

FATA-KP MERGER STRIVING FOR DEVELOPMENT

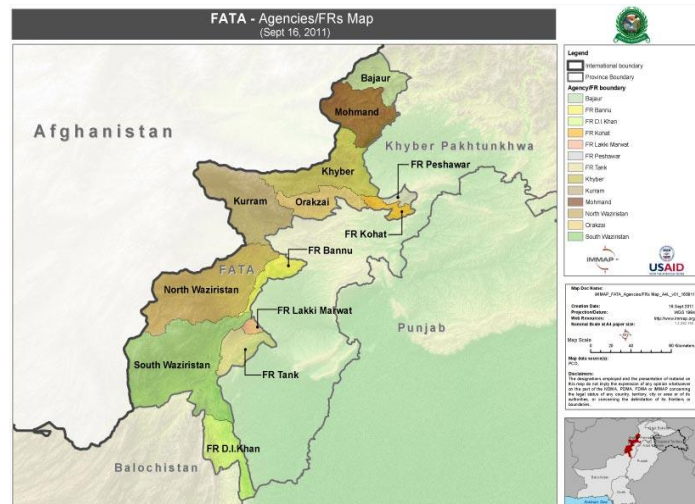
Contributed by: Saqib Mehmood Khan and Usman Tauqir

Federally Administered Tribal Area (FATA) consists of seven tribal agencies and 6 frontier regions adjacent to western provincial border of KP. FATA is linked with Afghanistan through North-Western borderline. It inhabits around 4.8 million people over an area of 27,220 square kilometres¹.

Since the colonial rule, these tribal areas remained free to administer their internal affairs according to their unique tribal codes. For this purpose, in 1901, British devised FCR “FATA Crimes Regulation²” which is still in place in its modified form.

In the wake of changing security scenario and prevailing insurgency in region, FATA has become a source of threat to national and international security as insurgents identified it as safe heavens and have used its lands as their hideouts and training bases. As a response, government of Pakistan made “FATA Reforms” a part of National Action Plan (NAP)³.

In November 2015, Prime Minister constituted a six-member “FATA Reforms Committee” to assess the situation and propose viable solution.



¹<http://www.safron.gov.pk/safron/userfiles1/file/Report%20of%20the%20Committee%20on%20FATA%20Reforms%202016%20final.pdf>

²<https://tribune.com.pk/story/1344538/analysis-ready-k-p-merger/>

³<http://www.safron.gov.pk/safron/userfiles1/file/Report%20of%20the%20Committee%20on%20FATA%20Reforms%202016%20final.pdf>

FATA Reforms

The six-member committee conducted a vigorous consultative process. Committee members travelled to all tribal agencies and frontier regions to hold meetings with elected representatives, businessmen, tribal leaders, educated youth, religious leaders and members of civil society in addition to experts on FATA.

It carefully reviewed prevailing security situation in area in context of military Operation “Zarb-E-Azb” that has been successful in restoring peace and stability in the region. Considering the unique features of tribal society, committee formulated following guidelines to be the basis of their recommendations⁴:

- It must be ensured that the reforms lead to an improvement in the lives of the tribesmen
- The reforms must respect local *Rewaj and Jirgas* while formulating its recommendations
- These reforms are aimed at transforming a *geo-political* buffer and they must not be allowed to fail or cause insecurity.
- FATA Reforms are a *process* and not an end in themselves and should be so recognized
- The situation must always be kept under constant review to prevent the emergence of risks that could threaten reforms
- The government must make available the best officers to man the reform process and they should have longer tenures to ensure success.

FATA reforms committee presented its report and recommendations in August 2016. After careful consideration and discussion in cabinet meeting, PM approved 24 step action points to carry on FATA reforms. Apart from few constitutional amendments and underlying supplementary activities, major steps include⁵:

A. FATA-KP Merger

FRC (FATA Reforms Committee) reckoned four reform options after the 8-10 months long consultative process as under:

- a. Maintain a status quo with minor changes
- b. Granting special status to FATA like Gilgit-Baltistan
- c. Creating a separate province for FATA
- d. Integrating FATA into KP province.

FRC recommended merger of FATA into KP considering already well developed infrastructure linkages between the two entities; social, cultural and ethnic cohesion of tribal areas with

⁴ <http://www.safron.gov.pk/frnDetails.aspx?id=45&opt=newsevents>

⁵ <https://www.dawn.com/news/1318095>

adjoining KP districts; and most importantly, majority of the stakeholders including major political parties, growing middle class and educated youth supported the integration of FATA with KP⁶.

The committee suggested a step by step merger to be completed in five years. Committee proposed that reforms will only be successful if the complete peace is restored and the rehabilitation of Temporarily Dislocated Persons (TDPs) is carried out in parallel. The five-year transition period will focus on rehabilitation of TDPs, reconstruction of infrastructure, houses, market places and launching of other required activities for successful transformation of FATA.

B. Socio-Economic Development of FATA.

A detailed development plan will be developed during the early stages of this transition period. The ten-year development plan proposed by FRC has been approved by PM with over Rs110 Billion development package. Three percent of gross federal divisible pool would be given to FATA every year in addition to Rs21 billion allocated for IDPs, as it is estimated that around 3,38,000 inhabitants of FATA are displaced temporarily (TDPs) due to presence of militants and army's strategic operations. Furthermore, connectivity of FATA with CPEC will be ensured. Focused activities in 10-year development plan will include but not limited to:

- Major infrastructure and Irrigation Projects
- Mineral development program
- Integrated plans for health and education (including establishment of Universities, Medical and Engineering Colleges, Vocational Training Institutes etc.)
- Establishment of Industrial Zones with special incentives
- Social transformation of FATA through Urbanization by setting up modern urban hubs in all agencies headquarters and prominent trading places
- Allocation of BISP, Bait Ul Maal and small micro finance schemes will be increased.
- Quota system will be introduced to provide job opportunities to FATA youth in KP and other provinces.

C. Legal Reforms and Strengthening of LEAs

It has been agreed in principle that jurisdiction of Supreme Court and PHC (Peshawar High Court) will be extended to FATA. FATA Crimes Regulation (FCR) will be replaced by "Tribal Areas Rewaj Act". This will allow using a combination of judicial and traditional Jirga system. It foresees the traditional Jirga system integrated with judicial system in a way to resemble "Jury System" which is acceptable internationally.

Law enforcement agencies especially Levies will be reorganized for better policing. Reorganization will include;

- Destroyed/damaged Levies posts will be reconstructed
- Specialized training and advance equipment will be provided
- Additional posts for Levies force sanctioned

⁶<http://www.safron.gov.pk/safron/userfiles1/file/Report%20of%20the%20Committee%20on%20FATA%20Reforms%202016%20final.pdf>

D. Local Government Elections

In order to indulge FATA people to mainstream governance process, political reforms were proposed by FRC that included political representation of FATA in KP provincial assembly and introduction of local government system to FATA. In fact, FRC proposed that 30% of the budget allocated for 10-year development plan must be channelled through elected local bodies⁷. Local body elections were to be conducted before the end of 2017⁸. However, federal cabinet under the chairmanship of prime minister, decided to have local government elections in FATA after the “General Elections” in 2018.

Opportunities and Benefits

FATA has been deprived of basic constitutional rights for decades. There has hardly been any private investment in FATA. Several studies showed signs of poor human development and slow political growth. FATA Reforms if implemented in true letter and spirit, will provide a host of benefits and opportunities. Following are few of the countless avenues to socio-economic development:

- Reconstruction and rehabilitation activities in war trodden tribal agencies is to be completed till end of 2018 by public sector organizations. Activities include communications, power transmission lines, education and health infrastructure and water supply schemes. Private houses and commercial facilities will be reconstructed by owners themselves who will be compensated for their losses through Citizen Losses Compensation Program (CLCP). These R&R activities will generate a lot of business opportunities and job openings for locals during the implementation phase. Moreover, under the umbrella of 10-year development plan, major emphasis will be on promotion of irrigation system, mineral development program and establishment of vocational training institutes throughout tribal areas. All these activities will contribute towards socio-economic development of FATA and create income generation opportunities for the common tribesmen. FATA is rich in mineral reserves including Marble, granite, copper, gems etc.⁹ and there is vast unused land available for agriculture. The development in both these fields will boost local economy and create a lot of jobs as well as business opportunities in the area. Vocational trainings on the other hand will equip youth with the skills to earn their means.
- Establishment of industrial zones with special incentive¹⁰ will attract investors to the area. With the investment coming in and availability of labour, there is no doubt to its success. It will quadruple the development pace of the area which is the need of the time.
- FATA Reforms Committee also proposed to link the tribal area with CPEC. Logically it will be connected with the “Western Route” which will pass through Dera Ismail Khan near “Waziristan Agency”. It will open up the area to outer world and link it with markets.

⁷<http://www.safron.gov.pk/safron/userfiles1/file/Report%20of%20the%20Committee%20on%20FATA%20Reforms%202016%20final.pdf>

⁸<https://www.pakistantoday.com.pk/2016/08/26/fata-reforms-committees-report/>

⁹<https://fata.gov.pk/Global-fac.php?ild=389&fid=53&pld=341&mlid=199>

¹⁰<http://www.safron.gov.pk/safron/userfiles1/file/Report%20of%20the%20Committee%20on%20FATA%20Reforms%202016%20final.pdf>

- Nearly 20000 new recruits will be hired to strengthen Levies Force. This will not only improve security provision but also engage youth by providing a job most suitable to their mental aptitude and traditional liking.
- 30 percent of development budget will be channelled through elected local government representatives in tribal areas. This decentralized system of development administration will provide opportunity to local community leaders to plan and implement small scale development projects at grass root level to achieve sustainable development, develop local technical and professional capacity and improve livelihoods within short span of time.
- For the 10-year development plan, government is planning to encourage international donors to assist with technical as well as financial resources. This will facilitate government arranging required finances for the development projects and delivering within intended time. Civil Society organizations work closely with the community and have the ability to bring positive transformation at grass root level. Engaging community to work for their own benefits, provoke a sense of ownership and responsibility. It provides earning opportunities to community at their doorstep and provides sustainable livelihood opportunities.

Challenges and Limitations

Although the committee was formed in November, 2015 and submission of its report in ten months is quite satisfactory, still there are areas that need greater thinking and reconsideration on part of government entities.

- If we broadly look at the major steps approved by the federal cabinet, the first step in FATA reforms is the merger of FATA with KP province. However, it's surprising that federal government has approved union of a large territory with KP province and no specific role has been assigned to provincial government throughout upcoming transition period. This will pose greater challenges to already complex scenario.
- Another complex issue is the representation of FATA in KP assembly. Ironically this is proposed for elections in 2018 without meaningful administrative authority of KP government in FATA till the end of five-year transition phase.
- It has been reported that few tribesmen have filed a petition claiming that the consultation process carried out by the committee was against constitution as article 247 (6) of the constitution requires to hold a tribal Jirga for solicitation of tribal people. This may linger on the process for a considerable time period¹¹.
- Thousands of tribal people including women and children are traumatised being victim to one of the most brutal drone campaign in history for more than a decade now. So, rehabilitation should be the main focus here instead of mergers and legal reforms. No such steps have been mentioned in the committees' report
- Legal reforms suggest transformation of existing Jirga system of FATA into a mix of "Judicial System" and "Tribal Jirga System" and replacement of "FATA Crimes Regulation" with "Tribal Areas Riway Act". Here the term Riway needs proper definition and careful drafting of legal instruments which incorporate "Riway" as part of the judicial process so

¹¹ <https://www.dawn.com/news/1319608>

as the amendments are not in contrast with fundamental human rights and other prevailing laws.

- Postponing of Local body elections till General Elections next year is not a good approach as local governance must be in place and working prior to start of actual development work. Furthermore, KP government also favours the local body elections till the end of 2017.
- Above all, security situation of the area will play a major role throughout the process. Through operations like “Zarb-E Azb” and “Rad Ul Fassad”, the overall security situation is improved. However, only time will tell how sustainable are the results of these military operations?

Research Gaps

This document has source data from Pakistan government publications, newspapers and expert blogs. The research data around possible reforms, pathway towards economic development, government stakeholders’ role, funding arrangement etc. is extensive. However, there is a large gap concerning involvement of private sector organizations, industries preference for FATA, energy supply, need-assessments for development projects, specific details of technical education, health and education interventions, road infrastructure to link local markets with larger markets in KP and Punjab are largely missing.

Conclusion

FATA reforms and mainstreaming tribal areas with adjacent developing areas has long been dreamed off. However, with the inclusion of this objective in National Action Plan, it is finally transforming into reality. Federal cabinet has not only approved major steps towards this transformation but emphasized on the need to have a strict monitoring and accountability mechanism. There is no doubt in the fact that FATA Reforms Committee has chalked out a well devised roles and responsibility mechanism for government line departments, there are still many areas that need further exploration and research to be well informed and prepared to reap the benefits arising out of these reforms:

- How local tribesmen perceive these reforms? What are their expectations on the development needs of their area? What social, economic, political opportunities they think, should be provided to them?
- What will be government’s priorities for “Industrial Zone with special incentives? What kind of incentives can be offered? How will government fulfil the energy needs for the industrial zone?
- How FATA will be linked with CPEC? What will be its Impact on tribesmen and tribal area? Will there be any Special Economic Zones for FATA?
- What will be the role of investors and private sector organizations in FATA’s development? How will they be accommodated?

- What are government's intentions on NAP and army operations in FATA? How Government is planning to sustain peace achieved through military operations? What security measures will be provided to private sector organizations and investors especially involved in R&R interventions?
- How can international donors contribute to 10-years FATA development plan? What will be the magnitude and scope of their contribution?