



Center for Global & Strategic Studies

Fata: New Gateway to Development

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The Federally Administrated Tribal Areas (FATA) have always been in the news for militancy, tribal laws and culture are often incompatible with the contemporary aspirations and global human rights. FATA has been synonymously affiliated with smuggling, drug trafficking and other forms of undesirable activities. After the 'Anglo' British Afghan war in 1839, the British then espoused a closed door policy

and deliberately left that area vulnerable and underdeveloped which is now being debated. An unmanageable territory such as FATA requires stringent laws to establish the writ of the Federal Government, but here it is not the case, with the law like 'FCR' (Frontier Crime Regulations) FATA has always been a no go and neglected area. This part of the country remained unobserved until the Soviet War and till the upswing of Tehreek-e-Taliban Pakistan (TTP). Without any reforms since the independence of Pakistan and its terrestrial position, writ of the government has always been confronted. Typographically this territory has provided shelter and sanctuary to combatants, and other non-state actors, which made this area a breeding ground for national and regional belligerency.

Current Progress

After the success of Zab-e-Azb, the region falling under FATA have undergone a visible transformation. The desired peace in the tribal areas can only sustain if the political process is carried out efficiently, and the grievances are addressed with development and integration so that the space for non-state actors can be squeezed. Under the National Action Plan (NAP) the Government established a committee to address the problem of FATA Reforms, who visited FATA and met the tribal elders (Malick), youth, civil society and political leaders. Collectively they proposed a 10-year unification plan with KP; the proposed plan was welcomed by all the stakeholders in the tribal areas except for few religious leaders and tribal elders (Malick) who can be categorized as pro-status-quo.

During one of the sessions of the National Assembly, while discussing the committee endorsements the most flaunted recommendation was the replacement of Frontier Crime Regulations (FCR) with 'Tribal Area Riwaj Act.' This act made retainment of Jirga system decide on all the civil and criminal cases; the only difference would be that the Jirga will be appointed by a judge, and not by any Political Agent. Apart from its other tyrannical provisions, the FCR gave government representatives, and the political agents the power to impose collective punishment on entire tribes for offenses committed by individuals. Colonial rulers' also codified local customs, so tribal leaders could use them to run their affairs through the traditional 'Jirga' (council of elders). It is not an over the night process. Instead, it will take longer to change or remove the clause which has remained in practice among these tribes for generations and is an essential part of their culture.

The question here arises that how can a report authenticate 'Riwaj' and outlaw collective responsibility? Critiques believe that it would make no modification because of the lack of representation of any tribal elder in the committee, none of the board members have ever practiced or been through the ground life of FATA, some leaders argue that segregation of tribal areas is the furtherance of colonial policies.

Despite the mentioned flaws, a positive endorsement for temporary displaced persons and infrastructure, rehabilitation and reconstruction has been suggested, where 3% of the funding will be attained through the resources of the divisible pool of Rs.90 billion on an annual basis in addition to the existing plan of 10 years, as

All mainstream, political parties, and the KP Government have welcomed the recommendations with keenness and delight without considering budget restraints. Previously FATA parliamentarian had moved the 22nd constitution amendment in September 2015 to merge FATA with KP's region of PATA (Provincially Administered Tribal Area) and wanted to outspread the dominion of the Superior courts to FATA. The PATA has an assembly representation both in National and Provincial Assembly, but the governor of the K-P has the authority to Legislate by the approval of President. Similarly, parliament cannot legislate, which is a violation of citizens' fundamental democratic right.



The reason for proposing FATA's unification with KP PATA rather than the settled areas of K-P is that the Income Tax and General Sales Tax (GST) laws do not outspread to PATA. Unlike FATA, PATA does not have political agents or FCR, but it does have a local government system. Despite that the citizens of PATA do not pay taxes, but still, they receive a share in the Provincial Finance Commission Award, constituted under KP's local Government Act of 2013. The business persons from other regions stimulated there to avoid tax, and in this way many see FATA be in a gainful position if FATA and PATA unify together. Another major question is that Will K-P be able to take the burden of such vast area which is out of tax net? As an administrative unit with its governance structure, the Government needs its financial resources, to make its budget, to this effect all future governments would impose local taxes on the public which would be highly unfavorable in the least developed area, where economic activity and tax related institutional capacities are minimal.

Implications

Finally, reforms are a process and not an end in itself, the people of FATA and KP are ethnolinguistic, communally and economically associated, the unification of FATA in KP can lead to one unit system to grass root level. FATA will get representation in the provincial assembly, and local bodies will help to safeguard the trickle down of powers with the tyrannical regulation endorsed during the British imperial rule. A common man in FATA is least anxious about tribal areas becoming part of KP or constituting an autonomous unit, as long as his human rights are protected.

In the reform progression, some formal framework is needed for active participation of the FATA. Political engagement is imperative for efficient delivery. Confidence and trust should be reinstated between the state and the individuals of FATA to build ownership among them and prolong the writ of the State to prepare them for auxiliary political, legal, and administrative reforms.

Other proposals of independent unit or plebiscite will not be feasible because of socio-economic and socio-political conditions of tribal areas. This could lead to getting into the hands of radical political influences, people of FATA should be persuaded to become an integral part of the society and play their roles to abandon violent norms and endorse uniformity and equality in access to justice.

Conclusion

A separate unit, typography, and infrastructure of South Waziristan and Bajaur will make it grim to unite. The tribal areas are using the resources of KPK since the independence of Pakistan whether it is the infrastructure health, education, and other essential social benefits. The people of FATA are entirely reliant on the KP-geographically, socially and economically, therefore, despite all the blemishes and opposition, the people of FATA will appreciate the unification. As the enactment of policies and transformations are stimulating charge, prior reforms in FATA did not attain their desirable objective because there was no actual application and flub apparatus.