

**EVOLVING DYNAMICS
OF **F A T A**
LINKAGES WITH
INTERNAL SECURITY CHALLENGES**



Post Roundtable Report

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Words of the Quaid

“It is now the duty of every Mussalman, yours and mine, and every Pakistani to see that the State, which we have established, is strengthened in every department of life and made prosperous and happy for all, especially the poor and the needy.

Pakistan has no desire to unduly interfere with your internal freedom. On the contrary; Pakistan wants to help you and make you, as far as it lies in our power, self-reliant and self-sufficient and help in your educational, social and economic uplift. We want to put you on your legs as self-respecting citizens who have the opportunities of fully developing and producing what is best in you and your land---Pakistan will not hesitate to go out of its way to give every possible help—financial and otherwise—to build up the economic and social life of our tribal brethren across the border. It will certainly be my constant solicitude and indeed that of my Government to try to help you to educate your children and with your co-operation and help we may very soon succeed in making a great progress in this direction.”

Quaid-i-Azam Muhammad Ali Jinnah
*(Excerpts from the Address to the Tribal Jirga
at Government House, Peshawar on 17th April, 1948)*



بُتَّانِ رَنگِ وُخُوں کو توڑ کر ملت میں گم ہو جا
نہ تُو رانی رہے باقی نہ ایرانی نہ افغانی

Allama Dr Muhammad Iqbal



C O N T E N T S

1.	FOREWORD	01
2.	Executive Summary	02
3.	Session 1	03
a.	Introduction	03
b.	Politico-Constitutional Status Of FATA Vis-A-Vis Recommendations Of FATA Committee	09
c.	FATA after Zarb-e-Azb: The External & Internal Security Challenges	11
d.	Interactive Session	12
e.	Wrap-up	12
4.	Session 2	13
a.	Introduction	13
b.	The Challenges of Rehabilitation of DPs and its Impact on Internal Security	15
c.	Empowerment of People and Socio-Economic Developmental Challenges in FATA	17
d.	Interactive Session	18
e.	Wrap-up	20
5.	Photo Gallery	21
6.	Annexure A	25
7.	Annexure B	28



Foreword

As we all know, Pakistan has entered into a new phase of historical transition. After more than a decade of War on Terror, Pakistan suffered the most being the frontline ally, and more so, the people of FATA. The entire area has been infested with fear, extremism and militancy; inhabited by a population taken hostage by a hydra-headed enemy.

While the government is endeavouring to firmly establish its writ through Operation Zarb-e-Azb; it appears that military action has been perceived by some as the panacea for all troubles in the region. However, it must be borne in mind that at the end of the day, there needs to be a multi-pronged approach to the resolution of issues.

The constitutional and political shortcomings, socio-economic deprivation and injustices committed against the people of FATA can no longer be allowed to linger. There is a profound realization that the situation in FATA is as much an issue of mal-governance and inconsistent government policies as it is an issue of terrorism, which has aggravated the plight of the people of FATA. One cannot help but point out that the grievances of the people of FATA on this count are real and need to be immediately redressed.

Therefore, there is a need to adopt a pragmatic, futuristic, compassionate, yet rational approach to the issue by finding political solutions along with adopting a military approach towards conflict resolution.

Through this roundtable and the upcoming seminar, NDU has made an endeavour to fulfil its responsibility of holding a constructive dialogue on this issue of vital national interest. I am confident that the enlightened debate that took place here will help us in formulating concrete policy input for the Government which will help in bringing desired beneficial results for the people of FATA.

Major General Noel Israel Khokhar, HI (M)
DG, ISSRA



EXECUTIVE SUMMARY

The Roundtable was organized to provide an academic forum to a wide spectrum of the society, particularly from FATA, to dilate upon various aspects of prevailing situation in FATA, with a view to comprehensively understand the dynamics of the issues in hand; subsequently, formulating suitable policy options and recommendations to bring about peace and tranquility in the tribal area.

The issues of people of FATA are multifarious and need out-of-box solutions. Operation Zarb-i-Azb was the need of the hour but now is the time that civilian leadership should start taking control of the situation and adopts effective measures for introduction of reforms in FATA as per the desires of the local people. The constitutional status of FATA region needs to be revisited and redefined to integrate the area in the federation for its permanent settlement. In order to improve governance, especially management and administration in these areas, there is a need to look into the possibility of introducing either the old Malik system with required modifications or a local body system. Side by side, there is also a need to introduce a pragmatic socio-economic development package in FATA with more emphasis on education, health, employment opportunities, housing, food and rehabilitation of DPs. Enduring peace can only come through shared ownership and concerted efforts by all stakeholders.

Introduction

Prelude

The aim of this Roundtable was to generate a debate on the issues of FATA and its adjoining areas; and to draw attention of the relevant stakeholders with a view to formulating policy recommendations. It was also our objective to share the findings with a larger audience in a forthcoming seminar titled as 'Re-appraisal of Internal Security Challenges to Pakistan', scheduled on 23-24 Sep 2014. The Roundtable comprised two sessions, with two topics having been discussed in each.

Setting the Context



Source: http://upload.wikimedia.org/wikipedia/commons/f/f5/NWFP_FATA.svg



FATA comprises seven semi-autonomous agencies or administrative units which are Bajaur, Mohmand, Khyber, Kurram, Orakzai, North Waziristan and South Waziristan. Additionally, FATA includes 'frontier regions' that adjoin the districts of Peshawar, Kohat, Bannu, Lakki Marwat, Tank and Dera Ismail Khan., spanning an area of 27224 sq kilometres and inhabited by more than 3.17 million people belonging to different Pakhtoon or Pashtoon tribes. It shares a 1400 miles-long border with Afghanistan which only signifies its great geo-strategic importance, especially in the aftermath of the US-led War on Terror.

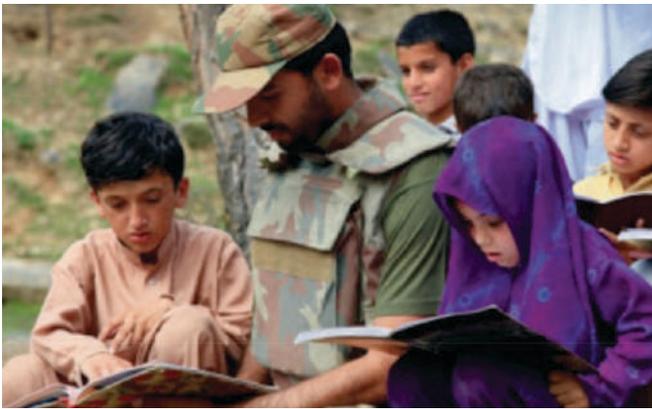
However, breathtaking scenic beauty, marvellous blue skies, splendid terrain and the benevolent and courageous people of FATA suffered the most in terms of facing brunt of the War. Consequent to the wars against Soviet Union as well as the War on Terror, the area was infested with terrorists from across the region and subsequently became a safe haven for them posing serious security-related implications for Pakistan. Writ of the state gradually reduced and the administration weakened, creating dissatisfaction and unrest amongst populace. As it is often said that a picture says a thousand words, a pictorial depiction of how FATA is known to the world today is shown below.





Needless to say that millions of hearts in Pakistan share the woes and grief for their brothers and sisters in FATA. It was this backdrop in which operation Zarb-e-Azb was launched.

IMAGES FROM ZARB-e-AZB





Amidst the achievements of the armed forces of Pakistan through this Operation, it is felt that the issues emanating thereafter, transcend beyond merely the issue of terrorism. Ever since the launch of the operation, various issues have come to the fore and the Government and the country's political leadership face major governance–related challenges, especially introduction of reforms in FATA.

In this connection, during the year 2010, ten main political parties of Pakistan established the Political Parties Joint Committee on FATA Reforms (also known as the FATA Committee). The main **objective** of this committee was 'To demonstrate the shared commitment of political parties in Pakistan to promote debate and to call for the enactment and implementation of reforms in the tribal areas'. The Committee comprised members from

- Awami National Party (ANP)
- § Jamaat-e-Islami (JI)
- § Jamiat Ulema-e-Islam Fazl (JUI-F)
- § Muttahida Quami Movement (MQM)
- § National Party (NP)
- § Pakistan Muslim League (PML)
- § Pakistan Muslim League-Nawaz (PML-N)
- § Pakistan People's Party (PPP)
- § Pakistan Tehreek-e-Insaf (PTI), and
- § Qaumi Watan Party (QWP)

Note: Details have been given as Annexure B at the end of the report

Consequently, the FATA Committee unanimously approved 11 recommendations for reforms in December 2013 and called upon the government of Pakistan for their urgent implementation. The recommendations of the committee were:

- **Peace in FATA** should be guaranteed.
- **Article 247** of the constitution should be amended to guarantee fundamental rights for all tribal citizens and shift legislative power from the President of Pakistan to the parliament.
- **Local body** elections should be held in FATA.
- A comprehensive package should be developed for FATA and infrastructure **development** initiated, with special focus on health, education and employment.
- The **future status** of FATA should be decided by its people.
- Pakistan Electronic Media Regulatory Authority (**PEMRA**) **jurisdiction** should be extended and media should be given greater access to FATA to provide tribal citizens with opportunities for media interaction and participation.
- The **Jirga system** should be made more democratic and independent.

- Actions in Aid of **Civil Power Regulation** should be abolished.
- **Executive and judicial powers** should be separated in FATA.
- Citizens should not be deprived of **property; inheritance law** should be extended.
- **Civil armed forces** (khasadar and levies) should be strengthened and professionalized.

The FATA Committee reviewed the Citizens' Declaration for FATA Reforms too (also known as the FATA Declaration), which was unanimously approved by the FATA Grand Assembly tribal Jirga. As a result of these and other consultations, the members of the FATA Committee—including leadership of each party—finally approved the above recommendations for FATA.

At present, Operation Zarb-e-Azb is likely to meet its objectives very soon but it appears that the key administrative and socio-political issues being addressed by the Government do not meet the time line. For example,

- § FATA reforms have not been implemented.
- § Constitutional status of FATA is yet to be defined according to wishes of the people of FATA.
- § There is a lot of ambiguity surrounding Government's plans for introducing any kind of reforms; neither do we hear of any stipulated timeline for it, once the operation is over.
- § The situation opens a new set of complexities and threat matrix for the people of FATA which will pose even greater challenges to Pakistan's internal and external security.

Therefore, in order to highlight these issues and compile policy input for the government; and to attract the attention of the political leadership towards these issues of utmost urgency and importance; eminent speakers, participants and discussants were invited to hold discussion in detail. The details of the proceedings have been given in succeeding pages.

Mahroona Hussain Syed
Research Associate (IS Branch)

POLITICO- CONSTITUTIONAL STATUS OF FATA Vis-a-Vis RECOMMENDATIONS OF FATA COMMITTEE

Ambassador Ayaz Wazir

SYNOPSIS

People of FATA are the worst victims of the prevailing situation in their homeland. Inherently an egalitarian Pashtoon society in the tribal areas, structured on family-based representation and jirga-based consultation and decision making, is best-suited for practicing modern grassroots democracy. People of FATA therefore, naturally accept the Constitution of Pakistan and respect it to the extent that they want to come under the ambit of the 1973 Constitution but unfortunately, Pakistan's Constitution has not been extended to FATA. After the independence of Pakistan, as India attacked Kashmir, these tribesmen valiantly fought alongside Pakistan' armed forces and played their role for the security and integrity of Pakistan, but unfortunately, today the same people are being neglected by their beloved state.

Thus, the only way forward for reforms in FATA is through forging a consensus, garnering support from all political parties and letting the residents of FATA decide whether they want to be merged with Khyber-Pakhtunkhwa or form a separate province. Preferably FATA should be made a province and control of this area needs to be given to local representatives along with provision of funds for the much-needed extensive development in FATA regions. FATA reforms agenda should include a local body elections which should be held in FATA at the earliest, and additionally, reforms should be introduced in the Jirga system also which needs to be made more democratically independent.

At the same time, the basic concern of any such new system or political dispensation should be welfare of the people of FATA rather than serving some misguided notions of grand strategic designs. Tribesmen deserve all the rights and privileges guaranteed by the constitution of Pakistan for the people of Pakistan. For this purpose, there is also a need to streamline and reorient the bureaucracy in Peshawar and Islamabad, to make them true servants of their people, especially the tribesmen. Since at present, the bureaucrats are one of the biggest hurdles in bringing meaningful reforms to the Tribal Areas, as many retired and serving bureaucrats are too attached to the colonial notions of keeping FATA in the dark ages; they need to learn lessons from the mess they have created and have a mercy on the impoverished tribesmen.

However, it is highly unlikely that any political reforms will succeed without a complementary and comprehensive economic package for the socio-economic development of FATA in which health, education and employment should be given preference. FATA needs something on the scale of Marshal Plan to be implemented on urgent basis. If the government of Pakistan can ensure the above in the right manner, reforms and development in FATA will transform not only Pakistan but the entire South and Central Asian region.

Mr. Rahimullah Yousufzai

Synopsis

During 2010, 10 main political parties of Pakistan established the Political Parties Joint Committee on FATA Reforms (also known as the FATA Committee) which is at the moment fervently involved in holding discussions all over Pakistan with various stakeholders in order to seek consensus on the issue. However, work and progress of the Committee has been slow as it started working in 2010 and took long to come up with recommendations.

Nonetheless, one of the recommendations says that peace in FATA should be guaranteed. Ironically, Committee members couldn't reach consensus on how to restore peace in FATA-- whether to do it through peaceful means or through the use of force. So they settled for the words 'guaranteeing of peace in FATA' by the government without specifying how this can be done and guaranteed.

Similarly, another recommendation says that Article 247 of the constitution should be amended to guarantee fundamental rights for all tribal citizens and shift legislative powers from the President of Pakistan to the parliament. This needs constitutional amendment which in turn, cannot be done without the backing of the ruling PML-N and other major parties of the country, besides the support of the military which has been operating in FATA, fighting militants for more than a decade. FATA Committee members also appear keen to follow-up Senator Farhatullah Babar's move to empower the Parliament, instead of the President of Pakistan, by amending Article 247 of the Constitution. It is indeed a bold initiative to use the legislature (Senate first) to push for reforms.

On a similar note, the need of the hour is that local government elections should be held in FATA. Till date, despite promises by many political parties in the May 2013 general election campaigns and also in party manifestoes and programmes, local government elections are yet to be held even in the provinces; therefore, a lot more effort would be needed to hold local bodies' polls in FATA.

In any case, future status of FATA should be decided by its people. Additionally, on the issue of reforms in FCR, it is noteworthy that three reforms in FCR have been recommended to date. One is to limit the scope of arrests and punitive actions in case of crime or other incidents under the collective responsibility clause whereby, instead of the whole tribe or sub-tribe, only the immediate family members and clan would be held responsible and punished accordingly, if required. Also, provision of bail should be allowed along with the right of appeal against the decisions of the political agent while establishing an independent FATA Tribunals for hearing appeals.

The 34-member FATA Committee, including 12 from FATA, is still intact and would continue to work in 2015 also. It has been lobbying with political parties, government officials and civil society, holding meetings in Islamabad, Lahore, Karachi, Peshawar and Quetta. The Committee has also been planning to meet Prime Minister Nawaz Sharif in this year. However, it must be mentioned that out of all the representatives of various political parties, only PTI had all 3 members hailing from FATA, the rest had nominated members who belong to KP and other provinces; and even MQM and PTI nominees didn't take much interest as they attended only a few meetings. As of meetings with the Government officials, no meetings with army/FC officials have taken place so far but the FATA Committee is lobbying with elected government functionaries to seek their support for enacting reforms.

Nevertheless, a comprehensive socio-economic development package should be prepared for FATA and infrastructure development should be initiated forthwith, with special focus on health, education and employment. In this connection, the Government should immediately come up with specific proposals and short & long term projects in FATA. The total quantum of Annual Development Program (ADP) 2014-2015 for FATA is Rs19 billion including Rs1.9 b foreign aid component. Since last year ADP was Rs18.7 b, therefore, a 2.7 percent higher ADP this year is a positive indicator of Government's resolve on the issue.

At the same time, it is proposed that, since only 7 percent area of FATA is cultivable, FATA minerals look more promising as about 21 minerals are found in FATA including huge copper deposits in North Waziristan Agency (NWA) which according to Dr Samar Mubarkmand, are worth US\$280 B and the second largest deposits in Pakistan after Baluchistan. Similarly, Copper deposits in FATA are estimated to be around 35 M tons while 7 B tons marble stone deposits are also present, along with large oil and gas reserves in NWA and FR Bannu which need to be explored.

FATA after Zarb-e-Azb: The External & Internal Security Challenges

Dr. Nazir Hussain

Synopsis

The single largest challenge emanating from the situation in FATA is political, thus, the kinetic challenge is essentially subservient to it. Therefore, once the Armed forces withdraw after the completion of operation Zarb-e-Azb, there will be the bigger challenge of governing the region waiting for us. This operation was in fact planned in the year 2010 but too much time was wasted on materializing the practical steps towards an offensive. This unnecessary delay actually paved way for the hardcore foreign militants in the region to seek refuge in Afghanistan. It is reported that as the operation was launched, the hideouts of more than 5000-10,000 hardcore foreign militants have shifted to the Middle East. Recently, Al-Zawahiri has declared an India-centric policy which raises greater concerns for the security of Pakistan. Nonetheless, due to the Operation, the command and control structures of the hardcore militants have been destroyed in NWA. Hence, contrary to the previous expectations, the backlash has been curtailed. Due to this very fundamental gain, there has been a split in the TTP on the issue of engaging in talks with the government or not.

Such a situation was then duly exploited by President Karzai and India by welcoming the militants in the form of IDPs in Afghanistan and increasing the operational fitness of the Afghan National Army (ANA). Irrespective of prevalent narratives, the Kabul-New Delhi nexus is indeed a reality, with a hardcore BJP leader Mr. Modi in the Indian PM office and the possibility of Mr. Abdullah finally gaining ascendancy to the power corridors of Afghanistan.

Therefore, our military is facing three-pronged strategic threats today: An internal threat as to who will govern FATA, along with the threats from the West and the East. In addition, there are continuous border intrusions from Afghanistan with a perpetual subsequent blame game by the Afghan government, accusing us of hosting militants within our boundaries.

Another misperception prevalent amongst people is that the Operation was deliberately launched on 15th June 2014, right after the Afghan Presidential elections had concluded to pursue Pakistan's policy for perpetuating the Haqqani network's hold in Afghanistan for materializing our ages-old objective of gaining 'strategic depth'.

The political and military leadership must realize the grave reality of the 21st century which is, that a full-fledged military offensive is not possible. However, a low intensity conflict is expected to continue in the region. Since no armed forces in the world are generally trained to fight internal wars while the Pakistan army is fighting continuously in a state of internal war for the past three decades, therefore appropriate strategies are needed to deal with emerging situations. Unfortunately, despite, this heavy commitment of the armed forces in fighting the internal war, the Government and Military establishment have not yet been able to devise a comprehensive national security policy. More so, it is now extremely important to build upon improving civil-military relations and putting our own house in order.

Prof. Muhammad Ibrahim

SYNOPSIS

The question about the probable internal and external challenges posed to Pakistan after the completion of Operation Zarb-e-Azb is very crucial and has numerous dimensions; one is related to the rehabilitation of DPs (Displaced Persons). Once the Operation was initiated, a DP camp at Baka Khel was formed but it was inappropriate and insufficient for sustaining human life. Once the DPs sought refuge in Bannu, they were first temporarily provided space in schools which were closed due to summer vacations. However now, when the vacations are over, they are being asked to move out of those schools as well. Even the foreign aid especially meant for the DPs was not judiciously distributed amongst them. Now, the DPs are under the open sky, without tents.

Furthermore, amongst the DPs, students are suffering the most. They have not been able to sit in exams for BA and BSc which were supposed to be held at the time when the Operation started. The grim picture is evident from

the students of South Waziristan Agency (SWA) who are not able to pursue their studies for the past five years. These students are a big challenge for the security of Pakistan, as this situation has the potential to generate militant tendencies in the youth by polluting their minds through feelings of resentment arising out of deprivation.

At the same time, as mentioned before, the pressing need for improving civil-military relations in Pakistan, is not only a challenge for FATA but also for the rest of the country too. Besides, there is also need to work on presenting a narrative which is in favour of the sovereignty—a job well-suited for the military.

Interactive Discussion

During the interactive discussion, questions were raised about the alleged presence of foreign militants in Mir Ali and Miranshah, despite these being Garrison towns; losses incurred due to delayed army action in FATA and portrayal of Haqqanis as a threat to Pakistan.

It was observed that delay in army action in FATA is a reflection of the confusion in Government policy. They started the Operation only when they thought that the havoc has reached an unbearable limit. This is depicted through various other incidents including the Lal Masjid fiasco and also by the presence of Uzbek and Tajik militants in FATA. This is why, it is heard that ISIS is also distributing pamphlets in FATA. This only smacks of a lack of political will on the part of the Government in dealing with such militants. The foreign militants in FATA include the ones from Tajikistan, Uzbekistan and Chechnya. Interestingly, these three countries do not have an immediate border with Pakistan and particularly FATA, which further shows the biggest dilemma faced by us in terms of how ill-prepared we are in dealing with the challenges posed to our security. On top of it, the four years' delay before the Operation actually started, also led to an increase of fatigue in the Armed forces.

However, it will be unfair to paint a one-sided picture of losses incurred on account of delayed army action, since concurrently, Pakistan Army also gained time to develop and improve their combat strategy against the miscreants. In fact, the time given to negotiations provided way for intelligence gathering. The assumption that due to the delay in action, the miscreants fled to Afghanistan is also flawed since even during the negotiations carried on by the new government, Mullah Fazlullah and others from the leadership were already operating from Afghanistan. Even today, there are sanctuaries mostly within 10km of the Pak-afghan border in P2K of operational and tactical level. Nonetheless, the Pakistan Army has launched Operation against all miscreants indiscriminately, including Haqqani- Miranshah, Drapakhel and Boya areas which used to be strongholds of the Haqqani network.

Haqqani network is considered a threat by the US because of their links with Al-Qaeda and other foreign militants but the people of FATA do not necessarily consider them a threat because they know Jalaludin Haqqani from the past in which almost a hundred members of his family, including his four sons have been killed fighting the Russians previously and now the Americans. Knowing this, the Americans presume that any attack in Kabul would have a Haqqani imprint.

Wrap-Up

The issues of DPs regarding location, health and education require serious deliberations. As far as the Operation is concerned, the agenda is to clear the entire area from miscreants. For the purpose, the major basis of the offensive is intelligence-based operations and ranges over the entire country. That is why it did not have a major blowback in the cities.

However, we are pitched against a super power that has its own interests in Afghanistan. For such reasons, that super power is promoting the role of India in the region, causing imbalance in the power and security structure in the region at the cost of Pakistan.

Nonetheless, it is important to bring political stability in the region and improve civil-military relations in our own country for internal stability. Additionally, we must realize that all measures cannot be effectively taken in such a complex situation unless there are effective narratives and counter narratives.

Introduction

As a consequence of operation Zarb-e-Azb in North Waziristan Agency (NWA) of Federally Administrated Tribal Areas (FATA), almost one million people have moved from NWA to the different parts of the country. Majority of these people, called 'displaced persons' (DPs), have come to the settled areas of Khyber Pakhtunkhwa (KPK) province while a few have also crossed into Afghanistan. For clarity in academic discourse, it is important to understand first the term 'displaced persons.' According to the United Nations' Office of the High Commissioner for Human Rights, *displaced persons* are “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border”. The following map shows the displacement pattern of the people of FATA.



The breakdown of DPs up to July 2014 is shown in the following table:

Date	18 July 2014
Families	90,836
Male	2,56,396
Female	2,84,301
Children	4,52,369
Individuals	9,93,166

Challenges for Displaced Persons

DPs are facing numerous challenges. During their stay at the camps, their sustenance is a major challenge which includes issues related to provision of proper shelter, food, stipend and health facilities. The second challenge is their rehabilitation which can only take place once NWA becomes safe for living and the level of violence is brought under control. After assuring the security of their lives, reconstruction would be the next challenge. The writ of government in FATA can only be established if socio-economic development is brought to the area so that terrorist elements do not regain space in the tribal society. All of these efforts not only require huge funds but also political support from the whole nation.

Socio-economic Developmental Challenges in FATA

Socio-economic development is the utmost desire of the people of FATA. In 2013, FATA Reforms Committee gave eleven recommendations concerning the development of FATA but no concrete steps have been taken so far for the implementation of these reforms. One has to be mindful of the fact that after the culmination of operation, these displaced persons will ultimately go back to their homes. In order to avoid any violence in future, provision of basic necessities like security, health, education and economic opportunities becomes the prime responsibility of the state. To fill the power vacuum created after the ousting of the militants, there is also a need to establish political institutions in FATA so that the ensuing political activities can create a sense of ownership among the tribesmen.

Displaced Persons, Development and Internal Security

Internal security situation is very much dependent on the timely rehabilitation of displaced persons as well as the socio-economic development in FATA. Therefore, sustainability, rehabilitation and socio-economic development need proper attention from both the federal and provincial governments to prevent the resurgence of violence in the tribal region.

Abdul Rauf Iqbal
Research Associate, ISSRA

Source:<http://al-khidmatfoundation.org/appeal/appeal-for-north-waziristan-idps/#sthash.FyZ6aeP0.dpbs>
Source:<http://al-khidmatfoundation.org/appeal/appeal-for-north-waziristan-idps/#sthash.FyZ6aeP0.dpbs>

The Challenges of Rehabilitation of DPs and their Impact on Internal Security

Ambassador Rustam Shah Mohmand

Synopsis

Contrary to common perception, Pakistan is not the only country in the world that has different types of systems for its sub-units. There are many examples in the world where countries have different types of systems and legislations for their different parts of the state. For example, China has different systems of governance for Shanghai region, Hong Kong, Macao and East China. In United Kingdom, Scotland and Wales are parts of UK but have different systems. In the United States of America, each state has its own legislation. In India, Article 370 of the Indian Constitution confers and protects the separate identity of Kashmir. There are many more such examples including Germany, Sudan, Russia and Canada.

It is naïve to assume that the FCR is a draconian law while we have the Actions-in Aid of Civil Power Regulation of 2011 which is ten times more authoritative for the government. Administratively, it should be understood that there are two types of areas in this region; one is the 20 % area called 'protected area' whereas leftover 80% is called tribal territory in FATA. In the protected area, more than 180 Acts of Pakistan's Constitution are applicable. Therefore, one may conclude that applicability of the laws does not ensure law and order in any area. There will always exist some ground realities with reference to the local tribal culture which should not be undermined. A cursory look at the administrative structures in FATA and PATA areas shows that the political agent is only a shadow of the colonial past and an unwanted consultant to the military. The Governor, on the other hand, is little more than a figurehead. Regrettably, militarization has not left any space for other institutions.

Regarding India, Afghanistan and its population do not like the way they are directed by Pakistan to avoid relations with India and feel annoyed because to them, India is a regional power and fifth largest donor to Afghanistan. The only acceptable way to deal with the issue, therefore, can be, if Pakistan stresses upon the Afghan Government that Afghan territory should not be used against Pakistan by India.

Regarding the challenges of repatriation, the tribal area has not suffered so much economically, socially, culturally and politically in last 500 years as it has suffered in the aftermath of the US-led War on Terror. Peace existed in the tribal areas even in the 1980s when the Soviet war was being fought in Afghanistan, despite the fact that all logistics for Mujahidin's were being supplied through the tribal areas, the tribal areas were peaceful and there was no breakdown of authority or law and order.

In this backdrop, we have to think why peace broke down this time and why militancy has overpowered the tribal culture and authority. This had not happened even in 1980's when much more disproportionate war was being fought across the tribal areas. Therefore, a profound admission of blunders committed over the past decades would be crucial for us along with an understanding of the dynamics of tribal areas. These include induction of military in 2002 into the tribal area and the declaration of frontline state against terrorism by Pakistan for someone else's global interests. Owing to these, FATA will never be the same again as it was in the past.

The biggest challenge thus, would be restoration of peace and tranquillity to the people who are repatriating which will depend on the institutional mechanisms and their ability to deliver most basic necessities like education, health, communication and infrastructure. Above all, these institutions have to win the trust of the people. The other major issues will be providing good governance, quality education and economic opportunity to the people of FATA. FATA has been naturally endowed with natural resources in the form of mineral wealth. Since mineral ores are found in areas extending on both sides of the border, therefore, communities from both sides have to be on same agenda for future explorations and reaping of benefits.

It must be realized that the common man of tribal areas needs water, electricity, jobs and above all peace. He is not interested in laws. He is only bothered to the extent that whether the law delivers the basic needs in the end or not. He is living on aid for such a long time now that it seems as if he is meant to live on charity which is against their cultural norms. At the moment, the people of FATA have had their homes perished. Schools and colleges have been occupied. Bridges are destroyed, roads no longer exist, and electricity is disrupted in tribal areas. Amongst the

population, women and children are the most badly affected communities as they are extremely traumatized. This situation calls for immediate attention by the Government of Pakistan.

Mr. Shahab ud Din Khan

Once a realization is made about how and why the people of FATA became DPs in the first place, all ensuing answers will pave the way for actions with regards to their rehabilitation as well. No one, much less the people of FATA, becomes a DP happily. Since 1980s to date, there was no legislation on FATA on issues of vital interests. The possession of arms of all kinds was allowed. Even then, during the Afghan Jihad period, FATA was peaceful. The primary reason was an all-out support of international community which was injected in FATA, even though in their own interests. But in the long run, Afghan Jihad can be blamed for every misfortune in FATA as it ruined FATA's cultural values and overall tribal culture decades ago. Afghan Jihad distorted the cultural norms of FATA and traditional Jirga system was dismantled which was actually best-suited for provision of justice according to the social structure of FATA. Unfortunately after the Afghan Jihad, Political Agent and introduction of some modern practices hijacked the Jirga system which resulted in uncertainty in the local justice system, resulting also in erosion of ethics and morality from the justice system of FATA.

Since people of FATA have their lands on both sides of the border between Pakistan and Afghanistan, they were used to crossing borders frequently because before the 9/11 incident, people did not even know about the international border.

Unemployment and absence of law enforcement agencies and their writ are the key issues due to which people of FATA are more attracted towards terrorists influence. The terrorists offer higher financial rewards than the existing economic opportunities available in FATA. That is also why FATA needs support from our armed forces and law enforcement agencies to combat the terrorists. In fact, a much more viable and practicable option would have been to involve local people in law enforcement efforts. There are so many instances when the local residents of FATA defeated the attacks from the other side of the border. This success was achieved due to the collaborative effort of local people and security forces of Pakistan. For example, in the constituency of Bajaur Agency (NA-44), displaced people were not rendered vulnerable to the terrorists because they were accommodated by their tribal brothers. Together these people fought against the terrorists and recovered their lands and houses. The recovered land was redistributed among the displaced people.

It must be understood that the Pashtoon have never opted to live in camps for displaced persons or refugees. They do not like or prefer to live in tents. The aid and support extended to them by the government is also insufficient for the displaced families for sustenance due to which these people are forced to go out in search of employment. This unemployment has made people more exploitable even in other areas like Karachi where they get involved in different crimes.

The level of literacy and education in FATA is equally precarious. The opportunities for education are nearing extinction and need to be restored at the earliest. The children of tribal areas want to go to school but unfortunately the education system of FATA has been annihilated.

Similarly, local agriculture in FATA has been badly devastated. Local business and markets have been abandoned. The Government should thus, provide compensation to the people of FATA proportionate of their incurred loss. Tribal people also deserve equal rights and facilities. International funds for FATA should be routed to FATA economy so that economic development can be restored in tribal areas. The freedom of expression and liberty should be given to FATA as well. This will help to restore the trust of people. The terrorists can be defeated by swift intelligence operations rather than any use of excessive fire power. People of FATA have become psychologically impaired due to these terrorist activities and military operations. Trust is the key that the government has to win.

Empowerment of People and Socio-Economic Developmental Challenges in FATA

Mr. Syed Ghazi Gulab Jamal

People of FATA are bound by certain norms and traditions. The situation in FATA has become so complex that no one is clear on the core issues and problems. However, the bottom-line will remain that socio-economic development is the key for success in FATA. FATA has suffered a lot since 2002 onwards. A war has been fought here for last 34 years with radical and harsh consequences. There has been no development in the absence of peace in the area while every institution or agency related with socio-economic development demands peace in the very first instance.

The real tragedy starts with the concerns of DPs empowerment and socio-economic development. Less than only 2% of the DPs are living in the DP camps and the government claims responsibility for only those who are living in these camps. The actual number of DPs is more or less 2.5 million since last 4-5 years, against the claims being made by the Government circles. The DP camps are in very pathetic conditions and lack amenities. On top of it, in the absence of peace, people are afraid of going back to their homes. In fact, it is being feared that people may not go back to their homes ever. There is only one primary school for DPs in the camps. There are no facilities for sewerage, health and other basic needs for them. It is for the first time in the history of FATA that incidences of malnutrition are being found amongst the people of FATA which is a very alarming situation and is making the people of FATA vulnerable to exploitation.

The situation is more worrisome since even the international funding for FATA is not being invested on FATA people. The funds for FATA are being used elsewhere which also ignites the distrust found in the people of FATA.

About 1059 schools have been destroyed in FATA whereas 139 schools were destroyed in Orakzai Agency only. In response to calls given by people of FATA to build schools and re-structure the destroyed schools, only five schools have been built by the government as compared to 139 of destroyed ones, which only shows the order of priority assigned to education by the Government. FATA was nominated to receive 90 billion rupees under the Kerry-Lugar Bill sanctioned by the US but the whole chunk of Rs.90 billion was given to WAPDA as payment of FATA for utility charges. This is a matter of great distrust for the people of FATA.

A comprehensive policy is required to address such issues. The mineral reserves of the FATA need to be explored for the benefit of the people of FATA. There should be industrial zones and commercial bank activities in FATA. It is the need of the hour to provide all banking facilities to the FATA people. A package should be announced by the government to rehabilitate the DPs. At the same time, owing to the significance of the Malik System in FATA which has been badly affected in last few decades, efforts should be made for its revival.

Senator Farhatullah Babar:

The initiation of dialogue on FATA is a very welcome sign. The importance of development and

empowerment of FATA people in the evolving dynamics of the region can never be under-emphasized but one cannot move forward without discussing the strategic vision of Pakistan government for FATA. The Government of Pakistan lays claim on FATA and its territory as a strategic interest only, whereas we have never given strategic importance to the people of FATA. Pakistan has been using people of FATA for advancing questionable strategic security interests which are essentially the strategic vision of Pakistan's elite about FATA. FATA is the only area in the world that is remotely controlled from the federal capital in peace times and via drones in war times. The establishment is more concerned about India's role in Afghanistan, connecting it with instability in the region, instead of focusing on the people of FATA which is the ultimate key to strategic balance in the region. Pakistan's power elite has to change its mindset for FATA because there are other things besides only strategic interests as there are many examples of political governments being stopped from enforcing and enhancing the rights of the FATA people. A number of policy options for FATA reforms and development must be looked into on urgent basis. First policy option is to start civil- military dialogue that is crucial for the solution of FATA problems. Such a dialogue will yield durable and collaborative efforts for long term solutions of the FATA. Truth and wisdom will ensue in due course as such dialogues progress.

The strong belief prevalent amongst the power elites that not reforming FATA and empowering the people of FATA, but security should be the top priority of the government needs to be revisited. The security establishment's perception about not letting development work started in FATA in the absence of peace, seems to be an ineffective premise. Second policy option is to revisit the security paradigm of Pakistan regarding FATA because reforming and empowering FATA will ultimately ensure security situation.

Third policy option is regarding the policy of hide and seeks by some stakeholders and the distinction being made between good and bad opponents. This misperception of good and bad and the resulting different approaches to handle both needs to be eliminated.

In April 2014, three different institutions surveyed the FATA regarding the local governments. The results of all three surveys show that people of FATA want change and empowerment at gross-root level for development. Results also showed the people's desire that local government elections should be held on party basis. In crux, people of FATA should be empowered and reforms should be introduced.

Interactive Discussion

With regards to Indian role in the region, there may be differences in the perspectives and view points of the security and political leadership. The security establishment's primary concern is the security aspect as this is what it is mandated to take care of. However, there is no dearth of willingness on its part for sharing the political aspect whenever asked to do so. Needless to say that in the end, it is the political perspective and not the security perspective that should take lead. No one likes draconian laws; however, countries are sometimes forced to impose such laws due to various reasons. Therefore, in order to address the issues, there is a need to start a constructive dialogue on bringing legal reforms in order to empower FATA people.

Pakistan's government has the National Security Committee's platform, just like US, UK and India, to discuss the issues of national security including civil-military relations. But, unfortunately, as PILDAT

reports observe, this forum is not utilized and the gulf between security and political leadership continues to be widened. Pakistan's political leadership ought to energize this forum to deliberate on the issues of national security and bring the entire leadership on one page.

Issue of introduction of local government needs a well-thought-out strategy. Many people believe that at present, it may not be a suitable option for FATA because at the moment, even the MNAs who are publically elected representatives of the people, are not empowered enough as yet. So, bringing local government reforms would be of no use. However, this is not to say that these reforms are not good. In case these reforms are to be brought in, Pakistan's government should empower the members of national assembly first. Moreover, FATA had a very effective system of Maliks in place, representing almost each family of the area. This Malik system in reality is an equivalent to the system of local governance which can be affectively used to bring reforms.

In addition to that, the inadequacies inherent in local bodies system itself must also be addressed. Apart from empowerment of the representatives of the local government, status of FATA should be defined also as to whether it desires to be a province or part of a province. In case reforms being introduced, an elected chief executive should oversee the process and proper funding sources should be channelized accordingly for the system to work. Also, with regards to constitutional or local bodies' reforms, each agency such as, Khyber, Bajaur, Mohmand etc. has different dynamics and the people want their local cultural dynamics to be taken into consideration accordingly. For example, in 2002, Lundi-Kotal area, Bajaur and upper Kurram agencies strongly demanded reforms while, North Waziristan, Orakzai, Mohmand and South vehemently opposed these reforms due to their different dynamics.

Due to the destruction brought in by the operation, there are about 60,000 houses that are not usable and owing to the hilly terrain, the cost of rebuilding houses in FATA region is much higher than in plane areas. Another problem faced by DPs in areas that have been cleared of militants relates to occupation of houses by armed personnel because their financial support has been discontinued by the government as in the official record, they have returned to their homes. People of this region that were displaced as a result of 2008 operation, are yet to be allowed to go back to their homes and they are not being properly facilitated despite having been registered as IDPs. Moreover, authorities refuse to consider the people having dual addresses on their CNICs as IDPs, due to which thousands of FATA people are being ignored.

There is a need to bring a paradigm shift in the policies regarding Pakistan's western borders and reconsider Pakistan's options for a constructive and workable way forward.

There is also shortage of funding for rehabilitation of DPs. Although lots of funds have been pledged for them by the UN, Government of Pakistan and Punjab government, but these funds have been delayed or not released yet, while education of the school-going IDP children is suffering due to negligence of the authorities. Therefore, arrangements for the proper education and schooling should be made for the children of IDPs.

The goals set for army in FATA and Waziristan has been achieved or is being achieved but the Army alone cannot achieve all the targets without local support. Therefore, at this stage, it is very important to take a holistic approach. Another significant step towards normalization could be to gradually hand over control

to FC, starting with the control over roads, reinstall the political system that was there and empower the local people to decide their own fate.

Wrap Up

People of FATA are very patriotic people and want that the Government of Pakistan should own them and grant them all rights guaranteed to the citizens of Pakistan according to the constitution. It is the collective duty of all Pakistanis to come to the help of their brothers and sisters in FATA. The relief efforts for IDPs carried out by the armed forces are praiseworthy but now there is a need to introduce good governance the area too, once the Operation Zarb-i-Azb culminates, successfully meeting all its objectives.

Photo Gallery









A horizontal decorative bar consisting of a yellow section on the left and a teal section on the right, both with a curved, organic shape. The text is centered over the junction of these two colors.

Annexure A

PROGRAMME

**Evolving Dynamics of FATA and their Linkages with Internal Security Challenges
The Proposed Package Reforms'- 10 Sep 2014.**

Ser	Time	Activities	Participants	Remarks
Session -1				
1.	0930-0935 hrs	Recitation of the Holy Quran		
2.	0935-0945 hrs	Opening Remarks by DG ISSRA		
3.	0945-0955 hrs 0955-1025 hrs	Introduction <u>Presentation-1</u> Politico-Constitutional Status of FATA vis -a-vis Recommendations of FATA Committee.	RA Mahroona Hussain Syed 1. Mr. Rahimullah Yousafzai (Speaker) 2. Amb Ayaz Wazir (Discussant)	
4.	1025-1055 hrs	<u>Presentation-2</u> FATA after Zarb -e-Azb: The External & Internal Security Challenges	1. Dr Nazir Hussain, Asst Professor (Speaker) 2. Prof. Muhammad Ibrahim, MNA (Discussant) (Member FATA Committee)	
5.	1055-1125 hrs	Interactive Session		
6.	1125-1150 hrs	Tea Break		
Session -2				
7.	1150-1200 hrs	Introduction of Speakers and Topics <u>Presentation -3</u>	RA Abdul Rauf Iqbal	

8.	1230-1300	<p><u>Presentation -4</u></p> <p>Empowerment of People and Socio Economic Developmental Challenges in FATA.</p>	<p>1.Mr.Syed Ghazi Gulab Jamal, MNA (Speaker)</p> <p>Chairman Standing Committee on FATA</p> <p>2. Senator Farhatullah Babar (Discussant)</p>
9.	1300-1330 hrs	Interactive Session	
10.	1330-1340 hrs	Wrap-up by DG ISSRA and the vote of thanks	



Annexure B



Member List of Political Parties Joint Committee on FATA Reforms (FATA Committee) Updated May 2014

§ **Awami National Party (ANP)**

§ Latif Afridi

§ Bushra Gohar

§ Arbab Tahir

§ Nawabzada Mohsin Ali Khan

§ **Jamaat-e-Islami (JI)**

§ Mohammad Ibrahim, *Professor and Provincial Ameer*

§ Sahibzada Haroon Rashid, *Ameer FATA*

§ Zarnoor Afridi, *Naib Ameer FATA*

§ **Jamiat Ulema-e-Islam Fazl (JUI-F)**

§ Maulana Atta-ur-Rehman, *Vice President Khyber Pakhtunkhwa*

§ Mohammad Jalal ud din, *Advocate, Former Ambassador*

§ Abdul Jalil Jan, *Information Secretary Khyber Pakhtunkhwa*

§ Mufti Abdul Shakoor, *Deputy General Secretary Khyber Pakhtunkhwa*

§ Abdul Rashid, *General Secretary Bajaur Agency, FATA*

§ **Muttahida Quami Movement (MQM)**

§ Syed Asif Hasnain, *MNA*

§ Mohammad Rehan Hashmi, *MNA*

§ **National Party (NP)**

§ Dr. Malik Baloch, *Chief Minister Balochistan*

§ Senator Mir Hasil Khan Bizenju, *President*

§ Mukhtar Bacha, *Provincial President Khyber Pakhtunkhwa*

§ Jan Muhammad Buledi, *Central Information Secretary*

§ **Pakistan Muslim League (PML)**

- § Ajmal Khan Wazir, *Central Senior Vice President*
- § **Pakistan Muslim League-Nawaz (PML-N)**
- § Rehmat Salam Khattak, *General Secretary KP*
- § Arsallah Khan Hoti
- § Ghalib Khan, *MNA*
- § **Pakistan People's Party (PPP)**
- § Senator Farhatullah Babar
- § Kiramat Ullah Chagharmati
- § Rahim Dad Khan
- § Syed Akhunzada Chattan
- § Mirza M. Jihadi
- § **Pakistan Tehreek-e-Insaf (PTI)**
- § Barrister Salman Afridi, *Central Secretary Legal Affairs and Member CEC*
- § Qaiser Jamal Afridi, *MNA Frontier Regions NA-47*
- § Ayesha Gulalai Wazir, *MNA*
- § **Qaumi Watan Party (QWP)**
- § Anisa Zeb Tahirkheli, *General Secretary*
- § Hashim Babar, *Central Information Secretary*
- § Sikandar Hayat Sherpao, *MPA, President Khyber Pakhtunkhwa*
- § Asad Afridi, *President, FATA*



**National Defence University,
Sector E-9, Islamabad.**