). In 2011, many of the changes proposed by this committee were approved and incorporated. This effort removed some of the contradicted flaws of FCR but a lot of reforms were required in bringing tribal people to mainstream (Dawn, 2011). In 2015 another FATA Reforms Committee was constituted to make the region a part of the country. The Committee purposed the merger of FATA with KPK as a way forward for the economic, social and political mainstreaming of the people of FATA (Aziz, 2017).

FATA Merger into KPK and Challenges

FATA merger with KPK is expected to bring new opportunities for the disgruntled and underprivileged people of the region in the social, economic and political domain. FATA merger seems a commendable decision in the sense that it can bring infrastructural development in tribal areas and improve cooperation between FATA and KPK population. A survey was conducted by FATA Research Centre (FRC) in various agencies mainly to find how tribal people rate this merger. According to the survey findings, a large number of respondents favored the merger (Noor, Hashmi, & Bukhari,



2018). Moreover, the majority of well-educated people who are interviewed have supported this scheme (Khan D. I., 2020; Shanwari, 2020). Major regional political and mainstream parties including the Pashtun nationalist Awami National Party, Pakistan Muslim League (Nawaz) and Pakistan People's Party have endorsed this decision. The KP Provincial Assembly has also passed a resolution unanimously favoring the FATA merger (Daily Times, 2017).

The merger seems to be an effective decision because people of both KPK and FATA are Pakhtun and have a shared language and similar traits (Sulaiman & Bukhari, 2016). Firstly, the administrative infrastructure of KPK is well-established and can easily be extended to tribal agencies. The region depends a lot on KPK for the administrative workforce and social services such as health and education. Secondly, the people of FATA have social, ethnic and cultural cohesion with the province, particularly with the people which are adjacent to the provincial districts. KPK and FATA have historically interconnected for socioeconomic interactions. For all the seven tribal agencies of FATA, the city of Peshawar serves as a geopolitical center. Thirdly, FATA would come out of its longstanding isolation syndrome when potentially open up to development.

However, there are several residents of the region who have favored an independent province for themselves. They want no alteration in their centuries-long living style, culture, customs and traditions. These people believe that the decades-long jirga system is the best way to settle their disputes and maintaining law and order in the region. People who oppose the merger of FATA with the KP and favor an independent province argue that the system of police and judiciary is more corrupt than the local jirga system. Instead of replacing jirga with courts, they maintain that reforms in their jirga system will be a vital step as it would ensure their social customs (Qazi, Aman, & Bashir, 2018). There are complications in the establishment of an independent province as geographically this tribal belt is like a shape of a bow along the Durand Line. Because of its particular geography, even consensus on the selection of capital might be difficult (Zaman, Mansoor, & Naz, 2016). Moreover, a separate province would require huge investment. New buildings would be required for offices, governor's house and secretariats. It would be a burden on Pakistan's meager economy. A merger with KPK would not require these investments (Isha, 2020). Viewing Pakistan's economic scenario, a merger looks like an efficient option than making this tribal land a separate province. Currently, FATA also lacks of a mechanism of revenue collection that could sustain it as a separate province (Khan S. , 2020).

Some political and religious factions of different parties have vehemently opposed the merger plan. The Jamiat Ulma-e-Islam (JUI-F) leader Fazl-ur-Rehman a renowned and



prominent personality in FATA who has a considerable vote-bank in the region, has vehemently opposed the merger process (Dawn, 2017). He argues fervently that the people of the region should be extended political rights, basic facilities and quality education in the first phase. After this phase, a referendum should be held which decide the future of the merger of FATA with KPK. JUI-F leaders have further debated against the merger that merger would badly affect the country's external and internal situation (Waris, 2018). Maulana Fazlur-Rehman termed the day of the merger as a 'black day' (Pakistan Today, 2018). Mehmood Khan Achakzai, leader of Pakhtunkhwa Milli Awami Party (PkMAP) fervidly opposes the merger. PkMAP argues for a separate province. He termed the merger bill controversial and unaccepted. The leaders of the party maintain that the people of the region should be given the right to decide about their future. Leaders of PkMAP contend that there should be a separate province for the people of FATA where they could select their chief minister according to the wishes of the people (Guramani, 2018). Both Maulana Fazlur-Rehman and Mehmood Khan Achakzai had demanded a referendum which would seek the opinion, either the people of the region wanted FATA with KP or a separate province (Nabi, 2018).

Some tribal elders in FATA particularly the Maliks have asserted that instead of FATA merger with the already underdeveloped KPK, it would be more pragmatic that FATA becomes a separate province. Moreover, these Maliks also pointed that almost 28,000 Khasadars would lose their jobs if the government replaced Khasadar with police force under merger reforms (The Express Tribune, 2017). These tribal leaders equally recommend the abolishment of FCR; however, they consider the merger of FATA with KPK a foreign agenda. They believe this process of merger should be stopped at every cost. Pakistan Justice and Democratic Party (PJDP) also opposes merger and some of its members have joined the political movement which is anti-merger. Iftikhar Chaudhry and some other members of PJDP remarked that they would pursue a case for a separate province for the people of the region. These people believe that the merger would not solve their inequalities and miseries.

Pushtun Tahafuz Movement (PTM) also holds that Pashtuns particularly from tribal land have been sidelined and marginalized since Pakistan's inception. This movement has criticized the ruling elite for not giving tribal people their due share and rights which people of the mainstream receive as prescribed in the constitution of Pakistan. Manzoor Pashteen and his supporters mainly want changes and reforms in the draconian laws (FCR) (Siddiqui, 2019). Along with internal opposition to the merger of Fata with KPK, the country would have to contend with Afghanistan as well. Afghanistan termed the FATA merger with KP as a violation of the agreement signed between the British government and Afghanistan in 1921. Afghanistan's government has threatened to



approach the International Court of Justice, the United Nations and other world forums against the merger of FATA with KPK (Yusufzai, 2018).

Benefits of Merger

Legal and institutional reforms will help the political, social and economic mainstreaming of FATA. People of tribal land will surely have access to rights and privileges as enjoyed by the individuals of other parts of the country. The merger would completely sway FATA under the jurisdiction of the KPK government. The provincial government would probably take more or less five years for the administrative integration and synchronization of several departments of FATA with KP. Under the legal and administrative reforms, the tribal agencies have already got new seats and representation in the Provincial Assembly and the people of FATA elected their provincial representatives in the 2018 general elections. With the merger, KP National Assembly seats increased from forty-three to fifty-five with the addition of 12 seats of FATA (National Assembly , 2020). However, FATA would lose its distinct Senate members. The number of KP Provincial Assembly members would also increase with the merger (Ali I. , 2018). The Judicial system will be reviewed comprehensively and the jurisdiction of the Supreme Court and Peshawar High Court (PHC) will be extended to tribal agencies. It would bring all the agencies under the ambit of the national judiciary (Gurmani, 2018). The chief justice of PHC has already ordered the appointment of 28 judges, seven district and sessions judges, seven senior civil judges and 14 additional and district judges for tribal districts. The provincial government has issued directions for the extension of district administration offices and courts inside tribal districts to facilitate tribal people. These developments would enable people of the region to access justice like other Pakistani citizens (Malik I. , 2017; TNN, 2020).

The merger is expected to bring a change in the social lives of the people of the region. The merger will be helpful in annihilating social injustice by making FCR null and void. The merger will abolish FCR's malicious principle of collective punishments. Each person in the tribal land would be responsible and accountable for his deeds, not the whole family and tribe. Religious militants and extremist groups had badly influenced the social fabric of FATA in the last few decades. These groups in the absence of proper law enforcement mechanisms had efficaciously imposed their extremist ideas over the people. These radical groups purposely targeted educational institutions and misguided youth for extremist activities. The majority of the people influenced by radical thoughts considered government schools as anti-Islamic. They preferred madras education for their children.



Rampant unemployment, lesser political and economic opportunities and poor education made tribal youth easy prey for Jihadists and militant organizations to exploit for militant activities. Thousands of tribesmen have been displaced by militancy and military operations which have further deprived FATA's children of education. As a result of prolonged conflict, an entire generation of children of the tribal agency has grown up in camps in their hometowns. Hundreds of families lost their sources of livelihood. Educational institutes for women are already very few, while many women's schools have been destroyed by religious militant groups in FATA. Fundamentalist groups imposed strict measures on women's participation in social life. Women were not allowed to public places and wearing any western attire. Owing to the successful war against terrorism in the region and the merger would enable women's participation in all aspects of life. Women would be given enough freedom to participate in social and economic activities because of better law and order situations. After the merger, the government of KPK has expedited rehabilitation and reconstruction work on 345 schools across all the agencies of FATA. The provincial government has released Rs 3.3888 billion for speedy maintenance, rebuilding and renovation to strengthen the educational network. This step would gradually increase the literacy ratio and promote education in all the merged tribal districts (Academia, 2019).

A comprehensive economic plan has been devised to uplift the region and provide people with satisfactory opportunities for employment. In March 2019, Prime Minister Imran Khan declared that the government would spend PKR 100 billion annually for next 10 years in the newly merged tribal districts. This investment is directed to achieve three main goals: firstly, the development of social sector facilities, secondly the raising of public administration institutions and thirdly the provision of basic infrastructure (Ahmad V. , 2019). The merger would allow the KPK government to intervene in the following sectors: agriculture, governance, urban development, connectivity, industrial development, energy development, local government, health and education (Anis, 2016; Mehsud, 2018). Under the Public Sector Development Programme (PSDP), an additional PKR 21 million would be allocated for the development of merged districts. The National Finance Commission (NFC) would assign 3 percent of the gross federal divisible pool annually to implement a development plan designed for merged districts (Shad & Ahmed, 2018). Moreover, 30 percent of this allocation would be channeled through the local bodies. Indeed, effective implementation of the development plan would bring the tribal belt at par with other parts of the country, ending its segregation and addressing the root causes of terrorism and militancy in the region. Merger reforms will create hundreds of new jobs in the field of health, education, mineral development programs, water supply schemes, power supply and citizen losses compensation program. The industrial zones with special incentives will surely attract investors not only from the country but



also from China and other countries such as Central Asia and Russia. It is hoped that the merger would enhance cross-border trade in the FATA region. It is decided in Economic Coordination Committee (ECC) that FATA would be exempt from taxes for the next five years. This ECC step will surely attract businessmen and industrialists to invest in FATA. This will also introduce more jobs for the locals of FATA.

2. Recommendations

- Pakistan needs to devise an inclusive approach to the challenges posed by FATA merger. Political elites must rebuild the trust of FATA people and accommodate them as fellow Pakistanis.
- The government must devise an inclusive economic plan for the people of newly merged districts particularly to generate employment opportunities, uplift the region and improve the quality and standard of life of the locals of the region who had been the victims of radicalism, extremism, terrorism and militancy for the past thirty years.
- Government should increase the quota for FATA students in the educational institutions of other provinces. This step will surely raise the literacy level of FATA to a satisfactory level.
- Women and journalists' rights have been violated routinely in the absence of effective unbiased media coverage. Several journalists in FATA have been intimidated, killed and beaten by different religious militant parties and the civilian political administration in the tribal agencies. In some cases, the Pakistan military establishment has also threatened political scholars and journalists to hide facts of the region (Hasan, 2020). For the successful implementation of the merger, an impartial press must be able to function freely. The government must also guarantee and take measures to ensure the security and safety of tribal journalists and political scholars.
- The government needs to ensure women's participation in the reform process. Women are almost more than half of the population of FATA. Previously women's role in the tribal society has been very subservient, partly because of local traditions and mostly by successive government's discriminative attitude toward all issues affecting the people of FATA in general and women in particular.
- The people of the region deserve prosperity, peace and security so the upcoming generations live as equal citizens of Pakistan. Integrating the tribal areas into mainstream Pakistan would not yield desired results until the tribal people get equal opportunities of economic development, job opportunities, easy access to health care facilities and education.
- FATA is a rural tribal society and each tribal agency has a small town that serves as its headquarters. Government should plan to develop these headquarters to function as



centers for economic activities which ultimately offer the tribal people all the rudimentary civic facilities and services including hospitals, educational institutes for children, colleges and universities for girls and boys separately and so forth.

- FATA lacks of transportation and communications infrastructure which connects its remote areas. Moreover, all seven tribal districts are not linked with a single road. Thus, transportation roads should be built to connect tribal districts and also other parts of the country. It would be a viable step if these roads are linked with China Pakistan Economic Corridor (CPEC).
- National and international geological surveys have revealed that the region has reserves of valuable minerals which include gypsum, chromite, copper, coal, emerald, limestone, lead, dolomite, barite, marble, soapstone and manganese in different areas of the region. These economically valued minerals have not been explored mainly because of deteriorated security condition of the region. These natural resources now should be explored for the improvement of tribal people.
- Pakistan needs to resolve its border disputes with neighboring Afghanistan for peace and security of the region. Government must patrol the Pak-Afghan border to control criminal and terrorists activities such as narco-trafficking and smuggling.
- Normalcy and prosperity can only be brought by increasing industrial development and economic activities. The government needs to set industrial zones which will create managerial and technical jobs for the locals. These steps would eliminate locals' sense of deprivation and neglect.
- Many people outside of FATA are performing their duties as government employees in FATA. Government should devise a policy where people of the region avail these government jobs as more as possible. This step will improve socio-economic condition of the people. The government should also take strict actions in filling job quotas reserved for people of the region.
- The reforms in Fata following the merger with KP are only dependent on the security situation of the tribal districts. Pakistan would have to keep its troops in the region to keep away militants just across the border in Afghanistan. The presence of troops is also necessary for the completion of the development projects that have been undertaken. The region would take some time to become a normal place. The majority of the people in the region do not like the presence of an army, however, these people must be taken into confidence that troops presence is necessary for the peace and security of the region (Gul, 2020). These people must understand that local governance mechanisms can only sustain if militants both national and international remain isolated and are constantly challenged to penetrate this very region.



- The jurisdiction of the Supreme Court of Pakistan and writ of the government should be established in the FATA region on a priority basis to ensure justice to the people of FATA.
- The government must accomplish its promise of a special award of three percent for the people of the region. The government has remained unable so far to secure such funding. The government needs to develop a consensus among other provinces to share funds for the prosperity of the tribal region. A budget of over USD 1 billion was notified for the improvement of newly merged tribal districts. The government needs to release these funds without delay for the prosperity of the region.
- Government initiatives like the introduction of local body elections, the appointment of judges and the training of law enforcement agencies for tribal districts are praiseworthy. All these steps must be materialized and turn into reality very soon.

Conclusion

All the tribal agencies have long been suffering from vicious circles of criminality and economic underdevelopment. The people of the region have also been deprived of social, political and economic rights. The FATA's status as a separate tribal region has resulted in militancy and corruption. The merge is a momentous effort of the Pakistan government for the prosperity, peace and stability of the region. The merger has abolished centuries-old laws of FCR and is expected to introduce an efficient governance system. The mainstreaming of FATA intends to bring all tribal districts at equivalence with other parts of the country in all domains. It is hoped that the merger of new districts will not only introduce administrative development but will also usher horizons of new socio-political change.

It is equally imperative that government introduce all reforms keeping in view the wishes and demands of tribal people. The legal system, economic and governance reforms will certainly change the dynamics of the region. However, the implementation of these reforms is an arduous and grueling task. Government alone might not be able to do it. Hence support of youth and civil society is crucial in uplifting the region. FATA is Pakistan's internal problem, and the country has to solve tribal quandaries and predicaments by utilizing its resources. Outsiders from any part of the world cannot solve this issue. Outsiders can be influential, but their efforts cannot be productive unless Pakistan makes tough and solid steps for mainstreaming FATA.



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