

panorama panorama panorama panorama panorama panorama panorama panorama panorama panorama

# FATA: Between backwater and black-site?



**SIEGFRIED O. WOLF**

Being in ancient times a gateway for foreign invasions from western-central Asia, a frontline not only during the 'Great Game' of imperial powers played out in the 19th century but also in the succeeding conflict during the cold war between Soviet-occupied-Afghanistan and US-allied-Pakistan, and today in the US-led 'war against terror', Pakistan's border region FATA marks an historical battleground. As such, it is not surprising that this troubled region and its people developed and maintained unique social structures. Consequently, 'outside powers,' in trying to keep this area with its inhabitants in check, responded in an extraordinary way to exercise influence. This finds its most visible expression with far-reaching consequences in the establishment of a restrictive, elite-guided political-administrative system supported by a complex 'draconian' set of laws, the so-called Frontier Crimes Regulation (FCR). Furthermore, it produced not only a style of governance which is diametrically opposite to the notion of (liberal) democracy, but also a political culture which successfully undermined any substantial processes of including the common people in participatory, political decision-making processes worth the name. Today critics are claiming that instead of empowering the common people, traditional elites and reactionary hierarchical structures have gotten even more deeply embedded through processes of inter-elite negotiations.

To be able to contextualise such claims one has to shed more light on the region under discussion with its socio-economic and political-administrative determinants. The FATA region is strategically located between the Pakistan-Afghanistan border, the Durand Line (named after British civil servant Sir Mortimer Durand), in the West, the Pakistani province of Khyber Pakhtunkhwa (KPK, formerly known as North-West-Frontier Province) in the North and East, and Balochistan in the South. Administratively, FATA is divided into two territorial entities: a conglomerate of seven Agencies and six areas which are known as Frontier Regions (FR). The FR, namely Bannu, Dera Ismail Khan, Kohat, Lakki Marwat, Peshawar and Tank, are transition or buffer areas between the Agencies of FATA and the so-called adjunct 'settled areas/districts' of KPK. The Agencies are namely Bajour, Khyber, Kurram, Mohmand, Orakzai, North and South Waziristan.

The acronym FATA – the Federally Administered Tribal Areas – already reveals two unequivocal and significant hints: First, regarding the social,

ethnic composition of the respective population –tribes, primarily Pashtun ones. Second, that the tribesmen and their territories are under direct control of a central, national authority. Approximately a dozen major tribes live in the FATA, consisting of numerous sub-tribes divided into clans. If one takes the sub-divisions into account, the numbers of tribes are around 400. The total population in this region is approximately four million; most of them residing in rural areas, leading to a degree of urbanisation less than 3 per cent which is extremely low taking the more than 27,000 square meters (over 36 per cent of KPW) and the insignificance of the agricultural sector into account. Most important to mention is that FATA suffers more or less from the worst socio-economic conditions of all of Pakistan. Despite the fact that the area is rich in natural resources like minerals, coal and other deposits, no intensive efforts have been made to utilize them for development of the area. As a result, Pakistan's so called 'tribal belt' is marked by an extremely insufficient infrastructure, ineffective industry, inadequate medical care, and an extraordinary lack of job opportunities for the inhabitants leading to a flourishing informal shadow economy of smuggling of weapons and drugs. This, in return, is further deteriorating the already troublesome security situation, and much-needed business and investment activities are avoiding FATA by moving to the 'settled districts' and other parts of KPK (which is also partly encouraged by the authorities). Therefore, hopping on the Taliban & Co.'s payroll seems for some as one of the view options available. The fact that about 60 per cent of the tribal people are living below the poverty line combined with a literacy rate below 18 per cent (which is only half of the average in whole KPK province) is ensuring and simplifying the recruiting process for the extremists.

To summarise, the situation in FATA today is doubtless a consequence of a mixture of different factors: its chequered history and peculiar culture, colonial legacies, especially the unique administrative and political status, as well as post-independence poor governance by the central government. In this context, one should mention that Pakistan's establishment is making no secret out of it, that they 'inherited', in other words, just continued the British political-administrative system, namely the divide and rule strategy, in the FATA. However, the most important element of the (British) colonial predecessor, which one could call the strategy of 'carrots and sticks', got somehow misinterpreted. Pakistan, driven by its securi-

ty paradigm that is rooted in an enduring (paranoid) anxiety, generally prefers to use the 'stick', meaning it is looking for a military instead of a political solution in areas affected by militants and violent conflicts. Having FATA in mind, this means that Islamabad's security forces hit the common tribesmen hard because of supporting cross-border militancy and terrorism. But afterwards, somehow, the establishment in Islamabad (as usual) forgot to hand over the 'carrots' towards its 'tribal citizens', perceived by significant elements of the establishment as fractious, undisciplined, primitive, and unable to maintain order. Instead, as already indicated above, for decades there were virtually no development activities undertaken and envisaged reforms were not or only rudimentarily



implemented. Most prominent in this direction, is the recent FATA Local Government Regulation (LGR) 2012 passed by the national government. Meant to calm the situation and help the FATA stand at par with other areas by restructuring the inhibiting colonial system of governance and the introduction of participative, democratic elements, this reform attempt evoked grave concern.

Because until today/then, the president of Pakistan directly administers the FATA through the governor of KPK and his appointed political agents in the Agencies (the FR were headed by district coordination officer/DCO of the adjacent settled district) who are actually in charge of the decision-making. However, besides the fact that political agents were representing the supreme authority, they were never able to simply order something themselves without provoking (violent) resistance.

It was always a common understanding that a political outcome has to be negotiated between the state and the tribes. Therefore, the political agents are empowered to coerce tribesmen through bribes and threats or granting and holding back national resources. However, doubtless nothing happens in the area without coordination and accordance of the local leadership. In sum, the grip of any outside rule in the region has never been strong or unchallenged. In order to tackle this problem, Pakistan continued –slightly modified– the colonial oppressive arrangement which narrowed down the decision-making process only to view stakeholders: the Pakistan government represented by the political agents and the so called *Maliks* which got identified among the tribal elders

and/or chieftains. This is gaining momentum since it is not only giving the tribes much autonomy but also is strengthening the *Maliks* position towards their own people, disturbing the traditional system of authority of the Pashtuns. Given the sense for egalitarian equality within the Pashtun tribal society flanked by the concept of Pashtunwali (tribal code of honor and behaviour), traditionally the *Maliks* were seen as *primus inter pares* (the first among equals) but not as supreme leader. This creates an understanding of leadership which is different from other tribal societies in Pakistan, like in Balochistan were basically the tribal chiefs (Sardars) are able to claim greater power. But the further entrenchment of the colonial system of 'divide and rule with proxies' deepened the growing alliance between the outside forces, now represented through Pakistan's administrative offi-

cial and the *Maliks* as the selected and privileged representatives of the whole tribesmen. As a result, the common people in FATA not only lost increasingly the access to political participation but also got more dependent on the tribal leadership represented by the *Maliks*. Later ones were especially benefitting through the century-old FCR (first introduced in 1901) which constitutes FATA's judicial system – a hybrid body – which allows local customary laws and traditional tribal *Jirgas* (council of handpicked elders) to prevail in tandem with representatives of the central government. This system made sure that all issues of significance between the tribes and the Pakistani state were managed through interaction between the *Maliks* and the Political Agents (which were backed the Frontier Constabulary force/Police, Levies and Khassadars/tribal militias, Frontier Corps/Army). Additionally it granted the tribes substantial autonomy in their own affairs, in which the *Maliks*, appeared increasingly not only as sole interlocutor in state-policy making but also as de facto arbiters in local conflicts as well as heads of several councils and *jirgas*.

In consequence, neither the national legislative can play a role in the respective regional affairs nor is FATA a subject to rulings by national or provincial courts, unless Pakistan's president so desires. The fact, that until 1996 members of Parliament for FATA were not elected but appointed by the *Maliks* underpins their extraordinary power.

However, instead of establishing an empowered local administration in order to include the common tribesmen in political decision-making, understood here as a precondition for any democratic transition, all reforms and amendments regarding FATA until now, especially the latest FATA LGR 2012, turned out to worsen the situation by reinforcing the status quo. In other words, there is a lack of political will or lack of capability to change the power structure in FATA which formally rest in the *Maliks*. Doubtless, the current political status of FATA and its inhabitants are against the country constitution and are not in line with the UN's general principles and resolutions regarding human rights. The imposed system of governance lacks tremendously accountability and transparency. Furthermore, the elected representatives still remain powerless because all authority got concentrated within the political administration in the name of governor and its political agents. The fact, that political parties were banned from operating in the region was further limiting the option for political participation. Additional, the restriction in

party competition were given Islamist parties and religious hardliners a predominant position in form of a monopoly in public opinion making. The situation of being deprived of any substantial constitutional, political and civic rights as well as any legal protections through the country judiciary made the tribes not only more rigid and conservative but also turned their FATA into a persistent flashpoint.

Having this in mind, it does not come by surprise that the 'balance and harmony' within this autocratic governance system was disturbed by the emergence of new, 'anti-systemic actors'. Latest in the aftermath of the military actions against the Taliban in Afghanistan, FATA become an ideal hatch for Taliban and other militants like Haqqani network, Hekmatyar group, or Islamic Movement of Uzbekistan. But not only for 'foreign militants' also for 'domestic displaced terrorists', FATA is a safe haven, especially for those who had to move out from Pakistan-controlled-Kashmir because of international pressure in order to reduce tensions with India. But Islamabad is paying an increasing prize in terms of human life and material resources for ignoring and/or allowing the 'Talibanization' of its Tribal belt. Instead of serving as a buffer between Afghanistan's and Pakistan Pashtun tribes or functioning as a strategic tool for Islamabad against Kabul, the Taliban and sympathisers in FATA are (re-)inventing themselves as 'Pakistan Taliban'. With a new generation of leaders and fighters, largely recruited among the alienated Pashtun tribes, they turned effectively against Islamabad and its overwhelmed and overstressed security apparatus. In this context one should mention, that 'Pakistan Taliban' remains partly as a misnomer, since it seems obvious that they are looking beyond FATA regarding the establishment of a theocratic Emirate based on their discriminatory, suppressive, and inhuman notions of state and society rooting in a distorted interpretation of Islam. This has serious security implications not only for the 'Af-Pak region' but for neighboring India and Iran too. Here, the 2008 attack on Mumbai by Lashkar-e-Tayyaba, a terrorist group which had never turned against Islamabad, must be seen not only as an attempt to undermine India-Pakistan rapprochements but also as support for the Taliban in FATA by binding Pakistan troops at the eastern border.

Islamabad's security circles, for years lacking a clear counter-terrorist strategy in FATA, engaged in a plethora of military actions with militants, from, half-hearted skirmishes to full-scale battle scenarios over the last decade. After

numerous defeats, few dubious victories, and a parade of failed peace-treaties, today the situation is still not under control and Pakistan's military top brass has finally come to recognise that it is at war with its former 'brothers-in-arms'. In consequence, the on-going use of coercive force by all combatants involved –including US Drone strikes – is further alienating the affected tribesmen from the Pakistani state and the international community, especially the US. With no credible efforts of integrating FATA into the Pakistani state with all necessary constitutional and legal ramifications, like granting fundamental rights and a democratic order, the tribal belt will remain a lawless hotbed and sanctuary for Jihadist of all colors.

To summarise, Islamabad lost once again a window of opportunity to improve governance and socio-economic conditions in a part of the country's 'periphery'. Instead of using the post-war scenario after the large scale military operations and or more or less stalemate for the introduction of sufficient democratic reforms, Islamabad decided to re-establish and consolidate the colonial administrative-political system and judiciary which not only set the FATA apart from the rest of Pakistan, but also made the region to one of the country most underdeveloped regions. In other words, since Pakistan came into existence no serious endeavour were carried out to improve the living standard, neither in socio-economic nor in political terms, of the tribal people.

Subsequently, for the sake of practical purposes, lawless, ignorance of the common people in decision-making and disrespect of human rights is continuing. Due to the appeasement policy of Islamabad's security nexus, FATA is not even a 'no-man's land' – as stated by some international critics and reports – since it seems that the Taliban and (other) local militants have kept a tight hold of this region and increasingly on neighboring areas. The recent killing of senior minister Bashir Ahmed Bilour in a suicide bombing on December 22, 2012 in or the killing of 21 Levies a couple of days later nearby Peshawar shows once again that Tehreek-e-Taliban Pakistan's (TTP) and associated militant groups are able to challenge Pakistan's state and society wherever and whenever it likes to in order to undermine any democratic principles and to establish a Sharia-based theocratic-fundamentalist state.

The writer is a lecturer of Political Science and International Relations as well as a senior research fellow in the Department of Political Science, South Asia Institute, Heidelberg University.