

Conflict in Fata and Reforms by Mr. Asif Ali Zardari:

By

¹Arifa Zain, ²Dr. Hussan Ara Magsi

Abstract:

This paper contains an investigation of lawful and political changes of Federally Administered Tribal Areas amid by the Asif Ali Zardari's government from September 2008 to September 2013 which are comprised on political, managerial and legal changes. This step was taken to enhance the poor level of political changes, low level of training, political shakiness, decrease of neediness, advancement of monetary and social division, activities to enhance the human rights and future of FATA.

The FATA which consists of the larger part of Pakhtun population, constitutes 27,220 sq. km along the Pak-Afghan border with having the population of 3.5 million. Khyber Pakhtunkhwa is in the North and East of the province of Balochistan, in the South East of Punjab. After the British control the government established the North West Frontier Province (now Khyber Pakhtunkhwa), and promulgated the Frontier Crimes Regulation (FCR- 1901) in FATA, which was also called the dark law. However, after the inception of Pakistan, the Administration of Pakistan adopted the same law without presenting significant alterations in FCR after the segment. Just few changes have been consolidated in the content of the control, yet its substance on a very basic level remained the same. The disaster is that this authoritative peculiarity is ensured under Article 246-247 of the Constitution, 1973. This was called black law due to inexistence of Human Rights and the personal rights. For the reasons given, one can infer that stakeholders in this regard are liable to remain a precarious state with a frail organization and disempowered individuals who are continuously at war with themselves, unless we perceive the issues and right size them. It was required to go through the FCR act according to the needs and requirements of the area and also these

¹MPhil Scholar, Department of Political Science, University of Balochistan, Quetta
Pakistan

²Assistant Professor, Department of Political Science, University of Balochistan, Quetta
Pakistan

changes would be the most essential measures that can convey peace to the area and fortify Pakistan.

Keywords: FATA, Terrorism, implementation, FCR Reforms Committee

Introduction:

After the independence of Pakistan the inhabitants of FATA raised their demand for reforms in FCR laws. It was now becoming hard to live with these brutal laws. The inhabitants of FATA also wanted to enjoy the freedom of rights like other Pakistani nationals.

The former President Pervaiz Musharraf started work on FCR during his reign and tried to bring change in it. In April, 2005 a committee for reforms in FCR was formed to run the process in proper way, under the chairmanship of Justice (Retd) Mian Muhammad Ajmal by the Governor of KPK. The Committee members were the general population from different fields of life including the senior citizens of tribal areas. After taking the responsibilities as governor of KPK on January 7, 2008, Mr. Owais Ahmad Ghani welcomed Justice (Retd) Mian Muhammad Ajmal for the step taken in the amendment of FCR and took practical steps to proceed the work after taking the briefing on the proposals drawn by the "FCR Reforms Committee", thus PPP government succeeded to bring the everlasting change in FCR. After taking the general decision the Pakistan Peoples' Party (PPP) government established a "Cabinet Reforms Committee" which set up changes in FCR. It proposed that the label of the Frontier Crimes Regulation should be replaced by the title of Federally Administered Tribal Areas (FATA) Regulation, 2008. when the central government reported changes in FCR through "FATA Regulation 2009", akin actions were made in 2009. These changes in legal executive structure of FATA gave some necessary civil rights to the inhabitants of FATA made by the government of PPP, when the President Asif Ali Zardari marked Frontier Crimes (Amendment) Regulation 2011. It was a remarkable success because changes in FCR were occurred by the administration after one hundred and ten years in the history of FCR. This Presidential Order has obtained important modification in the old version of ibid law including adjustments, replacement, insertions and segregations.

In the year 2009 when the PPP government took oath the law and order condition of Pakistan was worse. Pakistan's security position was grave

and economy position was deteriorating. Though countering the effects of a decade of dictatorship required bold actions. The main goal of this democratic government was to implement the democratic policies which can bring improvement in the lives of Pakistani nation. To achieve this goal FATA reforms was a great step taken by Mr. Asif Ali Zardari Government.

Before the year 2011 reform package by the PPP government, the political parties were not allowed any kind of political activities in FATA and independent candidates were directly elected to the National Assembly. This situation helped the Maliks to exploit the rights and gain their chief interest, so for their best interest they deprived FATA people from political mainstream. Moreover, the independent parliamentarians from FATA in the National Assembly could not influence any legislation regarding FATA as legislative authorities rests with the president of Pakistan according to the Article 247 of constitution of Pakistan, 1973. However, in 2011, during the PPP government the Political Party Order was introduced in FATA allowing the political parties to pursue their political activities in the area.

Objectives of Study:

The objective of the research was to understand the amendments and their impact on peace and development in FATA. The author reflected on their merits, demerits and way forward.

- a) To examine the inter and intra-generation impacts of the recent conflict,
- b) To propose policy measures for peace in the area and to reduce negative impacts of conflict.

Justification of Study:

The main purpose of this research is to evaluate the disruption and disruption in FATA. The estimated result of this research will make significant participation by improving education, motivation and moral of FATA people. It will also provide guidance or guide line to absorb information which is related to FATA reforms.

Significance of the Study:

This report will undoubtedly enhance importance to the prevailing knowledge base and instantaneously provide aptitude and inspiration to coddle in supplementary advance explores in the arena of political sciences.

Scope of the Study:

This research was limited to FATA people.

Total population of FATA is 3.5 million out of which

Point of views of 30 people was taken.

Limitations:

One may not cover all population of FATA due to lack of time and resources.

Many respondent feel vacillate or hesitant to fill the questionnaires because they thought it as a waste of time as they have hectic routine.

Time Horizon:

This study took about duration of six months from June 2016 to Nov 2016

Assumptions of the Study:

The research assumed that all the respondents of this study were cooperative or supportive. The research also assumed that sufficient resources were accessible to carry out study and access respondents in time.

Theoretical Frame Work and Methodology:

The information was composed via regression, my sample size was 30. The mainstream of respondents were masculine (95%) plus female (5%). The standard respondent was 22 years of age, have graduate credentials.

Research Questions:

Did People of FATA negatively affected by disruption?

Will disruption be overcome by improving the level of Education?

Agenda of Fata Reforms:

The FATA which consists of the larger part of Pakhtun population, constitutes 27,220 sq. km along the Pak-Afghan border with the population of 3.5 million. After the British control, the government set up the North West Frontier Province (now Khyber Pakhtunkhwa), and promulgated the Frontier Crimes Regulation (FCR- 1901) in FATA, which was also called the dark law. However, after the inception of Pakistan, the administration of Pakistan adopted the same law without presenting significant amendments in FCR. Though few minor changes have been consolidated in the content of the control, yet its substance on a very basic level remained the same. The disaster is that this authoritative peculiarity is ensured under Article 246-247 of the Constitution of 1973. This was called black law due to inexistence of Human Rights and the personal rights. For the reasons given, one can infer that stakeholders in this regard are liable to remain a precarious state with a frail organization and a disempowered individual who are continuously at war with themselves, unless we perceive the issues and introduce reforms. It was required to go

through the FCR act according to the needs and requirement of the area and also these changes would be the most essential measures that can convey peace to the area and fortify Pakistan. During the Musharraf's regime the process of change in FCR initiated. To run the process smoothly, "FCR Reforms Committee" was constituted in April 2005, under the chairmanship of Justice (Retd) Mian Muhammad Ajmal by the Governor of KPK. The members of the Committee were comprised on the general population from different fields of life including the senior citizens of tribal areas. After taking the oath as governor of KPK on January 7, 2008, Owais Ahmad Ghani greeted Justice (Retd) Mian Muhammad Ajmal for the step taken and asked him to brief the proposals drawn by the "FCR Reforms Committee", thus the interest taken by the PPP Govt., the process of changes in FCR finally took place. The purpose of FATA reforms was to introduce accountability process in financial management, e-governance, grievances addressable system, one window facilitation center for various services with the help of NADRA border management system in consultation with the Prime Minister of Pakistan, review current legal and institutional system in FATA and to propose improvement in existing laws and develop legal reforms for implementation of approved initiatives, review the effectiveness of FCR in changing circumstances are also included in the mandate of the commission",

President Asif Ali Zardari has pronounced that FATA reforms process is aimed at empowering people of the region and it should continue for the sake of better future of tribal people. The President was in the view that a suggestion was made to launch the reform process after restoration of peace in FATA and to implement the reform package simultaneously. He further added that terrorism is the problem of the whole country and not just of FATA and various local and international elements was involved in FATA unrest.

The government of Pakistan was confronting the challenges of reform in FATA. In April 2006, the President's Task Force on Tribal Reform submitted its report which aimed to suggest measures for the renewal of the authority of the political agent for meeting the security challenges in tribal areas. The task Force submitted its report evolving on the following issues:

- FATA got disturbance after the war against the USSR from 1979-88.

- The establishment of training and refugee camps in FATA during this period disturbed the tribes.
- It was the requirement of the time to evaluate and amend the FCR.
- FATA should be given responsible local government.
- The government should reinstate the Commissioneriate system.
- The development budget of tribal areas needed to be increased many fold. A new development authority should be created.

Many of the recommendations of the Task Force have been implemented. The most important is the grant of a \$ 2.3 billion development plan, called the Sustainable Development Strategy. Only \$1 billion has been released, the remaining amount is yet to be released. A development authority has also been created. A partially empowered local government system is functional, which does not meet the aspirations of the people. There is no progress regarding political or empowerment reform, which is crucial for isolating the radicals.

However, as in the past this committee too could furnish concrete and viable proposal for early merger of FATA into NWFP. It failed because its analysis of the causes of the decline of the Administration of tribal areas is flawed.

Proposed Fata Reform Highlights:

Following are the highlights of FATA reforms:

- Strong advocacy program should be launched in FATA for the development of its inhabitants.
- Before any step taken Consultations with all factions of the tribes and within the Pakistan should begin prior to the introduction of the reforms along with the implementation of a Peace Plan.
- Steps should immediately be taken to merge FATA Secretariat into the provincial secretariat with a strengthened capacity.

- Simultaneously, the Political Parties Act should be extended to FATA.
- FCR should be replaced by a liberal FATA Regulation providing more fundamental rights along with rights of judicial appeal and review.
- Fully empowered Local government should be introduced and elections held under it.
- In 2010 election of FATA members to the Provincial Assembly should take place.
- The nomenclature of the political agent should be changed to Executive officer.
- While undertaking Fata reforms, simultaneously Fata should be merged into NWFP.
- Constitutional amendments are required to be inserted to replace Art 246-247 reflecting the changes that will be inevitable after following the process indicated below.

Risks and Challenges:

To bring reforms in the tribal areas is the biggest challenge faced by the Pakistan. Following are some points which will be faced by the government of Pakistan:

- The religious parties and the TTP (Tehriq e Taliban Pakistan) will insist that instead of mainstreaming it by amendment of FCR and other political reforms, Fata should remain under their control as in the past and Shariat should be introduced instead. The TTP which is fighting the state has made this demand already.
- Many parts like Waziristan will resist the ending of tribal isolation since it helps in the creation of resistance and in fighting the war in Afghanistan.
- The tribal vested interests within its patronage based small elite will also agitate the protection of status quo.

- The main supporters of the reforms will be the young generation and those who are educated.

Conclusion:

This paper contains an investigation of educational changes of Federally Administered Tribal Areas amid by the Asif Ali Zardari's government from September 2008 to September 2013 through bringing changes in FCR, which comprised on Educational, Political, Managerial and Legal changes. This stride was taken to enhance the poor level of education, low level of training, political shakiness, decrease of neediness, advancement of monetary and social division, endeavors to enhance the human rights and to enhance the future in FATA. The Education reforms will bring positive changes in the lives of the FATA people and will bring effective changes in the lives of the people.

For the motive given one can finish off that Pakistan is likely to remain an unstable state with a weak administration and a disempowered people who are constantly at war with themselves, unless we distinguish the problems and rectify them. Reforms in FATA will be the most important measure that can bring peace to the area and build up Pakistan.

Reforms will be defy and challenged but then no serious reform is ever downy. It may be argued that let reforms be discussed when there is peace. It is however felt that the reform process itself will be an efficient involvement which will accelerate peace building and will give a chance to the distressed to carry out their discussion within the boundaries of the Pakistani state institutions by getting elected and negotiating in the assemblies.

References:

- http://centralasiaonline.com/en_GB/articles/caii/features/pakistan/ma in/2013/11/22/feature-01 13. Chaudhry, G. M. (2011)
- FATAreforms.org.pk: <http://www.FATAreforms.org/summary-of-2011-amendments-to-the-frontier-crimes-regulation/> 14. Dawn.com. (2009, April 11)
- <http://archives.dawn.com/archives/131807> 15. Dawn.com. (2012, March 12)
- The Dawn News: <http://dawn.com/news/705279/panelists-see-elected-body-onlysolution-to-FATA-issues-2> 16. Dawn.com. (2011, Dec 09).
- <http://dawn.com/news/679359/phc-orders-early-formation-of-FATA-tribunal> 17. FATAReforms.org. (n.d.)
- <http://www.FATAreforms.org/FATA-lawyers-demand-supremecourt-reach-extended/> 18. FATAreforms.org. (2013)
- www.FATAreforms.org/FATAwomen-2013-general-elections/ 19. FATAreforms.org. (2013, Sep 10)
- [www.ivap.org.pk/ MultiClusterFindings.aspx](http://www.ivap.org.pk/MultiClusterFindings.aspx) 24. KPKBS. (2011). KHYBER PAKHTUNKHWA IN FIGURES 2011