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Special Issue

**“The Question of Pakhtun Identity in
the Pak-Afghan Region:
Challenges & Prospects”**

Editor

Razia Sultana

An International Conference on the theme of **“The Question of Pakhtun Identity in the Pak-Afghan Region: Challenges & Prospects”** was organized jointly by Shaheed Benazir Bhutto Women University, Peshawar and Abdul Wali Khan University, Mardan from 20th to 22nd April, 2016. This international conference was a splendid occasion of intellectual discourse whereby participants comprised foreign researcher as Anatol Lieven, Shanthie Mariet D'Souza, Burnett Rubin, David Jones, Former civil and military bureaucrats as Rustam Shah Mohmand, Brig. Mahmud Shah, Khalid Khattak and current additional IGP Syed Akhtar Ali Shah. Besides various worthy vice chancellors as Prof. Dr. Razia Sultana, Prof. Dr. Ihsan Ali and Prof. Dr. Nasir Jamal Khattak and other academicians of various Pakistani universities also presented their research on the stated theme.

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	Contents	Page
1	Pakistan's Federally Administered Tribal Areas (FATA): Analysis of Fault lines and Appraisal of Policy Options <i>Saima Perveen, Syed Akhtar Ali Shah and Jehanzeb Khalil</i>	1
2	Global War on Terror, Human Security and FATA <i>Anusha Arif, Saima Ashraf Kayani and Jehanzeb Khalil</i>	11
3	Relevance of Radio in Social Construction in FATA: A Case of Bajaur Agency <i>Ilam Khan</i>	21
4	Main streaming of Women in Khyber Pakhtunkhawa: An Overview <i>Razia Sultana</i>	33
5	Kipling, Khan, and Hosseini: An Analysis of Perceptions and Misperceptions in their Works regarding Pashtun Identity before and after 9/11 <i>Seema Rehman, Waheed Ahmad Khan and Muhammad Ismail Wali</i>	41
6	Ungoverned spaces and the crisis in Federally Administered Tribal Areas of Pakistan <i>Syed Akhtar Ali Shah, Saima Parveen and Saima Kayani</i>	49
7	Conflict-Induced Internally Displaced Persons in Pakistan and Issues of their Protection: A case of displaced Pakhtuns & the United Nations Guiding Principles on Internal Displacement <i>Sohail Ahmad, Nasreen Ghufraan and Tehseena Usman</i>	67

**Pakistan's Federally Administered Tribal Areas (FATA): Analysis
of Fault lines and Appraisal of Policy Options**

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Pakistan Tribal Areas are distinct due to their buffer status between Afghanistan and Pakistan's settled areas. This territory has been kept bereft throughout the history, whether it was under the British rule or now as federally administered. Throughout the history this area is strewn with own settled customs and traditions. The administration of justice system is till date through Jirga and by draconian law codes of Frontier Crime Regulations (FCR) which are ignominious to today's civilized world. Though the people of FATA are repeatedly demanding reforms in their legal and political structure, but no civilian or military government has tried to remake these codes according to geo-political dynamics. Consequently, the regional geo-strategic trend has made FATA an origin from where the country security and stability is methodically weakening. The structure in FATA is unable to grasp the nettle whereby the agent powers exceed in agent-structure paradigm. The best policy options for these fault lines at this critical juncture can be constitutional reforms of FATA related articles, and to conjure society structure which could match with the evolutionary capacity of FATA.

Keywords: Jirga, administration, Pathan, FATA, FCR.

Federally Administered Tribal Areas (FATA) have total of one lac square miles of territory on Pak-Afghan border both sides (Spain, 1962, p. 22) occupied by Pashtuns. The very term of FATA is totally different from Provincially Administered Tribal Areas (PATA) stretched over 27,220 Square Kilometers, of which 3.2 million is Pathan population encompassing six frontier region and seven agencies.

James W. Spain has argued in his book 'The people of Khyber' that Pathan take it contemptuous to be known by this terminology which is anyhow used in Western world for them. This very terminology signifies aggressive neighbours dwelling on Indus River sides (Spain, 1962, p.12). This word got changed by British to "Paythan", but these tribals are called as 'Pushtun' or 'Pukhtun'. Afghan terminology is also used by some which is having nothing to do with Afghan nationality. All these terminologies are depended upon the speaker's accent.

Pathan are comprised of four major groups where half are inhabited in Afghanistan and the other in Pakistan. The very ruler, Durrani of Afghanistan are also coming under this first category, who are Iranianised recently. While Ghilzai are nomads who do not consider Durand Line as an authentic line. They visit Pakistan in winter and in summer go back to Afghanistan and having identity of Powendas in Pakistan whereas in Afghanistan the term Kuchi is used for them.

Independent tribes are coming under third group who dwell on both sides of the Durand Line with organized tribal structure. The tribes under this group are Zaimusht, Wazirs and Mahsuds Mohmands, Afridis, Shinwaris, Bangash and Orakzais, who are in Pakistan tribal area. Whereas some are inhabited in settled areas also. Muhammadzai and Khattaks are under fourth group who are in settled areas under this set up.

Sir Olaf Careo has made differentiation in open plateau and plains residents and the highlanders too whereas the first mentioned to the Afghan name of the senior branch, which is subdivided then into "West Afghans" that is and Ghaljis and "Eastern Afghans" that is Yusufzais particularly. The Eastern and Western are having Highlanders between them who are Bangash, Afridi, Waziris, Tuvi and Mehsuds, Khattaks etc. He described them as Pushtuns or Pukhtuns. While he carries on in more detail that they dwells east of Durand Line that is Pakistan whose distinguishing feature is insurmountable trait by any colonial power and at the moment they are integral part of tribal areas.

Moreover, Spain has detailed further that that independent tribes have kept their identity intact and formed categories mainly Waziris, Mehsuds, Afridis whose main loyalty is always for their own tribe. They are bound by their own codes known as Pukhtunwali and the very Pathan living standards. For them democracy is in initial form and are under influence of certain families and ruled by their elders, called chieftains whose features of wisdom, bravery and powerfulness making them rules in their respective areas (Spain, 1962, p. 25). Pathan condemned the central authority and contemplates foreign interventionist as contemptuous because they regard their own customs and traditions formulated by their own chieftains (Burki, Afghan Belt).

The above mentioned assessment was important regarding an insight of the origin of major concerns related Tribal Areas. These tribesmen and their land have charmed the Historian all over the world mainly British. This paper highlights the fault lines in Federally Administered Tribal Areas (FATA) by adopting historical and analytical approach in order to illustrate the land and people and their code of conduct with major emphasis on their legal and political system. In the appraisal of policy options has been made.

Historical Background

The areas, which our various constitutions have listed as "Tribal Areas" (including same adjoining lands) have been treated historically as a "Buffer Zone" by the rulers of India. Mughal Emperor Babar consequently captured Kabul whereas his writ was extended to large areas of Afghanistan. Using this as a base he entered India and laid the foundations of the Mughal Dynasty. He shifted the power center from Kabul to Dehli and the Hindukush territories merely became an outpost of the Empire (Khan, 2000, p. 47).

Until Emperor Akbar's time, the writ of the Mughal Empire was stretched to Kabul and Kandahar and these areas were termed as lesser India. As the area being a corridor to India, was

frequently a battleground hence, Akbar's grappled continuously to keep these areas under control. Emperor Akbar succumbed the tribes of the frontier and introduced the system of allowances to the Afridis for keeping the passes open. This system is still in vogue. Mughal empire witnessed downfall after Akbar's demise whereby the grip on those areas was weakened. As soon as the control on central Asia was slipped that led to debacle of Mughal Empire.

Within two decades of the death of Emperor Aurangzeb, the debacle of the Mughal Empire was instigated and between 1707 and the Mutiny of 1857, which was an era of British ruling, Nadir Shah followed by Durrani held grip over these areas. After Ahmad Shah Durrani's death in 1773 and ascendancy to the throne of Dost Muhammad in 1826, enmities, intrigues, feuds became the order of the day. Dost Muhammad was head on to act fast to regain the territories as Ranjit Singh had captured Peshawar and was advancing beyond it. Dost Muhammad's son Muhammad Akbar threw the gauntlet to Ranjit Singh near Jamrud whereby Sikhs were defeated after a tough battle.

Meanwhile, the Amir before proceeding to Peshawar, contemplated to seek the intervention of Lord Auckland, the newly arrived Governor General of India, in settling the differences between himself and the Sikh ruler. Accordingly, in the spring of 1836, Dost Muhammad wrote to Lord Auckland congratulating him on his assumption of office, and asking his advice on how to deal with the Sikhs. The latter opened the door to British intervention in Central Asia (Tytler, 1967, p. 74).

Lord Auckland's response was very diplomatic indicating that the British Government's policy was not of interference in the affairs of other Independent States, but he was, nevertheless, assigned Mr. Alexander Burnes, to examine whether trade could be promoted with neighbouring countries. Mr. Burnes's mission was difficult to be fulfilled because the British had second thoughts and had wanted that the just wishes of their old ally, Ranjit Singh, be accommodated (Khan, 2000, p. 60). On the other hand, Dost Muhammad's eyes were all set on Peshawar. The mission of Mr. Burnes thus yielded in nothing.

Simultaneously, Russia like Britain was stretching territories, and both were skeptical to each other. Russians contemplated the British as rivals in Central Asian trade while Britishers were apprehensive of Russian advancement and taken it nightmarish to the security of Indian Empire. Consequently, the history of nineteenth century is history of moves and counter-moves on the part of Russia and Britain, which finally resulted in the emergence of Afghanistan as a buffer state and in the demarcation of its frontiers. The result was the demarcation of Afghanistan's Northern Border by a Russian-Afghan-British Boundary Commission in 1885 through Panjdeh treaty.

Security of the British Empire became the prime objective. The British responded by declaring the settled districts as part of India and took steps to dominate the Tribal Territory in the hills and by occupying the passes. Within the next few decades, the British Forces occupied the Wana Plain, Tochi Valley, Samana Crest, Turi Kurram and got the boundary demarcated between Afghanistan and India and Sir Mortimer Durand signed the agreement with the Amir of Afghanistan on behalf of the British in 1893. This Demarcated boundary became the famous Durand Line.

The Pathans retaliated and incendiary response happened in 1890 by all the tribes. Traditions of hospitality and sanctuary were violated as British civilians were ambushed and killed. The British replied in callous way as tribesmen were transported to the Andaman Islands; villages and crops were burned; wells and fruit trees destroyed, women and children starved by blockade (Spain,

1962, p. 34). The British were, however, able to restore order, to put down the rampages and to control roads and passes but weren't successful in establishing control over the hills.

Consequently, for administrative reasons a new province was created in 1901 by Lord Curzon, Viceroy of India; that is The North-West Frontier Province which embodied all the settled areas beyond the Indus, and forming a narrow land belt between Afghanistan and the province completely coming under Indian government's authority.

The above were the arrangements which were constitutionally passed on to Pakistan at the time of independence. There is a need of in-depth study for exposing the agent-structure parameters and to expose the fault lines accordingly. This study will analyze whether the weak structure has allowed the agent to surpass the power limits and consequently the locale have been bereft of their basic human rights.

Fault Lines- an Analysis

Pakistan became an independent country on 14th August 1947, but simultaneous of its emergence the country was governed by the Government of India Act 1935.

There is an analysis of constitutional status of Federally Administered Tribal Areas being enshrined in legal provisions as these firstly included in the Government of India Act 1935, as 91 and 92 sections of this document were related tribal belt being described as 'Excluded Areas' and 'partially excluded areas'. This provision got resettled by 1956 constitution with article 218 and 104 and again article 223 of 1962 constitution more specified Pakistan Tribal Areas.

Accordingly, article 246 of 1973 constitution illustrated Tribal Areas as **(a)** Pakistani areas, immediately prior its commencement were Tribal Areas comprised Balochistan Tribal Areas and of Khyber Pakhtunkhwa (N.W.F.P. at that time); and states of Swat, Amb, Dir and Chitral. "**(b)** Provincially Administered Tribal Areas signifies: The Districts of Dir, Swat and Chitral (comprises Kalam) {the Tribal Area of Kohistan District} Protected Areas of Malakand, the adjacent to Mansehra tribal areas, Amb old district and former states as per article 246 of 1973 constitution of Pakistan.

Besides, FATA Tribal Areas of the Frontier Regions, adjacent the districts of Bannu, Dera Ismail Khan, Bajaur Agency, Orakzai, Mohmand, Kurram, Khyber, North Waziristan along with South Waziristan agency.

Tribal Areas can be divided into protected, inaccessible and administered territories of FATA. Whereas, Administered areas are where judicial jurisdiction under Frontier Crimes Regulations (FCR) is by political agent.

In case of un-administered areas the control in both criminal and civil cases are through Jirgas under tribal customs but however the indirect hold of political agents still exists. There are two categories of Inaccessible areas (i) inaccessible areas by factor of geography and (ii) inaccessible areas by considering administrative and political factors. Governance or control on part of government, direct or indirect does not exist whereas tribesmen themselves settle all of criminals and civil disputes.

All the articles do not differ much in significance of describing executive authority of a province to Provincially Administered Tribal Areas (PATA). Whereas, Article 247 empowers the President to give directions to the Governor of the concerned province relating to whole or any part of the Tribal Area in his province as deemed necessary and the constitution makes it compulsory for the Governor to comply with the given directions.

Furthermore, article 247 mainly exclude FATA to come under Parliament legislation until the President ordered so and similarly Parliament act/provincial assembly shall apply to provincial administered.

Article 247 give authority to president and the governor to order regulations for the purpose of societal welfare of PATA coming under law making of Provincial Assembly whereby same powers for FATA are guaranteed to President.

Furthermore, it comes under the ambit of president's power to term or direct the legality of whole or any part of tribal area and the order may embody incidental and consequent provisions as appears appropriate and mandatory. The president deemed the view of the people as necessary in this regard.

For fully comprehending the legality of the articles and that how it departs sharply from the laws of the settled areas besides its subjugation of tribal people against the absolute authority of the state – normally exercised by a conquering power – reference be made to Article 247(7) which described that Supreme Court and High Court jurisdiction does not extends to Tribal Areas until allowed by Parliament (The Constitution of Pakistan, Article 247 (7)).

By contemplating these constitutional provisions, basic human rights are not provided to the people of tribal areas. Rather they are entangled by century's old power structure settled by their immediate elders as for instance FCR and Jirga system. The people of tribal areas are rendered pariah who can never think to access judicial structure of the country as high courts or supreme court. The dilemma is that instead of institutions, the agents were domineering, and the human have had come to the ruling where each decision was based on the commonly prevailed norms and traditions and the rational factor had been overshadowed. The Jirga had remained the same archaic as was founded by Britain.

The British government had made administrative relationship with these areas through various treaties under which tribesmen were collectively responsible for peace and order in their territories and to fully protect means of communication passing in their areas along with interests of the British. The British government paid them incentives and bounties in greater amount through Maliks to them for their services. A Pathan Malik is equal in stature to his tribal men but only his endeavor makes him supreme. The tribes operating structure is based on malik or influential selected by tribes and then the series connected with officials called political agent who works on government behalf and put forward cause of local governance (Nawaz, 2009, p. 6). Political agent is senior most bureaucrat working under governor of Khyber Pakhtunkhwa while he is appointed by federal government and has authority over judicial, executive and revenue in tribal areas (Wazir & Khan, 2013).

Under political agent there is no proper check and balance henceforth the Khans and Maliks have monopoly over funds directed by federal government for developmental works which have dire

consequences. Political agent solves disputes in tribal areas because there is no judicial system and the decision of political agent cannot be challenged elsewhere. Furthermore, the prisoner even after the completion of his imprisonment duration cannot be released until and unless he makes payment of bail amount to political agent (Sustainable Development Plan, 2006).

The government of Pakistan has done no any headway in eradicating the fault lines. The gaps existed as were before. As FATA has nominal participation in the political system of Pakistan. Until 1997, its representatives in National Assembly were selected on the good will of tribal maliks then universal franchise was stretched to tribal areas. Prior to 2011 political reforms, political parties act was not extendable to FATA and there was no liberty for political campaign there (Nawaz, 2009).

With military deployment in tribal areas, the limited access of indirect administration has also vanished as the sway of military commander over political agent (Aziz, N.D. p. 4). This had disrupted civilian control and power structure in FATA. In 2004 political agent was mere a puppet.

Local government reforms had proved breeding ground for militants by weakening executive authority of provincial government. There are constitutionally guaranteed two tiers of government that are federal and provincial whereby third tier of district government was established. The troubled exacerbated further by abolition of magistracy because the magistracy system was guarantee of law and order and to curb the criminals. The next worst task being performed was when the office of commissioner had come to naught, who was linkage of tribal areas and district with carrying of all necessary duties.

The Jirga System

In settled areas is actually signifying a stern legal code and system which recently having existence in Baluchistan, Peshawar and parts of Sindh along with tribal areas of Punjab. Seemingly the system worked smoothly in old times and societies which facilitated the chieftains mostly at the expense of tribesmen. Who remained in utter suppression and agonies under the absolute command of their Maliks.

These dark sides were highlighted to the utmost by print media over span of time which exposed cases mostly women issues and sufferings manifesting the ruthlessness of Jirga justice system.

Anyhow it is not true in totality because the traditional jirga is argued by so many valid points in its support. The Jirga has its origin in centuries old conventions and traditions. Jirga is Pathans assembly which must be attended by every adult pathan where decisions are unanimously taken endorsed by collective tribal sanction.

The traditional Jirga has been evolved greatly over time with full vigour and rhythm through long hold traditions and conventions. It is a democratic gathering , a round table among equals which can be held under a tree a school whereby affected are provided a chance of providing their standpoint. Majority based decisions are carried which ends by prayer. Without these requirements the Jirga ends in vain. The ultimate end of Jirga seems to decide cases peacefully without taking the right and wrong aspects and to describe guilt, or to pass sentence.

While for decision of any matter, the Pukhtunwali requirements the circumstances of the issue under discussion, the individuals features and the generally acceptable scale of compensation are contemplated.

Today's Jirga has different functions as it regulates daily life of tribesmen whereby it discusses the resolving of blood feuds, new mosque site decision and interaction with tribesmen; It provides source of dialogues in capacity of mediator between government and the people and authorities specified discussions are covered under Jirga. Moreover, it works as official Jirga comprised of tribesmen appointed by government officials hence the Jirga assist an official in covering surpluses under the domain of Frontier Crimes Regulations.

The dilemma is that the traditional Jirga system has lost its originality in the decade of soviet invasion of Afghanistan because that invasion has had upset the apple cart of not only Afghanistan, but the bordered areas of FATA was also hub for Mujahideen recruitment and consequently established new leadership in FATA. So, Jirga has become pawn in the clutches of political administration and got corrupted. Furthermore, other important factor which has triggered the transformation of traditional Jirga status is the reshaping of Mullah role. Before the geo-strategic dynamics Mullah was confined to traditional role within the domain of mosque, that is to deliver religious sermon and he was subservient to tribal elders in the whelm of political affairs. Mullah was negotiating but without weapon. The foreign intrusion dominated Mullah to the extent that he ordered for Jihad and furthermore the new trend and transformation in 2001 onwards had shifted Mullah from mosque to Hujra. Recently, his voice is domineering in tribal society (Nawaz, 2000, p. 26).

Jirga under the Frontier Crimes Regulation.

FATA was ruled through a code of conduct namely FCR contracted between tribesmen and British rulers through treaties (Rumi, 2012). This is comprising severe punishment to control tribes. It came to be known as a 'Black Law' due to its extremely harsh, inhuman and discriminatory provisions. Frontier crimes regulations as a law, is devoid of due process in its wider sense. The minimum acceptable requirements of law, i.e. evidence, examination, cross examining, right to engage a counsel, too, are all absent. Appeals to superior judiciary – which is the constitutional right of every Pakistani – are barred to the Tribals. The emphasis is on the infliction of severest possible punishment and the FATA citizens are thus subjected to retrogressive and repressive laws. The British realized that according to tribal structure and societal norms it is indispensable to include Malik or Khans into the legal framework in order to ensure peace in tribal areas which had given rise to system of collective responsibility (Asmatullah & Mohmand, p. 27). According to this provision the tribal chief was made responsible for wrong perpetrated by any individual. For execution of this policy the already prevalent civil and criminal laws were cancelled in 1871 from tribal areas in order to introduce FCR (Shah, 2012, p. 27).

Britain consciously kept these tribes underdeveloped and uneducated and FCR was a tactic in their policy options. Albeit the FCR has been amended various times as in 1928, 1937, 1938, 1947, 1962, 1963, 1995, 1997, 1998, 2000 and recently in 2011.

The FCR based Jirga is not a traditional Jirga because it lack that soul and furthermore this sort of law code was the creation of British for fulfillment of their purpose, to inflict horrific punishment on erratic pathan and to curb their incendiary grudges. The system of administration

enforced by the British via the FCR was to select a class of local notables who enjoyed social status. Paramount condition was their loyalty to the British Crown. While enforcing the law, the British grappled to portray that they have promulgated rules and regulations which embodies tribal customs. But the real purpose was the enforcement of the British writ to subjugate and to deny the Tribals a fair judicial system. The members of the Jirga, under the FCR, were nominated by the rulers and the Deputy Commissioners were empowered to refer cases to them. As opposed to the traditional Jirga, the FCR Jirga did not apply customary laws of the area.

After Independence, the Pakistani authorities deemed fit to continue with the said 'Black Law' and the system is still in vogue in the Tribal Areas. There is no apparent change in this inhuman code of conduct. Constructivism as theory state that anarchy is the product of state own policies as Alexander Wendt's words 'anarchy is what state make of it' (Wendt, 1992) so the anarchy take place by the prevalent norms and the interaction of agent and structures. Constructivism is combination of sociological institutionalism(structure) and transnationalism (agency). In case of sociological institutionalism that comprised norms, institutions, organization and enforcement of norms which give rise to societal structure. While on other hand the agency embodied actor as state and non-state actors.

Federally administered tribal areas are peculiar for their archaic norms and traditions. Their society structure is based on Jirga and FCR and the basic institutional agents at their disposal are political agent and tribal chief. They have no access to judicial structure of the country rather draconian law entrusted by century's old British established FCR. The resistant agents active there are non-state actors in the shape of militants of Uzbek, Chechen and Turks origin.

Basically, the state writ do not exist in FATA and the governance has not been strong enough to reform the norms there. The weak structure has allowed the agent to exceed power limits which has deprived the people of their basic socio-economic provisions. Structure was authorized to shape the agent but currently the agent is grappling to transform the structure. The biggest folly on the part of state is to allow non-state actors to flourish on its soil. Due to weak domestic policy the transnational agents are acting as sponsor group in FATA and are striving to weaken the structure of Pakistan methodically.

Policy Options

FATA is of paramount strategic significance which has been alluring to the world super powers and they have tried to rule these areas possible. By analyzing fault lines, it would better if FATA integration with mainstream Pakistan should have taken place simultaneous to independence. The matter has been aggravated by both internal and external factors and now it is ready to devour the state structure.

The geo-political dynamics as Durand Line is major cause of infiltration of militants to FATA because there is a clause in Durand Line agreement. Under this agreement easement rights are guaranteed which permits unrestricted access to same tribes on both sides of the Durand Line. The top most requirement is that Afghanistan should concede with administrative status of Durand Line and to make an arrangements on this border for certain crossing under the check posts carved for the same very purpose. The recent problem has happened during Pakistan military operation in North Waziristan, where the top foreign militants and militants of ruling TTP and TNSM have taken shelter in Afghanistan by crossing the border. Pakistan has long border with Afghanistan, which is not well-

managed and people sometimes move without visa. Some of that movement is healthy while other are unhealthy so the situation in Afghanistan has direct effect on Pakistan (Perveen, Khalil & Ahmad, 2015). For example people after Swat operation were flee to Afghanistan and Pakistan government of PPP repeatedly asked Afghanistan to handed them over. Therefore, Pakistan has always asked neighboring countries to play their role in this regard by fixing intelligence devices, deployment of military check posts on the Afghan side of Durand line so as to curb militant's infiltration (The News, 2008).

Constitutional Reforms

Constitutional amendment is the only way to ensure stable FATA because article 247 has hampered not only basic human rights to these tribes but also the liberty to develop and work for their region. Furthermore, the FCR and Jirga under it should be modified and the positive omen in this regard is that people of FATA are also despising this legal code of conduct which was enforced by British. Albeit there can be no altogether change in FCR and neither abrupt course of changed events will be apt for these tribes but necessary modification are indispensable for mainstreaming of FATA to national life.

Economic Strategies

It should be clear by now that effective control of the Federally Administered Tribal Areas by the Federal Government has become a dire necessity. But by simply extending the Government's writ would lead nowhere. The initiation of the processes of economic development and political reforms must precede control measures. The irrigation system should be incorporated. Canals and tube wells are indispensable for irrigation and control of waterways are necessary to impede the flash floods and small dams are must to save rain water. Industrialization of the area, too, needs to be considered afresh. This policy was tried in the past but the experience left much to be desired. It could not succeed, because amongst others, a trained labour force was not available. Therefore, while putting up new industry it be insured that vocational and technical institutions at prime locations be opened.

FATA economy revolves around tribal Malik and radical Mullah (Nawaz, 2000, p. 28). There should be proper dispensation of funds so that circulation of wealth should be ensured and only then the development can ensured.

Political Strategies

Good governance and the writ of state is indispensable for settlement of militancy in FATA. Like the British model the writ of state should be strengthened despite the ongoing insurgencies because it is the best possible way possible to counter terrorism. Moreover, to evolve structure according to local people value system, because abrupt turn of situation cannot end in positive goals.

The system of check and balance is crucial for FATA to ensure transparency of government policy. Governance can be strengthened by stretching writ to FATA so that incendiary grudges can be curbed. Prior to 2011 reforms political parties act was not extendable to tribal areas and candidates elected to national assembly were independent members. According to 2011 reforms political parties act was stretched to FATA and political campaign were allowed to present their manifestos to the tribals in order to ensure them that they have significance for national politics (Sajjad, 2013).

Pakistani government introduced most important reform in 2013 by stretching the federal ombudsman authority to FATA which is conspicuous because the jurisdiction will encompass tribal areas. Through this provision the people of FATA can anytime access federal ombudsman against any

encroachment. Ombudsman can play vital role in conflict resolution and to expose any fault line in FATA administration (FATA Reforms, 2013).

Conclusion

Pakistan is at critical juncture and further alienation of any part of the country can be fissiparous to the entire system structure. Pakistan internal security has been trembled by directly or indirectly through weak domestic policy and by attitude of negligence towards FATA. This region had been under unlawful codes and of archaic nature which do not match with the trends and transformation of the 21st century. Undoubtedly the demands of these tribes whether about FCR withdrawal or other matter cannot met in full but the maximum possible reforms should be done. The reshaping of religious actors be replaced to the original place because the region has been troubled by this sort of happening. The structure has undoubtedly overpowered the agent hence the check and balance is the only way leading to ensure the proper working of government machinery there.

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Global War on Terror, Human Security and FATA

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The traditional concept of security, related to military threats, has been changed. The concept of security is now associated to humans. According to UN Human Development Report 1994, human security includes Economic, food, health, environment, personal, community and political security. Since 1994, the concept of human security has gained popularity. FATA remained peaceful throughout its history with Pakistan. However, after 9/11 the area has been turned into war zone and considered as a center of international terrorism. It is argued here that beside many other factors, the growing extremism and militancy in FATA is due to the deteriorating situation of human existence, which is the root cause of growing militancy in FATA.

Keywords: War on Terror. FATA. Human Security. Extremism

In international relations the traditional concept of security is military oriented and related to threats to national interests and protection of the state from external military threats. In international relations the security concept is explained by the terms like ...“balance of power”, “deterrence”, “peaceful coexistence” and “collective security”(Concepts of Security, 1986).On the other hand security policies are promoted by the means related to” ...such as disarmament and arms limitation arrangements or the maintenance and development of military capabilities”(Concepts of Security, 1986)Thus security of a nation or state remains the top priority of any government. However, the post-cold war period and the UNDP report of Human Development Report (HDR) 1994 has changed the concept of security. HDR identifies freedom from fear and freedom from want as the main two components of human security. Human security is defined as:

“Human security means protecting fundamental freedoms – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people’s strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity”(Human Security Now, 2003).

This definition identifies non-traditional security concept, further it highlighted different threats to humans and emphasized aspiration for peace and security not only within a state but also among different states.

UN Human Development Report 1994 identified seven human security components. Human securities with main threats are explained in following table.

Possible Types of Human Security Threats

Type of Security	Examples of Main Threats
Economic security	Persistent poverty, unemployment
Food security	Hunger, famine
Health security	Deadly infectious diseases, unsafe food, malnutrition, lack of access to basic health care
Environmental security	Environmental degradation, resource depletion, natural disasters, pollution
Personal security	Physical violence, crime, terrorism, domestic violence, child labor
Community security	Inter-ethnic, religious and other identity based tensions
Political security	Political repression, human rights abuses

Source: Based on the UNDP Human Development Report of 1994 and the HSU. Cited in Human Security In Theory and Practice :An Overview of the Human Security Concept and the United Nations Trust Fund for Human Security Human Security Unit United Nations, p. 6. http://www.un.org/humansecurity/sites/www.un.org.humansecurity/files/human_security_in_theory_and_practice_english.pdf

Presently the human security is widely discussed and adopted phenomenon and get international recognition. It is hard to discern one component of human security from the other; they are overlapping and intricately intermingled with each other. One aspect of human security is bound to have a domino effect on other dimensions of security. Hence, the need is for adopting a human security approach (Weaver, 2011, pp.465-480).

FATA and Human Security

The Federally Administered Tribal Area (FATA) is located in the north west of Pakistan. It covered 27, 220 square kilometers of area and comprises of seven tribal agencies and six frontier regions.¹ According to 2008-9 estimates, FATA population is 4.02 million, dominated by Pakhtun or Pushtun or Pakhtoon tribes (In Post Crisis Assessment, 2010, p. 23).

FATA has a long history of invasions and attacks; this area was considered as a gate way to Afghanistan and Central Asia. The area was influenced by Aryans, Achaemenian, Alexander the Great, Sassanians, Khusan, Huns, Arabs, Turks, Mughals and Sikhs (Shinwari, 2008, p.1). Finally the Great Game of 18th century between Russian and British Empire resulted in control of British Empire over the area of FATA. To control the local population, British Raj introduced a system which was based on:

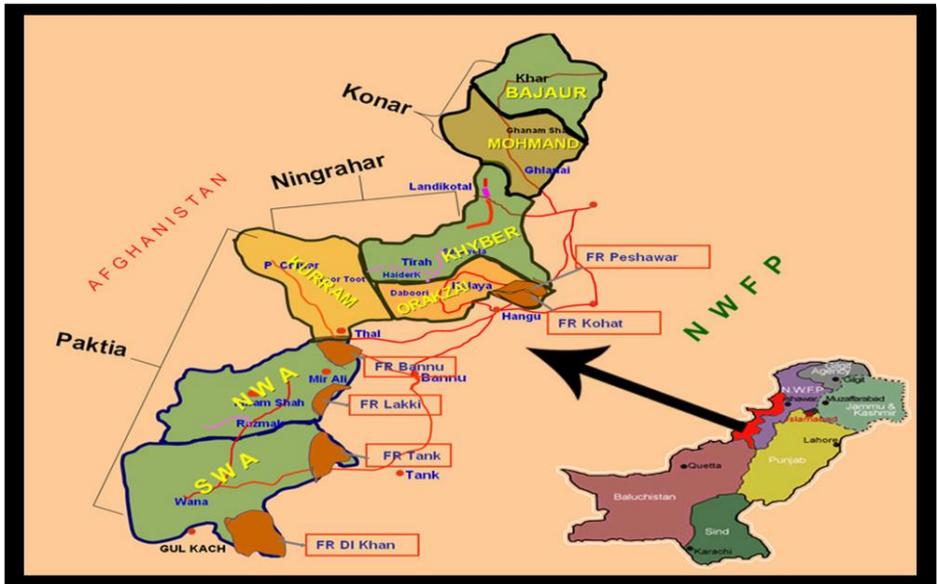
- a) Political agent (PA), a senior bureaucrat, with judicial, executive and administrative powers,

¹. The Tribal Agencies are are Bajaur, Mohmand, Khyber, Orakzai, Kurram, North Waziristan and South Waziristan. The Frontier Regions include Bannu, Dera Ismail Khan, Kohat, Lakki, Peshawar and Tank. In Post Crisis Need Assessment Khber Pakhtunkhwa & federally administered Tribal areas Pakistan September 2010. <http://lgkp.gov.pk/wp-content/uploads/2014/03/10.-Consolidated-report-on-the-Post-Crisis-Needs-Assessment-for-KP-and-FATA.pdf>

- b) Tribal elders (Maliki System) who cooperate with state and received privileges and subsidies.
- c) Frontier Crimes Regulations (FCR) (Haider, 2009, p.5)

This set of law denied the people of FATA from their basic right to “...appeal, wakeel, daleel (the right to appeal their detention, the right to legal representation, and the right to present reasoned evidence.)”(Ali, 2011) The FCR was amended in 2011, which introduced laws related to Legal Protection, FATA Tribunal, Qaumi Jirga, Jail Inspection, Audit by Central Government (ullah, 2015, pp.215-235).

After independence FATA tribes men joined Pakistan and British Raj system (to control FATA) remained intact. Thus, Pakistan’s national laws, police, courts and agencies have no jurisdiction and writ in FATA. This system failed to provide basic human rights, education, socio-economic development and security to the people of FATA.



Source: Ali Mohammad Jan Orakzi, Situation in FATA: Causes, Consequences and the Way Forward. Policy Perspectives , Volume6 , Number1, January - June 2009
<http://www.ips.org.pk/global-issues-and-politics/1057-situation-in-fata-causes-consequences-and-the-way-forward>

Global War on Terror brought FATA to international prominence as it is considered a safe haven for all those militants and terrorists who escaped from US led Operation Enduring Freedom in Afghanistan. From the territory of FATA not only these militants attacked foreigners in Afghanistan but also started militancy against the state of Pakistan. With the passage of time the militants were reorganized, strong and their activities increased (Yunas, 2014). To counter militancy in FATA the government in Islamabad first try to enter in peace accords with militants and later when peace agreements were violated, military operations started in FATA in 2003. Since 2001 onwards the

growing militancy, extremism and military operations resulted in grave human security situation which further created internal security issues for the state of Pakistan.

Situation of Human Security in FATA

As compare to other areas of Pakistan, FATA socio economic indicators are much below. With poor health facilities, education condition and non-availability of basic facilities of life, with old rotten administrative system, with hardly any support from power corridors of Islamabad, people of FATA are struggling for their survival. Such conditions are conducive for terrorism to thrive (Nawaz, 2009).

FATA economy is among the underdeveloped economy and is pastoral based "...with agriculture practiced in a few fertile valleys. Most households are engaged in primary-level activities, such as, subsistence agriculture and livestock rearing, or small-scale business conducted locally. Others are involved in trade within the tribal belt or with down-country markets..." (federally Administered Tribal areas (FATA) n.d). Additionally, people of FATA are doing minor jobs in limited industries, unorganized mining, and unskilled labors also work in Middle East countries (federally Administered Tribal areas (FATA) n.d). Further FATA economy is based on following pillars: illegal trade and transaction with Afghanistan, Weapons manufacturing, Marble Industry, Timber, Smuggled Goods, Bara Market, Plundering of NATO supplies, Mining, Narcotics (Mian, 2009). Economic situation in FATA deteriorated due to Soviet invasion in Afghanistan, ISAF attack on Afghanistan in 2001 and controlling of area by militants. Moreover when area came under the control of Taliban, they do ask for their economic share, "... Taliban collect around four billion rupees annually (approximately US \$50 million) (Sardar, 2009). Also Taliban earned money from different sources selling natural resources (like marble. Gems, timber), toll taxes, fines, drugs, weapons etc. Thus control over smuggling and trade routes and economic resources are the main factors behind controlling the areas of FATA by extremists (Sarda, 2009).

The U.S. invasion resulted in the migration of millions of Afghan refugees in to the tribal areas of Pakistan along with the Internally Displaced Peoples movements into other parts of Pakistan. Pakistan's economy faced a huge setback in 2009 when around 3 million IDPs moved as a result of terrorist attacks and military operations in Tribal areas of Pakistan (Chughtai, 2013).

The business sector of FATA disrupted after the extremists organization captured the trade routes and demanded taxes on transportation of goods which declined the tribal control over the business transactions. The tribesmen became involved in the cultivation of poppy and trade of narcotic substance after the fall of Taliban in Afghanistan. Another important source of earning is the increasing weapon industry, even at a smaller scale in FATA region, providing small arms and light weapons to the militants in conflict areas (Mian, 2009).

All this resulted in poverty and 70 percent of population of FATA lives below poverty line and earn less than a dollar a day (Khan, n.d). Due to such economic situation and unemployment tribesmen are involved in illegal economic activities to support their families and are the source of militant recruitment. As mentioned by Raza Khan

"Many youths have joined the ranks of the insurgents for the stipend which the insurgent groups like the Tehreek-e-Taliban Pakistan (TTP) are believed to pay to their fighters. So if it is thought by someone that youths have been joining the bandwagon

of local clergy to set up Taliban brigades because they have been highly religiously motivated people they were completely at a wrong. The unemployment factor has been the underlying reason for inflating Taliban's ranks"(Khan, n.d.).

According to world food summit 1996 Food security means "when all people at all times have physical and economic access to sufficient, safe and nutritious food to meet the dietary needs and food preferences for an active and healthy life"(Sustainable Development Policy Institute. n.d). Food security rest on three pillars: physical availability of food, socio-economic access to food, and food absorption. 67.7 per cent population of FATA is considered as food insecure with 5 districts declared as worst food security (Sustainable Development Policy Institute. n.d).

With the escalation in military operations to wipe out terrorists and their support groups in FATA, food security became a major cause of worry for the regions when thousands of people have been forced under ongoing circumstances to evacuate their houses (Khan & Shah, 2011). It is estimated that 1.5 million people are displaced from FATA (Returning Home: Livelihood and Food security of FATA Returnees. nd). This created humanitarian emergency and security situation at the same time. According to a recent report, the FATA's available land for agriculture is 7 percent of total whereas the rest of 93 percent is barren land consisting of mountains. Majority of the FATA's land belong to the Malik and local Khan, whereas, the remaining 50 percent of population have no cultivable or uncultivable land to earn income (Malik, n.d.). According to survey IDPs when return to their homes, face severe shortage of food, with 54% having not enough food to consume (Returning Home, n.d).

There is strong nexus between terrorism, militancy and food insecurity. World Food Program report declared six regions of FATA as severely food insecure areas include Dera Ismail Khan, Tank, Kohat, South Waziristan Agency, North Waziristan Agency and Orakzai Agency have been put in the category of severely food insecure. Khyber and Mohammad agencies are categorized as 'high food insecure.' Reasons given are prevailing law and order situation, poor food availability, poor access to food due to very poor socio-economic conditions, low local production, physical remoteness and insecurity (Ali, 2015).

The ongoing conflict in FATA region (militancy and armed conflicts) disrupted the livelihood of thousands of people, destroyed their natural habitat which resulted in social and psychological health issues among people of FATA mainly school going young children, and women (Abbasi, n.d.).As a result of movement of around 5 million people in FATA causing joblessness, education problems, health and food issues, security crisis, and psychological issues like depression, phobias, stress disorder, and Post Traumatic Stress Syndrome. A 2009 report by the SHPD recorded around 97,000 psychological cases from FATA and 90,000 cases in 2011 from a local clinic among which 50,000 cases were the result of ongoing conflict (Abbasi, n.d.). The health situation of FATA is quite miserable where the hospitals are not adequate enough with modern technologies or doctors. The hospital facilities are mostly destroyed and very few hospitals and clinics are left and even those are located quite apart from each other.

Another problem regarding the health facilities in FATA arises due to the factors that many doctors are unwilling to work in the tribal areas under the prevailing military operations. The

shortage of specialist surgeons lead to the surgical procedures done by the paramedical personnel's in many of the FATA's hospitals (FATA Reforms, 2014). There is only one doctor and one health care center for 7800 and 4200 people respectively. There is only one dentist for 14,800 people of FATA. 32 percent and 60 percent positions for doctors and specialist doctors are vacant in FATA (Butt, 2015).

Children are mostly the victim of health insecurity as mentioned by UNICEF-funded study of Children's Complaint Office, Islamabad on "The State of Children in Pakistan" the spread of disease, including through contaminated drinking water and other preventable causes, and the dearth of adequately equipped hospitals, trained doctors and other medical staff adversely impact life expectancy. The mortality rates from treatable illness, particularly for women and children, are particularly high in Fata. Human development indicators for Fata are poor" (Butt, 2015).

Further polio cases increased from 63 in 2013 to 179 in 2014. In North Waziristan 70 cases, Khyber Agency 76 cases followed by South Waziristan 24 cases, and Frontier Region Bannu 9 cases are reported. Security of polio workers, inaccessible to certain areas, propaganda against polio drops, ongoing conflict and regular migration are cited some reasons for low immunization in FATA (Butt, 2015). Further for 6428 females there is only one lady health visitor (Participatory rural development society, 2011) with no private hospital. Thus it is evident that the health facilities in FATA are not adequate and are not available to the majority population of the area.

The key factors for threatening political security will be political authoritarianism and human right exploitations. The political security profile of FATA is more multifarious and complicated than any other dimensions in the area where the government role in other security sectors of FATA can be dealt extensively even in isolation; however, political security is an only aspect which requires full responsiveness of all the political parties and other stakeholders (Khan, 2013). Most of the people in FATA link religious extremism in region with poor and deteriorating system of governance. "Based on 19th century British rules and institutions, FATA's colonial administration raises serious human rights concerns and is fueling militancy in the region" (Haider, 2009, p.2). Thus the existing governance system (weak political and judicial system) is unable to protect rights of people of FATA with no writ of the state of Pakistan and here the constitution of Pakistan is not practiced. It's in 1997 that the adult universal franchise has been given to the people of FATA; also they have no political participation in the main stream political system of Pakistan. Hence the people of FATA are not given even their constitutional protected rights. Such situation created a nexus between governance and militancy in following way: Political vacuum has been created and extremists' elements filled it, weak judicial system forced people to turned to Taliban for quick judicial decisions, with no writ of state, the criminals, militants and terrorists have free hand to set their own empire and emerging class conflict between locals and outsiders (trying to implement their own administrative system) (Haider, 2009, pp.2-6).

Personal security in perspective of its physical facet is related to the law and order situation in the region and is associated with the criminality and extremism. The shadows of terrorist activities and the regulation of crime is a common phenomenon in the present world and is deeply rooted in the area of FATA particularly after the U.S. invasion in Afghanistan. (Khan, 2013) The fighting between security forces and Taliban resulted in the migration of millions of people from FATA. The Pakistan's federal government and provincial government of KPK along with the numerous non-governmental organizations assisted these migrants but even years later they are somehow lacking to provide basic relief to the threat of their personal well-being. Nonetheless with ongoing operations in the tribal

area the threat to their physical well-being and shelter is still a major concern for many humanitarian organizations. The suffering of these migrants are further intensified due to the price hike and weak registration processes thus forcing them to take advantage of meager facilities provided by these shelter camps. One of the surveys conducted in these camps showed that many of the IDPs were dissatisfied with government's efforts and around 12 percent of these migrants responded that they don't even have any idea of these registration processes. The reports also concluded that approximately 95 percent of the FATA's migrants were not even registered according the NGOs and FC data base ("Crisis of IDPs in FATA: Issues, Challenges and a way forward. n.d). These IDPs have to face worst living conditions including less or no access to food, water, hygiene, shelter, increased crimes and violence against children and women, child and women safety, health issues, and much more ("Crisis of IDPs in FATA: Issues, Challenges and a way forward, n.d). Women and children are more vulnerable than men (Khattak, 2015). Personal security is the main concern of the IDPs.

The tribal areas of Pakistan are branded under the strong influence of tribal and ethnic traditions and heritage. The area of FATA consists of numerous major tribes including Utmankhel, Mohmand, Tarkani, Safi, Afridi, Shilmani, Shinwari, Mulagori Orakzai, Turi, Bangash, and Masozai, Darwesh KhelWazirs and Mahsuds. Other communities of FATA include the tribes of Utmanzai, Ahmadzai, Dawar, Saidgai, Kharasin, and Gurbaz (Government of FATA.n.d). Other than the tribal communities of FATA, number of minorities also resides in FATA including the Christian Sikh and Hindu (Samiullah, n.d.).

With the rise of Taliban's and their extremist's ideology, the minorities of FATA badly suffered. The members of minor community were tortured by terrorist's organizations, whereas government remained unmoved on this act of violation. The year 2009 observed the abduction of two members of Sikh community by the Taliban's for ransom, and were later released after the transaction was completed (Samiullah, n.d.). These communities despite of living in FATA for centuries are still not acknowledged by the authorities who take their security for granted. As a result in 2013 the former governor of KPK made a commitment to resolve the domicile issues of Christian community residing in FATA for which he met with the members of Christian community promising them hope for a prosperous future. Even after living for centuries in FATA the government hardly acknowledged their rights and privileges as per the constitution of Pakistan (Samiullah, n.d.). Sectarian violence also polluted the social fabric of FATA society.

Environmental situation in FATA is not confined to limited resources of water and food shortage or to the chaos caused as a result of natural disasters. The environmental security of FATA can be observed as the source of ultimate threat for the stability and can even result in further aggravating the situation(Congressional Report, n.d). As the result of WoT and military operations carried out to eliminate terrorists holding in the tribal areas, the regions environmental structure was badly smashed resulting in reduction of woodlands, soils water retaining capacity, and several climatic conditions. Moreover, with the migration of refugees from the neighboring country also divided these minimal reservoirs. A 2014 conducted research reported that the change in climate will put a huge threat to water, food, and energy security in overall state. This sudden change will particularly flood the northern region of Pakistan. The major reason behind the change in environmental situation results due to exploitation of lush green forests in the mountainous regions of Pakistan. This situation will continue to deteriorate until a fruitful plan is generated. The conducted

report also connected environmental threats to the lack of resources and increase in population among the working class who are mostly generating their income through agricultural, deforestation, and fishery sectors (Muhammad, 2014).

FATA and Human Security: A Way Forward

Post NATO withdrawal not only have implications for Afghanistan but is also influencing the peace and stability in the neighboring state of Pakistan, particularly FATA, which many analysts have predicted a bleak situation from human security framework. A report conducted by the FRC on Post NATO withdrawal Scenario in Afghanistan and its implications on FATA concluded that around 89 percent people in FATA believe that the U.S. withdrawal will result in a much stable and somewhat on a road to a peaceful region which will positively affect FATA. The NATO withdrawal is not only seen as a hope for a stable region but also as a way for improved human security indicators of the FATA area. Government of Pakistan in collaboration with NGOs and international donors and international actors, introduced new and improved socio-economic reforms and projects that help the settlers in achieving a more improved and stable lifestyle.

Military operation in FATA destroyed any safe havens for militants and terrorists and their capability to fight and to terrorize the people has been also destroyed. It is declared that 95 percent of the area of FATA has been cleared from the militants and people are started returning to their native lands (Yusafzai, 2016). Business activities are resumed, schools are rebuilt, sports activities started, (Yusafzai, 2016) and cultural events are celebrated. NADRA is verifying those people who are returning to their homes. Roads and infrastructure are rebuilt, Army chief and civilian leaders like president visited FATA and civil, local and military administrations are keeping a vigilant check over the law and order situation in FATA. Prime Minister of Pakistan constituted FATA Reforms Committee to recommend proposals for FATA. Administrative and political reforms are implemented. International community is also shouldering the responsibility to bring peace and prosperity in FATA. Different projects are launched by U.S. Japan, Korea, UN, ADB for upgrading water and irrigation systems, safeguarding food and economic security, job opportunities for youth, health and hygiene awareness campaign has been started. Environmental issues are discussed and tackled.

Conclusion

The concept of security has changed. Any vulnerability to the existence of human being is labeled as security threat. Consequently there is strong nexus between poverty, unemployment, hunger, diseases, environmental degradation, resource depletion, violence, crime, Inter-ethnic, and inter- religious human rights abuses and terrorism. Therefore wider security agenda, human security, has to be given preference while discussing any kind of security threats to and from FATA. The human security can be enhanced in FATA by providing basic necessities of life. Although, government and other private and semi-government organizations are extensively working for the human development in the region and it is hoped that the FATA's socio economic condition will improve and thus will minimize the threat of militancy and will reduce sympathizers' with terrorists, but still the situation cannot be labeled as ideal or even satisfactory for the survival of people of FATA. It needs a long term strategy and investment in the sector of well being of human beings.

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Relevance of Radio in Social Construction in FATA: A Case of Bajaur Agency

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This research elaborates the impact of three divergent FM radio channels in Bajaur Agency on its people. These three channels, a seminary-run channel, Taliban radios, and a channel installed by military ; namely, *Sadai* Bajaur (voice of Bajaur), Taliban Radio and Radio *Amn* (Peace Radio) respectively, came one after another in Bajaur agency in the wake of militancy and the need to curtail them. Social Scientists are of the view that the information injected in the minds of audience like a gun bullet and the audience quickly response to these information without any thinking or conscious. This qualitative research, comprising of direct interviews of radio jockeys (RJs) and focus group discussions (FGDs) with radio jockeys, listeners, and other observers of these channels, conclude that all these channels, offering different narratives of good and bad, ended up putting doubts over indigenous cultures.

Keywords: *Civil society, radio, FM, FATA*

The peculiar governance mechanism of Federally Administered Tribal Areas (FATA) keeps this region behind of rest of the country, in several spheres of national developments; including, growth of electronic media. Recent spells of militancy squeezed even the incipient growth. FATA's only television booster was blown up by militants in 2008 which was installed in 1998 in Bajaur Agency. Recently, the significance of radio stations, popularly known as FM radios, was not lost upon both diverse actors including religious figures, militants, and military. The first step was taken in Bajaur Agency where a religious seminary had launched *Sadai* Bajaur (Voice of Bajaur) in 2006; a year later, militants launched, Radio Taliban Bajaur. As military started operation in the agency, it came with its own radio channel Radio *Amn* (Peace Radio) in 2009 as well. The political administration also took part in this run and launched its own FM radio, *Shamaal* in 2015.

Arguably, all these FM radio channels intended at divergent goals, contributed in radicalization and hollowing social values endeared by many locales. In first phase the seminary-run channel preached religious teachings and emphasized over culture within religious parameters. The militants, in their stress over extreme religiosity and their own interpretations of religion, the two radio channels used religion put doubts over the centuries-old *Pakhtun* code or *Pakhtunwali*¹, resulted in extremism and radicalization. To count the day to day influence of the two radios, military get in and installed their own radio in 2009. The radio under security forces counted the militant narratives at one side but also urging youth and women to question the existing centuries old social setup; targeted the youngsters and women of the society to break the patriarchal chain.

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¹ *Pakhtunwali* is the Pakhtuns' way of life. It is an umbrella term; covering all norms, values and tradition of Pakhtuns.

The scope of this research is, it contributes to the discipline of Peace and Conflict Studies as FM radio channels have been exploited by the militants and then by the security forces in Bajaur Agency in promoting conflict and, then, its resolution; respectively.

Introduction of the Region

Federally Administered Tribal Areas (FATA), situated at the North-West frontier of Pakistan; shares almost 1200 km border with Afghanistan, known as 'Durand Line', demarcated between the then British India and Afghanistan in 1893 (Khan, 2014). It consists of seven administrative units, known as 'agencies' and six Frontier Regions (FRs). FATA is governed directly from the center through the governor, executive head of FATA and Khyber Pakhtukhwa. Each agency is governed by a civil servant, known as, Political Agent, the agent of the governor. The Political Agent is assisted by Additional and Assistant Political Agents who further assisted by political Tehseeldars who control single tehseel in an agency (Security, 2014). The state's common law has not been extended to FATA. The region is governed through special law, Frontier Crimes Regulations (FCR), implemented by the British in 1902 which depriving locals of constitutionally guaranteed civil and political rights and formal court jurisdiction and legislation. Bajaur Agency is one of the seven agencies of FATA, situated at North of FATA (Khan, 2014).

Introducing the Conflict

The conflict in Bajaur Agency is traced back to 1980s when the US fought a proxy war to contain communism with the help of Pakistan's intelligent agencies. The then *Mujahideen* are, now, known as Taliban, started their activities in FATA after the incident of 9/11. They organized in FATA under the umbrella of *tehreek-i-taliban Pakistan* (TTP) or Taliban's Movement of Pakistan in 2007 (Wazir, Fictions in Taliban, 2015). In Bajaur Agency, the movement openly started its activities when US drone hit a seminary and killed 80 persons; including Taliban personnel and young students of the seminary. The incident feds propagation of Taliban's ideology who exaggerated it; resulting in extensive increase in number of Taliban recruits (Guardian, 2006). Gradually, they started challenging government writ, targeting government officials, blown up the government installations; especially, schools and security check posts; the security agencies were reduced to their cantonments. Till the military offensive in 2008, TTP was ruling the area. After months of fighting, the government announced its victory over Taliban in February 2009 (Kumar, 2010). But the militants were not vanished and were carrying guerilla activities against Pakistani security forces. They were finally defeated with the help of local tribal militia in June 2013 (Haider, 2013).

Post-Conflict Scenario

The peculiar structure of governance prevented the world-wide known conflict management or post conflict rehabilitation to be extended to the region, which include; advice and support for political transition, strengthening of rule of law's institutions, humanitarian response, security sector reforms, promotion of human rights and economic recovery in close relationship with other actors (Muggah, 2009). The civil servant is ruling the area as *de facto* king and is not countable to elected representatives or could be questioned in any court. The state common law; or constitution, including; human right laws, the legislation and courts are not extended to the region. The political administrator (or Political Agent) vested all executive, legislative and judiciary powers in it which do not allow national or international media or humanitarian organizations to address the post-conflict situation. Although, the state has drawn policy in 2010, called, post crisis need assessment (PCNA) with the help of the United Nations (UN), European Union (EU), World Bank (WB) and Asian Development Bank (ADB). It spots out the causes of the militancy and extremism and ways to count

them in Khyber Pakhtunkhwa (KP) and the Federally Administered Tribal Areas (FATA) (Pakhtunkhwa, 2010). But an observer criticizes PCNA as it is limited to documents and it serves only KP and nothing is there for FATA (FGD, 2015). FATA, nowadays, is administered by two authorities; the Political agent and Pakistan army who follow “3Ds” strategy, introduced in 2009. When the strategy introduced - we were told that the 3Ds stand for "Development", "Dialogue" and "Deterrence". But after implementation it appeared as "Deterrence", "Dishonor" and "Disgrace". The army dishonored the tribal elders at check posts and other places when interacted and discouraged the local values (Wazir, Fictions in Taliban, 2015).

Introducing FM radios in Pakistan

FM, stands for Frequency Modulation, means the “encoding of carrier waves, such as the sound waves or audio signals of a radio or TV stations, by the variation-modulating-of its frequency resulting in little or no static and high fidelity of original sound in reception” (Weine, 2006). FM radio is a device carrying sound waves in various directions. Radios operating on FM waves are known for their enhanced sound quality. Relatively low-cost, radio has been an effective tool of social change, positive or negative. The influence of a radio increases in conflict spells when there are rare other sources of information; at that time, radios are often taken as primary medium of information and propaganda, partly because of its ability to go beyond boundaries and penetrate into enemy lines (Sajjad, 2010). In a distance and low-literate areas like Bajaur Agency, many residents may rely on heard information like radio. Operating in the country since mid-1990s, but FM radios demand dramatically grown in the recent media boom. In Bajaur Agency too; several FM channels had emerged for a short period but automatically died (PEMRA, 2010). In the midst of conflict, militants too started on their own channels only to be count by the military which launched its own channel. Though very little is known about the impact of some of the recent channels on people of the area. Media strongly influence the behavior of audience: yet, some evidences of the impact can be found by the magic bullet theory, which states that when the media play, the audience remains passive. The theory further argues that information is penetrated into the minds of audience like a gun bullet to which the audience quickly responds without any thinking or conscious (Thompson, 2014).

Media in Bajaur Agency; a Brief History

With its increasing impact on day to day happening, more and more people turned to electronic and print media for their daily knowledge of news and current affairs. Traditionally, residents of Bajaur Agency had little access to media. The only source of transmission with select local channels, a TV booster set up in 1998, waving its broadcastings in few parts of the area. Dish antennas were installed by limited people who were criticized by the common locals and drew the rage of clerics for Dish antennas spreading immorality. Newspapers was one of the two sustained sources of information in Bajaur, were studied by the agency’s minority literate residents. Newspapers were available only at the main bazaar, Khar, the administrative headquarter of Bajaur agency. But majority of the population was illiterate and could not read a newspaper. Resultantly, radio remained the sole source of information for the people of the area who eagerly tuned to Medium and Short-waves channels. The popular radio channels were radio Pakistan, transmitting from Peshawar and BBC Pashto and Urdu services as they were broadcasting in local and national languages. Mehran Wazir quoted in his article, published in FATA Communication Strategy which states that 80% of male and 70% of female are listening radio, 5% read Newspapers and 2% use internet for their daily knowledge and information in FATA (Wazir, 2013).

History of FM Radios in Bajaur

With the emergence of War on Terror, the activities of illegal FM radios became known and emerged in the tribal and adjacent areas of Khyber Pakhtunkhwa; including Swat in Malakand division, where Mullah Fazlullah's radio transmissions became very popular among the people. The channel was named as "*Mullah Radio*" due to Mullah Fazlullah's FM sermons, which played a fundamental role in his popularity (Sajjad, 2010). It was *Mullah Radio* which sparked militancy in Malakand division. A research study conducted by FATA Research Center in respect of *Jihadi* literature revealed that 59.6% of people surveyed felt that these radical texts were popular among the FATA youth, while 79% of respondents said that *Jihadi Tarana* (*Jihadi* poem) was the most widespread *Jihadi* literature transmitted through FM radios as well as stored as mobile-phones' videos, followed by magazines (17%). The study cites mainstream media, such as radio, as a powerful distributor of *Jihadi* ideology (Ashraf, 2014).

The well-known FM radios stations in Bajaur Agency are discussed under:

Sadai Bajaur/ (Voice of Bajaur)

The first FM radio channel started in 2006 was *Sadai Bajaur* (Voice of Bajaur) in Bajaur agency, from a religious seminary, *Ahya ul Uloom*, run by a religio-political party. Initially, the channel transmissions of *Sadai Bajaur* were in two shifts; in the morning shift, Maulana Rasheed Ahmed, the seminary organizer, was teaching the curriculum to female distance-students and in the evening session the radio transmissions were consist of recitation of Holy Quran, its translation, interpretation and *Hamd*, *Na'at*², *Nazam* and *Taranas* that caused strengthen its roots in society (Ayub, 2016). When interviewed an operator of *Sadai Bajaur*, he replied that the inspirations behind opening this channel was the FM radio channel from Salarzai area of Bajaur which by playing songs enraged Rasheed Ahmed, *Sadai Bajaur's* founder. He asked an operator and concluded that a common man have no avenue to learn about Islam in its true sense, unless he join a seminary or school. Thus it was decided to run our own radio (Ibrahim, 2014). At *Sadai Bajaur*, the organizers introduced transmitting Islamic education, focusing female students of the area. They were called at the seminary for their annual exams, after completion of specific course. With the passage of time and increasing the number of its listeners, *Sadai Bajaur* airing discussion on social issues in which a single topic was discussed for three hours in the evening. They also used to call experts as hosts with facilitation of live calls from the viewers. Like a well-established radio channel, *Sadai Bajaur* invited professionals and experts like doctors, politicians, agriculturalists businessmen etc. the radio focused the young students; male and female, of the area. Attracted them by organizing speech competitions among them; encouraged outstanding students by inviting them to the station and distribution of prizes and awards among them. The radio channel remained very influential in Bajaur (Ayub, 2016). An employee of *Sadai Bajaur* shared that we provided free services of doctors and waived fee of private schools for orphans and poor students, when the channel referred to the doctor or school administrator. He further said "a youth organization for blood donation was established at the radio station, has a list of blood donors who were called when needed." It was this channel who founded a center only for orphans, *Al-Huda Center Lil-Yataam* (Al-Huda Center for Orphans) that collected clothes, cash, foods and other commodities around Bajaur and distributed them among neediest. The radio has been banned by security forces since 2008 (Ibrahim, 2014).

² *Hamd* and *Naat* are the poetry that specifically praises Allah and the prophet Muhammad (PBUH) respectively.

Taliban FM Radios

Among the seven agencies of FATA, Bajaur was the first tribal agency where militants started their broadcasting through FM. One was operating by Molvi Faqir Mohammad, a well-known head of the anti-state movement, Therik-i-taliban Pakistan (TTP), Bajaur chapter, airing from Sewai area in tehseel Mamond (FRC, 2013). Qari Zia ur Rehman, a strong commander of another faction in charmang area of tehseel Nawagai, operated his own channel. Both of these channels were anti-American, denounced presence of any international force in Afghanistan, including ISAF. They declared all those are their enemies who support the US or their ideology (Bilour, 2014) (Khan, 2015). Through these channels, militants spread their terror and strengthened their network across the agency. The Taliban regularly narrated their daily activities like attacks on public servants in Pakistan and international troops in Afghanistan and propagated their future missions (Younas, 2014). A listener recalled, "Taliban radios openly rallied the people to fight the holy war" (FGD) F. G., 2015). More and more people tuned in to Taliban radio stations. Faqir Muhammad became a household name and has been very popular among the tribesmen due to his regular and rhetoric speeches on his FM radio in Bajaur. Yet, Pakistan's security couldn't effectively trace these channels, which operated from the border area between Pakistan and Afghanistan and often made calls through the Afghanistan-based mobile networks (Din, 2014). For incoming calls they used Afghanistan mobile network that they may not check by the Pakistan security forces (Din, 2014).

Militants and their supporters in Pakistan have been utilizing these illegal FM radio stations to propagate their views and designs and provoke violence against the government and its agencies. Many religious scholars also used these illegal FM radio stations for propagating their sectarian religious versions to put down the opponents' religious thoughts (FRC, 2013).

The two sets of FM radios used religion to attract people but both of them did not go in harmony. An ex-employee at *Sadai* Bajaur revealed that initially there were little issues with Taliban radio transmissions as they were talking about "(re)construction of society"; but with the passage of time, they propagated extremism and radicalization, causing concern among everyone. They even threatening *Sadai* Bajaur staff after they refused to propagate Taliban mission (Ibrahim, 2014).

A respondent in a Focus Group Discussion (FGD) said, "Taliban radios openly called the people for *Jihad*, "*wa Jahido fi Sabilillah*" (fight in the way of Allah)" ((FGD) F. G., 2015)

Radio Amn/ (Peace Radio)

Radio *Amn* was launched by the security forces in February 2009. Like a regular radio channel, the station relays entertainment and news programs, broadcasts live sports commentaries, invite subject specialists, receive calls, letters, and text messages, and discuss listeners' problems. (Khan, 2014).

Furthermore, this radio channel also publicizes names of outstanding individuals in the field of education and sports, thereby encouraging them to perform better. One of Radio Jokey (RJ) of this channel proudly claimed that the channel comprises professionals and religious scholars" (Khan, 2014). But majority of the respondents in focus group discussion and interviews were opposing this claim, said, the operators of the radio are non-locals with less knowledge and information ((FGD) F. G., 2014). Radio *Amn* claims to raise "awareness" among the locals by informing them of their rights and duties and instilling confidence in them. The channel's RJ shared that it also aims to invoke independent thinking among Bajauris, who are suppressed by their local notables and landlords and are easily influenced by those enjoying power or popularity. That the station was launched as a

counter-insurgency instrument is not lost upon its listeners and staffers. The channel aims also reintegration of those lured by Taliban radios, said one of the channel's RJ, summarizing, "this FM station is totally anti-Taliban" (Khan, 2014).

The agenda of this FM radio is, to aware the people of their fundamental rights, to point out them their duties in society and to create confidence in audience. The people of Bajaur are under the suppression of *Khans* and *Nawab*³, this FM aims to bring freedom of thoughts and expressions. The people of the area are unstable-minded; i.e. when any person, group, organization or government when get power and popularity in the area these people follow them. Our purpose is to give them an independent way of thinking (Khan, 2014).

Many locales complain that RJs of Radio *Amn* are non-local persons who know nothing about the agency's indigenous culture and traditions, and that the channel mostly plays "immoral songs and waste discussions."

Radio Shamaal

Shamaal radio is the latest among set of four popular FM radios, started transmissions in 2015. Two out three upper discussed FM channels were run by Taliban and one is running by security forces. *Shamaal* radio is run by a journalist with the support of political administration. The radio became very popular among masses as it invites civilian; political and tribal leaders of Bajaur at radio center. A major contribution of this radio as it spreads awareness about the political processes and developments in the agency. Interaction with political leaders, academicians and experts has mainstreamed the youngsters of Bajaur who are, now, taking active part in political activities ((FGD) F. G., 2015).

Method

In this research the researcher has followed the research methodology of Peace and Conflict Studies and tried to find out how these radios contributed in conflict escalation and, then, peacemaking in the region? The Payne Fund Studies of 'Magic Bullet Theory' in 1930s, is found well in fixing FM radios and society which states that "media messages directly and measurably affect the people behaviors" (Clfisher3, 2011). The research is purely qualitative in its nature; dependent on primary data, collected from the field, consisting of in-depth, semi-structured interviews and focus group discussions (FGDs). Priority is given to primary data, because, very little secondary available on the topic. The available secondary data includes newspapers. No government document is available on FM radios channels in FATA.

The interviewees are followed carefully. Those persons have been interviewed who are part of these channels, through one way or another and were living in the area under research when conducting this research. The FGDs have been conducted in the field and the participants were chosen randomly with the simple criterion who had been listening these radio channels regularly.

Ethnographic research methodology is used in this research in which the social environment has been critically interpreted in its natural setting. The researcher lived, observed and interprets the day to day developments in society by these radios. All the interviews, FGDs and environment have been interpreted through interpretivist approach, which is an epistemological position, contrast to positivism who believe in the scientific study of social world. In contrast, interpretivists hold that

³ *Khan* and *Nawabs* are the influential and landlords of the area.

people and their institutions are fundamentally different from the object of natural sciences and hence should be studied different by social scientist and to give subjective meanings to human actions (Brayman 2012, p30).

A key weakness of this research is the small number of interviews and interviewees that make it difficult to find biases as well as to allow this research for generalization, being a student, I could not manage time and resources to do a quality research.

Results

Mass Media has become an integral part of our day to day lives. From newspapers in the morning to watch TV for entertainment and news in the evening, researchers relate to media. Many spheres of knowledge are now under the reach of many people which was once considered a specialization. A person or even a child connected with media knows more about life than a person a few hundred years ago.

The locked and inaccessible areas, like FATA, are more prone to be affected by any belief and, so, militants did not lose the opportunity in FATA. Militants and their supporters have been manipulating these illegal FM radio channels to propagate their views, thoughts and designs and provoke violence against state, its institutions and its touts. Most of the religious scholars also used these radios for publicizing their sectarian religious versions to disparage rivals' religious views ((FRC), 2013). The dynamics of the people in Bajaur were greatly shaped by penetrating radio stations, much like by other developments following war on terror (Khan, 2014).

Following are the researcher's findings from interviews and Focus Group Discussions (FGDs): The first blow came from *Sadai* Bajaur upon Bajaur society that paved the way for other channels into the area. One of the defender of *Sadai* Bajaur said that they conducted programs on every aspect of the indigenous society; like, *Hujra* (center of social gathering), local poetry, *Melmastia* (hospitality) and so on. He claimed that they had given maximum attention to the local dormant poets, encouraging and bringing them in-forth and organized a number of poetry programs at radio station. All these programs were conducted within Islamic way. We supported *Pakhtunwali* (*Pakhtuns* way of life) but discouraged those norms which were against Islam. It is true that we did not play music but we did not exclude it, we only discouraged music of immoral songs (Ibrahim, 2014).

In a Focus Group Discussion, the participants were agreed that Radio Jockeys (RJs) were valued persons and the channel only propagated the Islamic way of life and never went against the law of the land. But it is also true that they propagated the *Jihad* (holy war) ideology that eventually paved the way for Taliban to penetrate easily into the society. One of the participants credited *Sadai* Bajaur that they curbed the immoral activities and drug spread out (FGD) F. G., 2014). For the people of the area the immoral activities are; listening songs, watching movies, having smart mobile phones full of songs, possession of mobile phones by female etc (as these things are not considered immoral in other societies). While interviewing a female student of *Sadai* Bajaur, she criticized the ban on it, saying that she has completed translation of Quran but *madrassa* curriculum stopped in amid when the ban was put. She protested, 'the ban smashed my studies, there are enough number of female students like me'. It was the only source where we could get education (Confidential-I, 2014).

Participants of a Focus Group Discussion agreed upon that majority of the people loved *sadai* Bajaur, but the issue they were unaware of the proliferation of *Jihadi* ideology within society which pushed the young people of the area towards talibanization. The strategy of distance

education for female was very much successful of the channel. It had created enthusiasm among the teenagers for seeking education, but the staff at the station could not utilize the opportunity and missed their basic theme for spreading education. Inversely, the transmissions of this channel pushed them towards radicalization ((FGD) F. G., 2014).

There was a moderate era, where two ideologies, right and left, were floating freely in the society when *Sadai* Bajaur started broadcasting its transmissions. Lecturer Jehangir Khan also observed that Rightists, *Sadai* Bajaur, got an upper hand in influencing the locales. He recalled that even one of his cousins was ready for *Jihad* after he was listening *Jihadi* taranas (poems) on this channel (Khan, 2015).

Subsequently, Taliban jumped into the society with their self-made interpretations of Islamic law, poking flaws in the local norms and national polity. They discouraged *jirga*⁴, a *Pakhtun* assembly of conflict resolution, and threatened, kidnapped and even killed the supporters and members of *lashkars*⁵, a tribal militia sanctioned by *Pakhtun* code. A step further, Taliban replaced *jirga* with Islamic *shura*⁶, a religious council; the *Shura* even resolved several enmities among the tribes, winning hearts and minds of the tribesmen in the process (Khan, 2014).

The main reasons which made Taliban strengthened were their war against extravagance, interest and immorality in society, they questioned the *Maliks*, *Khans* and targeted corrupt teachers and physicians of Bajaur agency (Hafizullah, 2014). A focus group discussion revealed that Taliban banned women while leaving their homes, ordered for proper veil and they were banned for possessing mobile phones. They even broke memory cards from males having songs and 'immoral' videos ((FGD) F. G., 2015). Yet, Taliban denounced local norms but still they relied on Pashto language as, their transmissions and other messages were in Pashto. A tagline of Taliban radio read: "*Jihad o Dazz*", meaning "Holy War and Firing" ((FGD) F. G., 2014).

An example of their poems transmitted by radio Taliban that enticing the youngsters for suicide bombing, read;

Khair ka de Khawry shwal hadoona, Pa dukhmananu de bal kri sra orona, Zaar fidaai, Zaar fidaai.

(It is no worry if your boons are blown up. Actually you have lit the fire to on enemies I am ready to sacrifice upon you, O' the self-sacrificing one) (Din, 2014).

The local anthems and songs were replaced with dark war poems and *Jihadi* taranas, with same composition but different lyrics; those were very much enticing for the youngsters of Bajaur (Dr. Ashraf Ali, 2014).

Taliba khaowry ba mula she, Pa kitab prot ye,yadavy shenki khaloona

(O' talib (student), how will you become into a mullah (master)? Lying on your book, you muse over your beloved).

This has been changed like:

Stargay de drone na kamy na di, WrtatolibTalib kedam Aeera ye krama

(Your eyes are no less than a drone. I looked at them like a Taliban, They completely obliterated me).

⁴ *Jirga* is the group of tribal elders made for the solution of various disputes and conflicts and struggle for reconciliations; its composition varies according to the nature of disputes.

⁵ *Lashkar* or Tribal Militia is traditional based force composed of the volunteer tribesmen.

⁶ *Shura* is a religious council that serves many of the same purposes of the modern parliament (Assembly).

These radios, Taliban and *Sadai* Bajaur, influenced the society, who had no access to any other source of information. Obviously, some of the listeners had joined Taliban ranks, who fight within and outside Pakistan. During a limited time, Taliban conveyed their message around the globe in general and, particularly, within the region ((FRC), 2013).

The sermons of Molvi Faqir and his partners can be heard for almost two hours at the evening daily, starting from 8pm. Their focus was to inspire the people; especially, youngsters, for *Jihad* against US-led forces in Afghanistan as well as against military of Pakistan who assist US and international forces in Afghanistan. In the station, other like-minded persons were invited by Molvi Faqir to express their views through his channel, to attract maximum of people and to accept their cause and join their ranks against US, to push them out from Afghanistan to make it a sovereign Islamic entity.

Now, the military stepped in, banned all illegal FM channels and, after sometimes, realizing the need of radio station, they set up their own station, Radio *Amn* (Peace Radio), at military fort Khar in 2009. The purpose of the radio is to count Taliban influence on airwaves which were penetrated in the society. It is found that radio *Amn* encouraged the youngsters for education, especially who were out of schools. It also encouraged and supported women of the area to educate and express their views freely as men do (Khan K. , 2014). The radio *Amn* found a successful counter-insurgency and de-radicalization tool. The youngsters who were once the strong supporters and listeners of Taliban radios are now among the eager listeners of radio *Amn*. These young people, once supported Taliban are now turned towards security forces and struggling for nation building (Khan, 2015).

However, at the same time, some interviewers complained that radio *Amn* negatively affecting the society. The staff sitting in station is non-local and presents wrong picture of the local norms and values. The channel is very secular in its nature and doesn't pay attention towards the development of the conflict-affected society. Most of the participants objected that the channel is extensively focuses on women and their freedom ((FGD) F. G., 2014) ((FGD) F. G., 2015).

The radios *Amn* and *Shamaal* successfully integrated the youngsters into national politics. The airing of talks and sharing experiences of politicians inspired the people for political change. The century old administrative law, FCR, is now among their first demands to be changed (Ayub, 2016). The policy could be more successful if government give serious attention, as, ironically, 141 licenses have been issued by PEMRA up till now but radios *Amn* and *Shamaal* do not have any license; means, they are illegal too ((PEMRA), 2010).

It is worth mentioning that an unknown radio is still broadcasting its transmissions from an unknown place in Bajaur agency. The transmissions theme is same as were had by the then Taliban radios. The government or, more specifically, security forces have not adopted any strategy to contain these transmissions. If it continues, the youngsters might re-join their ranks, as there is no any satisfactory alternative in the area. To count militant's radios, the government needs to be a step forward; by installation of TV boosters in the area (Confidential-II, 2015).

Conclusion

Mass media, like Radio and other medium, TV, influences cultural values, morals, life styles and even attitudes. Radio is considered the most powerful tool and may impact the perceptions of

the whole population, as, newspapers are only for literate persons and TV is out of access of the poor.

While interviewing the locales and other persons related to radios, the commonalities in answers were found: majority viewed that *Sadai* Bajaur was a positive initiative, could contribute in education of the society but at the same time they agreed that it was this channel which paved the way for Taliban radios who proliferated militancy, smashed our values, make the youngsters rebellious against the state. The interviewees were agreed that Radio *Amn* and *Mashaal* played a successful counter-insurgency and de-radicalization role.

But at the same time, the listeners criticized all the four-type radios on the grounds that they smashed the centuries-old society that came first under the attack of religious forces and now under the secular ones, injecting borrowed definitions into indigenous society. Lastly, it is argued that the road to peace, prosperity, and development in any society should tread through indigenous landscape.

List of Interviewees

Serial No	Name of Interviewee	Designation	Organization	Station	Subject
1	Mehran Wazir	Program Manager	FATA Research Center	Islamabad	Post-Conflict Rehabilitation
2	Confidential-I	Student		Bajaur	FM radios in Bajaur
3	Confidential-II	Self-employed		Bajaur	Taliban radios in Bajaur
4	Dr. Mohammad Ayub	Self-employed		Bajaur	FM radios in Bajaur
5	Ibrahim	Radio Jokey (RJ)	Sadai Bajaur	Bajaur	FM radios in Bajaur
6	Jehangir Khan	Lecturer	GPGC Khar	Bajaur	FM radios and their impact on society
7	Kamran Khan	Radio Jokey (RJ)	Radio Amn	Bajaur	Radio Amn and its impact
8	Muhammad Younas	Self-employed		Bajaur	Taliban radios agenda

List of Focus Group Discussions

S. No	Number of Participants	Station	Subject
1	08	Bajaur	Impact of FM radios on civil society
2	10	Bajaur	Role of FM radios in politics
3	08	Bajaur	Role of FM radios in promoting militancy
4	12	Bajaur	Impact of FM radios on civil society
5	06	Bajaur	Counter-insurgency Strategies of Government

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Main streaming of Women in Khyber Pakhtunkhawa: An Overview

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Women have always remained a marginalized segment of the society for they have been considered an insignificant entity that cannot outperform men in social, political and educational spheres. The developing countries on the world map are still struggling with the status of women and the case of Pakistan is no different. After the creation of Pakistan a few initiatives for the emancipation of women were launched by the progressive writers group and some by women from the elite class of Pakistan. Strenuous efforts are underway in the country for mainstreaming the women and the province Khyber Pakhtunkhwa(KP) is playing the role positively. The movement which worked for the uplift of women in Khyber Pakhtunkhwa then known as North West Frontier Province was initiated by Khudai Khidmatgars back in 1930's. Till date different initiatives have been taken for the betterment of women in the province such as the establishment of women universities, Commission on the Status of Women etc. The research is qualitative and is based on primary and secondary sources wherein attempt have been made to highlight the initiatives taken in social, educational and political sphere with the conclusion that the progress has been made which is slow but steady.

Keywords: Women, Mainstreaming, Social, Educational, Political, Khyber Pakhtunkhwa

Mainstreaming of women is of paramount importance, for the world is on the verge of becoming knowledge society and gender gap eradication will only yield better and positive results. United Nations Economic and Social Council (1997) defined gender mainstreaming as "Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality."

Today half of the world population is comprised of women but still this segment of society is subjugated, exploited, and offended by the male dominated policies, economy and technology (Naryana, 2015). Only little in letter and spirit has been done for women status elevation and like other parts of the world, the situation of women in Pakistan is appalling as they are considered best only for traditional activities in the very prevailing patriarchal society, where many believe that new roles cannot be ascribed to women in the social, political and educational sphere. Even after 70 years of independence women are still kept sidelined from mainstream economic activities in the wake of socio-cultural teachings despite having constitutional rights (Shah, 2015). As per World Economic Forum's (WEF) Global Gender Gap report (2016) Pakistan ranks 143 out of 144 countries in the

gender inequality index clearly illustrating women plight in the country. The situation of women in all the four provinces of Pakistan is gruesome and Khyber Pakhtunkhawa (KP) needs special attention in this regard, as for the last two decades the province has been engulfed in militancy, extremism and strict religious ideologies which have intensified and magnified the issue of gender justice and girls education (Jamal, 2014).

Status of Women in Khyber Pakhtunkhawa

Khyber Pakhtunkhawa (KP) has a total population of 30,523,371 of which 15,467,645 are males, 15,045,813 females and 913 transgender (Pakistan Bureau of Statistics, 2017). Woman is called *Khaza* in Pashto (Powers, 2013) and one of the Pashto proverb goes as *Khaza da Kor Diya dey* meaning "Woman is the lamp of the family." However, lamp of the family is usually not independent in making decisions of her life and is at the mercy and wishes of men. Women in comparison to men are considered weak and inferior and as such liable to their control (Boesen, 1980). The honor of men in Pashtun society is greatly determined by the way they defend and protect the women, as well as their methods for regulating the behavior of women (Alston, 2014). Men are considered to be key stake holders in gender disparity issues and the notion of gender equality can only be attained if attitudes, practices and perception of men changes (Jamal, 2014).

Pashtunwali, the Pashtun law and code (Povey, 2013) have certain superior elements associated with men only like *Ghairat* (valor), *Badal* (revenge), *Jirga* (Informal power structure) and *Hujra* (common guest house) whereas women are associated with inferior elements like *Tor* (stigma) and *Peghor* (Satire) (Naz, Daraz, Khan, & Sheikh, 2013). It has been established that some of the elements in *Pashtunwali* are not in line with the Islamic principles like killing on suspicion, forced marriages, bride price and honor killing (Qadeer, 2014). According to Aurat Foundation Annual Report (2014) Violence against Women (VAW) have subsequently increased in Khyber Pakhtun Khawa . The details of offenses can be seen in Figure 1, where total of 736 cases have been reported with the murder being the most recurring case having 324 cases followed by suicide having 106 cases in the province.

Offenses	No. of cases
Kidnapping/abduction	75
Murder	324
Rape/gang rape	5
Suicide	106
'Honour' killing	60
Domestic violence	66
Sexual assault	2
Acid throwing	2
Burning	2
Miscellaneous	94
Break down of miscellaneous cases	
Attempt to murder	48
Attempt to suicide	14
Attempt to rape	3
Attempt to kidnap	2
Hurt and body injury	9
Vanni/customary practices	8
Harassment	4
Women trafficking	0
Watta Satta	0
Threat to life	5
Forced marriage	1
Total	736

Fig1: Over view of Situation of VAW in KP (Jan-Dec 2014)

Source: Aurat Foundation Annual Report (2014)

FIR status in KP has improved because for the total 736 cases 589 FIRs were registered, the proportion was higher than Sindh and Punjab provinces. For 105 cases, no information was available and for 42 cases no FIR were registered (Aurat Foundation, 2014). The increase in FIR registration indicates that women in KP are now becoming aware of the laws and believes that a system exists for the punishment of criminals.

For the uplift of women conditions in KP, a Provincial Commission on the Status of Women was established under the Khyber Pakhtunkhwa Establishment of Commission on the Status of Women Act (ECSWA), 2009, enacted by the previous Provincial Assembly, Awami National Party (ANP) led government and the Act amended on October 21, 2016 by the current Pakistan- Tehreek - e- Insaf led government (Dawn 2016; The Express Tribune 2017). The establishment of such body is of immense importance but a dire needs exists for its efficient working as it has been reported that the Commission over the past three years has only formulated a policy framework for the betterment of women and the bill drafted for the eradication of domestic violence was rejected by the Council of Islamic Ideology (TheExpressTribune, 2017). Currently KP is the only province grappling with the Domestic Violence Bill as Sindh enacted the law in March 2013; Balouchistan in February 2014; whereas Punjab passed the law in 2016 (Dawn, 2016). The absence of the legislation against domestic violence is unfortunately contributing towards the increase in violence (Tribune, 2017) and for its prevention special helpline with the name 'Bolo Helpline' aiming to support victims has been launched by KP Social Welfare Directorate (Tribune, 2017). Besides, five (05) *Dar ul Amans* have been also established providing shelter to the runaway and destitute women (KP Social Welfare Directorate, 2017). In the recent years important acts and bills passed for the betterment of society in general and women in particular includes Elimination of Custom of Ghag Act, 2013; Enforcement of Women Ownership Rights Act, 2012; Khyber Pakhtunkhwa Deserving Widows and Special Persons Welfare Foundation Bill whereas Khyber Pakhtunkhwa Dowry, Bridal Gift and Marriage Functions Restriction Bill, 2017 has been referred to the committee for its approval or rejection.

Education

Education is the most important tool for the economic growth and poverty reduction (Malik, 2014). During British rule (1849-1947) in the sub-continent, Khyber Pakhtunkhwa had only two private colleges for boys and none for girls whereas the total number of primary schools was 162 in which 154 were for boys with 7341 students and 8 were for girls with 516 students (Rauf, 2017).

After the inception of Pakistan for the period of 1947-1948 the presence of 8413 primary schools were reported in the country and since then successive governments have strived for the betterment of educational system in the country despite the population growth and limited financial resources. According to Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa Annual Report (2015) there are 27261 functional Government schools in Khyber Pakhtunkhwa out of which 16787 schools are for boys and 10474 are girls schools. Figure 1 elucidates that number of functional institutes for females have increased in the past six years however the number is not at par with the institutes for males as males have 6313 more institutes than females.

Government Institutions	Year 2010-11			Year 2011-12			Year 2012-13			Year 2013-14			Year 2014-15			Year 2015-16		
	Male	Female	Total															
Primary	14770	7838	22608	14819	7941	22760	14963	8110	23073	14670	8222	22892	14357	8360	22717	13579	8465	22044
Middle	1527	1013	2540	1534	1023	2557	1528	1049	2577	1540	1072	2612	1516	1076	2592	1491	1088	2579
High	1229	530	1759	1269	567	1836	1333	647	1980	1351	676	2027	1386	722	2108	1412	762	2174
Higher Secy.	201	99	300	201	102	303	231	114	345	241	120	361	265	141	406	305	159	464
Total	17727	9480	27207	17823	9633	27456	18055	9920	27975	17802	10090	27892	17524	10299	27823	16787	10474	27261

Government Institutions	Year 2010-11			Year 2011-12			Year 2012-13			Year 2013-14			Year 2014-15			Year 2015-16		
	Male	Female	Total															
Primary	1815795	960847	2776642	1840371	989476	2838847	1845242	967534	2842776	1932085	1080508	3012593	1937197	1066844	3003841	1919519	1118086	3037605
Middle	142238	77449	219687	147623	83022	230645	145992	83963	229955	149686	87852	237518	143684	82943	226627	132514	78799	211313
High	384743	177825	562568	388124	193168	591292	416179	209030	625209	438257	224975	663232	443166	231295	674461	435190	232591	667781
Higher Secy.	127824	77075	204899	128422	82374	210796	142927	89152	232079	155108	94014	249122	168709	100731	269440	188833	114157	303090
Total	2470600	1283196	3763796	2514540	1357040	3871580	2550340	1379679	3930019	2675116	1487349	4162465	2692756	1481613	4174369	2676156	1543633	4219789

Fig: 1 Six Years Comparison for Functional Institutions for Females and Males

Source: Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa Annual Report (2015)

Female enrollment has also improved with the increase in functional institutes as seen in Figure 2. The enrollment has increased to 1543633 in 2015 while it stood at 1293196 in the year 2010. Gender gap is present in enrollment and can be contributed to the fact that socio-cultural impediments along with economic obstacles are associated with decrease in women education (Naz, Draz, Khan, Mohammad Hussain, & Khan, 2011), families prefer to send males to schools and like to keep females at home (Haq, 2016).

Fig:2 Six Years Comparison of Female Enrollment in Schools

Source: Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa Annual Report (2015)

It is pertinent to mention here that the concept of coeducation does not exist in the government schools as they are gender-specific. Only recently landmark decision was taken by the incumbent Provincial government of introducing coeducation at primary level in the province. Adviser to the chief minister on information Mushtaq Ghani said, "The government will establish schools where boys and girls can study together," (Dawn, 2017).

Efforts for the promotion of higher education for women in the province are also underway as currently 73 government colleges are rendering graduate degrees to the women as seen in Figure 3. All the districts in Khyber Pakhtunkhwa have government graduate colleges for women except in District Shangla and Kohistan (HED, 2017).

No	Districts	Total	Girls	Boys
1.	Abbottabad	11	5	6
2.	Buner	05	1	4
3.	D.I.Khan	11	3	8
4.	Hangu	04	2	2
5.	Kohat	06	2	4
6.	Malakand	10	4	6
7.	Nowshehra	08	4	4
8.	Swabi	14	6	8
9.	Bannu	12	4	8
10.	Charsadda	8	4	4
11.	Dir Lower	5	2	3
12.	Haripur	10	6	4
13.	Kohistan	2	0	2
14.	Manshehra	8	3	5
15.	Peshawar	16	8	8
16.	Swat	10	5	5
17.	Battagram	2	1	1
18.	Chitral	4	2	2
19.	Dir Upper	3	1	2
20.	Karak	8	2	6
21.	Lakki Marwat	7	2	5
22.	Mardan	17	7	10
23.	Shangla	3	0	3
24.	Tank	3	1	2
Total		187	75	112

Fig: 3 Number of Government Colleges District Wise

Source: Higher Education Department, Government of Khyber Pakhtunkhwa

Education in the province can be taken to new heights by strengthening universities for they are meant to provide leadership by producing educated and competitive youth who can serve in different walks of life. In 1950's there was only one university in the Khyber Pakhtunkhwa but with the advent of twenty first century rise in establishment of the universities can be seen as currently 25 public universities are present in the province. In order to see women in higher institute of learning after fifty eight years of independence first Women University with the name of Frontier Women University later changed to Shaheed Benazir Bhutto Women University was established in Khyber Pakhtunkhwa in 2005. In the recent years two more women universities have been established in the province demonstrating that the provincial government is committed for the promotion of higher education among women.

Political Empowerment

Historically, corridors of power are nominated by males and females due to the socio-cultural barriers having overtones of religious norms of segregation of sexes remain excluded from the mainstream in Pakistan at large and Khyber Pakhtunkhwa in particular. The movement which worked for the uplift of women was initiated by Khudai Khidmatgars back in 1930s. Advising the women of the area, Khudai Khidmatgar leadership told them that they should help themselves

instead of seeking help from their men (Shah, 1998). In the freedom struggle for Pakistan, women of North West Frontier Province, currently Khyber Pakhtunkhwa, also participated in the protest because on one occasion British Governor of the province on seeing the crowds of *burqa* clad *Pathan* women protesting against the Congress Ministry remarked that "Pakistan is made" (Malik, 2017).

Women have struggled for representation in the National Assembly of Pakistan and it was only in Pakistan's People Party government (1972-1977) wherein women were given more rights and was regarded as 'women friendly'. The Constitution of Islamic Republic of Pakistan (1973) paved way for women to enter in the country's politics as Article 52 of the constitution provides for 17% reserved quota for women's seat in the National Assembly while Article 59 provides for 16% reserved seats for women in the senate of Pakistan. Women of Khyber Pakhtunkhwa has generally accessed National Assembly through 08 seats reserved, only a hallmark event occurred in Khyber Pakhtunkhwa political landscape when Begum Naseem Wali Khan, first female politician won the general seat in 1977 elections and become member of the 6th National Assembly. Subsequently, in the general elections of 1988, five (05) candidates from KP contested on general seats but no seats were won (The Express Tribune, 2013). Rise in number of women candidates was seen in General Elections of 2013 wherein total number of 135 women contested on general seats and among them 18 women candidates belonged to KP who contested 15 National Assembly constituencies in the province (Aurat Foundation, 2013). However, nine (09) female candidates who entered the lower house in the General Elections of 2013 had regrettably no candidate from KP.

Khyber Pakhtunkhwa Provincial assembly, where 99 general seats and 22 reserve seats for women are present also saw women contesting on general seats, as a total number of 26 females candidates came out of comfort zone and competed openly with their male counterparts (The Express Tribune, 2013). For the first time in the history of KP, a female deputy speaker has been elected for the provincial assembly (Dawn, KP assembly elects first ever woman deputy speaker, 2015) and Ms. Anisa Zeb Tahir khaily was appointed Minister of Mineral and Labour from Quami Watan Party a junior coalition party elucidating a change in the mindset of male dominated assembly. Twenty two (22) female legislators of KP assembly have outperformed males in official attendance, sponsored 46% of resolutions brought before the house and also sponsored six out of 17 private member bills. Female law makers were also successful in regularization of Lady Health Workers Programme, placed a law to protect the rights of working women and struggled for the institutional mechanism giving protection to the widow women (Fafen 2017). Women Parliamentary Caucus (WPC) has been also established with the object to strengthen the voice of the women legislators in the assembly. With this progressive outlook the time is not far away when the women will be playing their role effectively in all spheres of life.

Conclusion

Pakistan's over all development solely depends upon the effective and maximum utilization of both men and women. Different initiatives have been taken with respect to the mainstreaming of women in the country but still more needs to be done. Women being 48.76% of the population cannot be ignored because real change in the social, political and economic conditions of the country will take place only if they are involved in all spheres. Khyber Pakhtunkhwa like all the other province of Pakistan has to take concrete steps towards the betterment of women because the province is usually linked with the women suppression. The steps like establishment of Khyber Pakhtunkhwa Commission on the Status of Women are commendable but the commission needs not to remain dormant and shall design and implement policies in letter and spirit for the women

emancipation in the province. In order to avoid retrogress of any kind creation of different avenues is required for the betterment of women in the society. As it is said “economic development follows social development,” therefore different programs protecting the women against any kind of abuse needs to be introduced. Frequent training and awareness programmes are needed to be arranged periodically to make women aware of their rights and equip them for exercising just demands. The women universities established in the province have to bring about a change in the minds of young women and shall impart knowledge beneficial both to the individuals and society. Similarly women on key posts in the province needs to come forward for the betterment of women and shall inspire others to do the same. Women need to exercise their right to vote and shall have their say when electing or choosing their leaders. The bright and safe future of the society lies in following policies providing equal opportunities to women to be able to grow and contribute to the society.

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**Kipling, Khan, and Hosseini: An Analysis of Perceptions and Misperceptions
in their Works regarding Pashtun Identity before and after 9/11**

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The term "Pashtun" is an ethnonym, idealized for its association with bravery, dignity, love of honour, and hospitality. However, the term began to lose its ideal shades after 9/11. The cause has its connection with violence, misogynist attitude, suicide, and terrorism erroneously attributed to it in the print and non-print media of the West. This paper is an attempt to analyze the pictures as presented in the works of three literary writers: Rudyard Kipling, Ghani Khan and Khaled Hosseini. Both Kipling and Khan are drawn to the positive aspects of the ethnonym with their focus on the concepts of heroism, hospitality, sense of honour, dignity, and other socially productive constructs. However, the picture in Hosseini's novels: *The Kite Runner* (2003), *A Thousand Splendid Suns* (2005), and *And the Mountains Echoed* (2014) is dark and discouraging, prompting one to study both as social or environmental constructs that change their meanings under the influence of the forces controlled by the media, politics, and socio-economic conditions. The focal objective of the research is to strike a balance between the pre and- post 9/11scenarios, in search of reinventing a new and objective image, one may say.

Keywords: Islam, Pashtunwali, Mujahidin, imperialism, identity.

This research focuses on the socially or environmentally constructed identity of the ethnonym "Pashtuns" before and after 9/11 scenario. Before 9/11, they are idealized for their association with bravery, hospitality, dignity, reverence and love of honour. They have started losing their socially constructed identity after 9/11. This dichotomous identity has resulted in the incompatible portrayal of the Pashtuns. The two identities misinterpret their status, which needs to be reinvented and reconstructed. Hence the paper attempts to analyze their identity as presented in the works of the three literary writers: Kipling, Khan, and Hosseini. Kipling and Khan are positive about the ethnoym 'Pashtuns', focusing on their heroism, honesty and socially productive constructs. Hosseini, on the other hand, represents their dark and heinous pictures, prompting us to study the ethnonym from both perspectives: social or environmental constructs.

Identity is a question of reservation of cultural and social values; it has no concern with objective reality. Social identity and reality is different for everyone as identity is socially or environmentally constructed, which may vary from culture to culture. It depicts one's affiliations with

one's values, culture and social norms. If the affiliation with social or productive constructs finishes, the identity also diminishes/dies. However, the question props up when other communities distort someone's identity; and the community whose existing and socially constructed identity is snatched from them, stop fighting for their social existence/acceptance.

Identity of people is constructed; some of them associate it with their cultural norms, some connect it with the countries where they live. Hence, one point is clear that identity is socially constructed, which may lie on the surface. It is a product of the way the social community is seen, observed and judged by others based on their ethnicity, life style, social norms, cultural values and language structures etc. Therefore, Pashtuns' identity is also constructed as a brave, hospitable, peace loving and active community before 9/11. However, their heroic qualities are kept in the back burner under the influence of the forces controlled by the media, politics, and socio-economic conditions.

Pashtuns' identity has been kept on changing since the event of 9/11. The above event has overshadowed their productive constructs. The event leads to declare Pashtuns as terrorists, extremists, murderers, misogynists, insurgents, culprits and violent. An unending war has been on track in the west against the ethnonym in the name of Islam and extremism. Hence, the objective image has been kept hidden from the other communities around the globe. The dual identities represent their status as Mujahidin and Taliban under the influence of the imperial powers, presented in the social media and literary works. Therefore, the present study aims at analyzing identity of Pashtuns by striking a balance between their pre and-post 9/11 identities.

Literature Review

In the views of Centlivres and Demont (2000), identity and national awareness indicate the inner experience of a community. However, the Afghan identity process is a very long and complex procedure, which is related to the experience of exile and diaspora. We can see ethnic, religious and cultural diversity in Afghan people. The Pashtuns Afghan state is a positive sense of 'being Afghans,' a strong identity.

Kfir (2009) reviews the nature and structure of Pashtuns' society and critically analyzes the Pashtuns' conditions in Afghanistan after 9/11. The review also focuses on the stubborn attitudes of the Pashtuns, who would never cooperate with other ethnic group in Afghanistan for the sake of peaceful coexistence in Afghanistan. For many centuries, the Pashtuns had dominated the political system in Afghanistan. They have still some religious issues with the Hazaras, which are still unresolved.

Tarzi and Lamb (2011) in their report state their views about the Pashtuns, their culture, religion, beliefs and historical background. They identify the variety of perceptions and misperceptions of Pashtuns among policy makers, political leaders, historians, experts and the common mass. Social media has presented the Pashtuns as violent, misogynists and culprits. Tarzi and Lamb (2011) are of the view that "Pashtuns were most commonly characterized as proud, victimized, sectarian, tribal, and hospitable; they were not stereotyped as warlike, misogynous, illiterate, conservative, or medieval. Pashtuns' diversity was generally acknowledged, as were the changes Pashtuns have experienced in recent decades" (p. 4). The above quote shows the perceptions and misperceptions about the Pashtuns.

Punjani (2002) declares the Pashtuns as the dominant ethnic group in Afghanistan, migrate to urban areas in search of employments. Most of them live in refugees' camps in Peshawar while the Hazara community avoids living in the camps. Punjani (2002) focuses on the humanitarian assistance provided to both communities, and how the relief efforts in Pakistan try to mitigate their ethno-religious conflicts and identity.

Method

This research is qualitative in nature and follows data-driven approach. The study is based on close textual analysis of the popular literary works. To represent the Pashtuns as true Muslims, great warriors and peace-loving nation, the poems written by Kipling have been contextualized for detailed analysis. His poems: "The Ballads of East and West" and "Arithmetic on the Frontier" portray the positive image of the Pashtuns before 9/11, while Hosseini's novels written after 9/11: *The Kite Runner* (2003), *A Thousand Splendid Suns* (2005), and *And the Mountains Echoed* (2014) provide the negative image of the Pashtuns, which somehow is also constructed as one may say.

Results and Discussion

Perceptions about Pashtuns' identity before 9/11

Pashtuns, one of the largest ethno-cultural communities in Pakistan and Afghanistan, are known for their unique characteristics of *Pashtunwali*, Jirga system and monolingual identity. The tenets of *Pashtunwali* are the essence of Pashtuns' cultural norms, which incorporates the concepts of hospitality, giving refuge to others, revenge, bravery, righteousness, persistence, honor and dignity. They have worked on constructing their identities through ages as the bravest and simplest nation in the world, famous for their loyalty in their dealings with others. They are the staunch believers in their cultural/traditional values and norms as stated in the following paragraph:

The Pathan has a tender heart but tries to hide it under rough and gruff exterior. He is too good a fighter to leave his weakest parts uncovered. 'Don't be so sweet,' he says, 'that people may swallow you up, nor so bitter that people may spit you out.' So, he covers his sweetness with bitterness, self-preservation pure and simple. His violent nature, strong body, and tender heart make a very unstable combination for living but an ideal one for poetry and color. He keeps a rough face because he does not want you to see his soft eyes. He would rather you thought he was a rogue than let you see him weep out for his wife (Khan, 1947, p. 12)

Khan highlights in the above quote that the Pathans may be hard at times but they are very tender/soft hearted. They may keep guns and knives, but these things symbolize their bravery and manliness as depicted through their heroic actions. They use the guns not for shooting others but for preserving their honor and dignity, and to maintain their bravery by fighting back with their enemies. They are brave enough to investigate the eyes of others without a single blink. Allen quoted in Ahmad (1979) praises the bravery of the Pathans:

There was among the Pathans something that called to the Englishman or the Scotsman - partly that the people looked you straight in the eye, that there was no equivocation and that you couldn't browbeat them even if you wished to. When we crossed the bridge at Attock we felt we'd come home (p. 7).

The Pashtuns have a long history as fierce fighters, resisted against the foreign invaders and militants and never showed cowardice. Taimur, Alexander the Great, and Babur, who were the bravest warriors and conquerors, were unable to trap the Pashtuns. They tried their level best to subjugate the Pashtuns, but they never succeeded in their planning against the Pashtuns community. Most of the conquerors got defeated at the hands of Pashtuns in Khyber Pass at KP. The Pashtuns fought with them very courageously and succeeded in defeating them at every field, for example, Farid Khan known as Sher Shah Suri defeated the Mogul king, Humayun in 1508-1556 and ruled over India from 1540 to 1545 (Rahman, 1995).

In 1942, the British army had been wiped out from India by the Pashtuns. Similarly, in 1991, they defeated the Soviet Union's soldiers. They destroyed their imperialistic powers and vanity. This is the reason the Russian General commented on the Pashtuns in 1987 that "Pathans are the bravest people ever born on the earth, and these can't be defeated by force" (Khan, 1994, p. 2). They are also regarded as rocks that cannot be broken. Likewise, in Siachen war, the Indian General said, "If there were no NWFP in Pakistan, I'm sure that at least Kashmir was ours" (Khan, 1994, p. 2).

Pashtuns, in the words of Olaf Caroe are people of matchless qualities. Caroe (1958) praises Pashtuns, "The force of Pathan character, the bravery of the soldier, the shrewdness of Pathan assessments of political realism, once carried the forbears of this people to high positions of authority outside their own country." He argues that though the Pashtuns are less educated as compared to British and USSR soldiers, they are more realistic, active and authoritative in their own nature. They have powerful features and they are famous all around the world for their bravery and shrewdness. It is rightly observed about the honor and dignity of the Pashtuns:

The mystification of the Frontier encounter created a mythical tribesman worthy of the honour to play opposite the British in the Frontier Game and popularized a universal image of the Pathan embodying the finest qualities of loyalty, courage and honour that transcend race, colour and creed and one that approximated to the Pathan's own notions of an ideal Path, a behaviour as understood in terms of his code (Ahmad, 1979, p. 8).

Likewise, Kipling's most popular stories also feature the Pathan characters like Mahboob Ali in his novel, *Kim* and even enter children's stories like Sher Khan in *The Jungle Books*. Kipling reflects sympathy for the Pashtuns and his ethnic references are not willfully hateful. Kipling's poems are written about the second Anglo-Afghan war, which describe the conflict between the highly educated British soldiers and the poor Pashtuns tribesmen. In his poem, "The Arithmetic on the Frontiers," he praises the Frontier and its people, the Pashtuns. He seems sympathetic towards the poor Pashtuns in his poems irrespective of their low educations (Ahmad, 1979).

In the above poem, Kipling appreciates the bravery of the two tribes of the Pashtuns: the Yousafzai and Afridi. He talks about the two sides of the Pashtuns: the one is appreciation for their nobleness, democratic thoughts, frankness and sense of humor and the other is showing disgust for their savagery and treachery at times due to their lack of education. This also focuses on the social construction of the reality that Pashtuns have invented their identity themselves both as great warriors and coward nation at times. Kipling's poem, "The Ballad of East and West" is the best example of his imperial poems. In this poem, we see a meeting of two races on equal footing, reflecting a mutual admiration and acceptance of each other's ways: "But there is neither East nor West, Border, nor Breed, nor Birth, / When two strong men stand face to face, though they come from the ends of the earth" (Ahmad, 1979).

Hence, the above discussion gives a positive image of the Pashtuns' identity construction. Caroe's, Khan's, Kipling's and Allen's books are written before the incident of 9/11, where the Pashtuns are represented as heroes and freedom fighters. Their writings show the positive traits of the Pashtuns' code of conduct, known as *Pashtunwali*. Though, they are hard, rough and tough, which is not negative connotation; they rather show their manliness, courage and self-esteem, representing their socially invented identity.

Misperceptions about Pashtuns' identity after 9/11

The 9/11 scenario leads to an identity's crisis of Pashtuns. Many literary writers such as Hosseini have shaped the gloomy and discouraging picture of Pashtuns' identity. This is evident from his three novels: *The Kite Runner* (2003), *A Thousand Splendid Suns* (2005) and *And the Mountains Echoed* (2014). In the above three novels, the Pashtuns are represented as misogynists, terrorists, villains and cowardice. Their jealousy, pride, inequality, class difference, disloyalty misshape their true characteristics.

Their past identity as a brave nation has been kept in the back burner. In all the three novels, women are misrepresented as disobedient, unchaste and dishonest, while men are the owners of the body and soul of women. Men need to control women's desires and legal rights. Women are not allowed to go away of the threshold of patriarchal systems. Hence, it is important to mention that Hosseini is an Afghan born American writer, who spent his childhood in Afghanistan, and then he had shifted to America when he was of 15 years, almost. He met many Pashtuns in America, observed their attitudes and criticized them for their behaviors. Therefore, the subsequent paragraphs aim at contextualizing the negative image of Pashtuns in his novels, side by side.

Amir is the protagonist of *The Kite Runner* (2003) and represents Pashtuns ethnic community. He is portrayed as a Muslim, representing Sunni sects and its beliefs. He betrays his childhood friend, Hassan, who comes from the Hazara community, representing Shia sects. Hence, the religious differences are aggravated by the ethnic differences between the two, which portrays Hassan as an innocent Hazara and Amir as a cheater Pashtun.

Amir's character is based on cowardliness throughout the novel. He does not move forward when Hassan needs his help. He prefers to run away from the alley where Hassan is surrounded by three Pashtuns to rape him. Hosseini depicts his cowardliness. The following passage from the novel, *The Kite Runner* makes it clear, "I could step into that alley, stand for Hassan- the way he'd stood up for me all those times in the past- and accept whatever would happen to me. Or I could run. In the end, I ran. I ran because I was a coward" (Hosseini, 2003, p. 72).

The above passage also depicts the positive picture of Hassan who represents the Hazara ethnic group. Amir himself appreciates the bravery and loyalty of Hassan in front of Sohrab, Hassan's son. He tells Sohrab that his father always stood up for him. He tells Sohrab that how his father became a scapegoat for fulfilling the selfish desires of Amir, in his childhood. He always saved him from another Pashtun character, Assef. *The Kite Runner* (2003) says about Assef, "He (Assef)... tried to hurt me once when I was your age, but your father saved me. Your father was very brave, and he was always rescuing me from trouble, standing up for me. So, one day the bad man hurt your father instead. He hurt him in a very bad way, and I ... I couldn't save your father the way he had saved me" (Hosseini, 2003, p. 292).

The above passage also depicts the positive traits of Hassan, the Hazara, who is represented as weak and loyal. On the other hand, Assef, the Pashtun, is misrepresented as a powerful, villain and terrorist, responsible for the violent and chaotic situation in Afghanistan. He is portrayed as a man representing devilish traits. Hosseini calls him a sociopath and a personification of an evil. Hosseini (2003) says:

His well-earned reputation for savagery preceded him on the streets. Flanked by his obeying friends, he walked the neighborhood like a Khan strolling through his land with his eager-to-please entourage. His word was law, and if you needed a little legal education, then those brass knuckles were just the right teaching tool. I saw him use those knuckles once on a kid from the Karteh-Char district. I will never forget how Assef's blue eyes glinted with a light not entirely sane and how he grinned, how he grinned, as he pummeled that poor kid unconscious (pp. 35-36).

Similarly, the character of Baba, Amir's father is also negatively depicted as a hypocrite who says one thing and does the other. His words contradict his action. Hosseini depicts him as a rapist who keeps illegal relations with his maid. He is represented as a thief, a liar and a betrayer, who cheats on his own wife, sons and friend. As Amir says, "I was learning that Baba had been a thief. And a thief of the worst kind, because the things he'd stolen had been sacred: from me the right to know I had a brother, from Hassan his identity, and from Ali his honor. His *nang* [respect]. His *namoos* [dignity and honor]" (Hosseini, 2003, p. 18).

Now we turn to the second novel of Hosseini, *A Thousand Splendid Suns* (2005), which follows the same line of discouraging depiction. Rasheed is the main character who is from Pashtun ethnic community. He has been portrayed as a villain and a misogynist. He represents patriarchal system who likes to beat Mariam, his wife, without any reason. He treats her like an object and does not allow her to live a life of her own desires. She encounters a different social life in her husband's home. Her husband demands her to wear complete veil by warning. Hosseini says about Rashid, "But I'm a different breed of man, Mariam. Where I come from, one wrong look, one improper word, and blood is spilled. Where I come from, a woman's face is her husband's business only. I want you to remember that. Do you understand" (Hosseini, 2005, p. 70)?

Hosseini has also portrayed Rasheed as an immoral and a hypocrite Pashtun. He asks Mariam to remain at home and never allows her to talk to a stranger. On the one hand, he advises his wife to be chaste and loyal to him, but on the other hand, he himself keeps magazines of naked women in his shop. Mariam finds one of such magazines in his room when she enters the room for cleaning it. *A Thousand Splendid Suns* (2005) describes that situation in the words that follow:

On every page were women, beautiful women, who wore no shirts, no trousers, no socks or underpants. They wore nothing at all. They lay in beds amid tumbled sheets and gazed back at Mariam with half-lidded eyes. In most of the pictures, their legs were apart, and Mariam had a full view of the dark place between. In some, the women were prostrated as if- God forbid this thought- in *sujda* for prayer. They looked back over their shoulders with a look of bored contempt (p. 82).

Further, Rashid has been depicted as a man who intends to control his wife. Mariam lives in fear of Rashid's varying moods and his impulsive temperament that often resolves into contempt, ridicule, violence, and beating. One instance of his brutality is well displayed in his violent treatment of Mariam when he forces her to chew handful of pebbles as a punishment for not preparing the food

to his taste, as Hosseini says about him: "He shoved two fingers into her mouth and pried it open, then forced the cold, hard pebbles into it, urged her to chew it" (Hosseini, 2005, p. 104). Hence, Mariam also silently objectifies herself, accepts her plight, and surrenders herself to the fate imposed on her by her husband without any protest.

Hence, the depiction of Pashtuns is negative in *A Thousand Splendid Suns* (2005). The men are represented as inhuman, immoral and misogynists. They cross all the limits while having relations with women. They beat women when they are unable to cook well for their men. They even do not hesitate to torture women when they are unable to produce children for them. They expect their wives to be chaste when they themselves keep illicit relations with others' wives.

Hosseini's third novel, *And the Mountains Echoed* (2014) focuses on Nila Wahdati, a Pashtun character and daughter of King Amanullah of Afghanistan. She does not have any positive quality. All the pessimistic traits are associated with her. She seems to be a whore. Nabi, the driver of Nila Wahdati, describes her in the following way, "I stole a quick glance at the red polish on her toenails, at the gold-tinged sheen of her shaved calves, the high arch of her foot, and always at her full, perfectly shaped breasts. There were men walking this earth, I marveled, who had touched those breasts and kissed them as they had made to love her. What was left to do in life once you had done that" (Hosseini, 2014, p. 96)?

Nila Wahdati responds to an interviewer, "And then I took to falling in love. Often, desperately, and, to my father's horror, with the wrong sort. A housekeeper's son once, another time a low-level civil servant who handled some business affairs for my father. I arranged clandestine rendezvous and stepped away from home ..." (Hosseini, 2014, p. 226). This shows her moral degradation that keeping lovers and running away with them is a western tradition and might be justified in the name of modernity and civilization.

Similarly, Nila Wahdati responds to the same interviewer about the status of women in the patriarchal society. She is of the view that women are mentally and physically weaker than men. They can easily fall victim to false temptations by men. Men can easily trap them, and women do not feel shy while keeping illicit relations with many men. They are hyper-sexual. Nila describes such characteristics of women: "And women, don't you know, are emotionally, morally, and intellectually immature. They lack self-control, you see, they're vulnerable to physical temptation. They are hyper-sexual beings who must be restrained lest they jump into bed with every Ahmad and Mahmood" (Hosseini, 2014, p. 231).

Conclusion

What we infer from the above discussions is that Pashtuns have shaped their cultural values and social setup themselves. The historical backdrop indicates that they are the losers and the sufferers; and they are still dealt with iron hands by the westerners. They always try to shape their objective identity when they feel it at stake. However, it is difficult for them to tackle the situations alone. They need other communities along taking affirmative steps for their social survival and cultural setups.

Pashtuns' identity might be a dynamic process, which keeps on changing as per their survival, growth and destination. Hence, they change it for their wellbeing and social construction, not for fulfilling the western propagandas against them. They are not the misogynists, terrorists and

culprits, which has been generalized against them, as misperceived in the works of Hosseini. They live distinct life and owe strange life styles at times, but they are propelling to adopt them so. Therefore, the research paper aims at highlighting the value of the Pashtuns' identity for social construction and cultural preservation. The study leaves a question to the Pashtuns to choose/construct their objective identity. They need to keep a balance between their socially constructed identity, invented pre or post 9/11 scenarios. Further, they need to focus on reinventing their positive and productive image, which they have lost after 9/11.

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Ungoverned spaces and the crisis in Federally Administered Tribal Areas of Pakistan

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In the aftermath of terrorist incident of 9/11 the interest of the world powers was drawn to the issue of ungoverned spaces (UGSs) in the world. The tribal region along the Durand Line known as Federally Administered Tribal Area (FATA) emerged as a matter of major concern since it was believed to be a safe haven for the masterminds of international terrorism. Inheriting the administrative system of FATA from the British government, Pakistan continued to rule the area through Frontier Crime Regulations (FCR). The British established its writ in the UGSs through a powerful political agent and local influential known as *maliks*. Using a theoretical framework based on Glue and Prospect theories this paper explores the current status of FATA as a major UGS and the consequent impact upon Pakistan and international community. Data for interpretive analysis was acquired through primary and secondary sources. The paper concludes that the indicators of UGSs are present in FATA as lack of inclusive approach to integrate the tribal area in the mainstream national politics has been instrumental in adversely affecting the tribal belt of Pakistan. Presence of armed groups, ethnic diversity, and tribal structure supporting social norms are identified as the most important factors that contribute towards un-governability in the tribal belt. The study recommends improving governance with socio economic and legislative initiatives to tackle the problem of UGSs in the country.

Keywords: Ungoverned Spaces, FATA, Terrorism, Pakistan, Frontier Crimes Regulation.

Security and peace are the foundations of a state. Whenever people feel deprived socially, politically or economically they feel alienated from the state. Consequently, hardened criminals gang up and also receive direct or indirect political patronage. This results in formation of pockets that are popularly known as 'no go areas (*ElaqaGheir*), 'safe havens' or 'ungoverned spaces' The Federally Administered Tribal Areas (FATA) have always remained an enigma and puzzle of political development.

Since the British raj the areas that consist of Pakistan presently was devoid of a uniform state policy in terms of implementation of the rule of law. Considerable geographical belt was out of the pale of direct administration due to political compulsions with an an informal and traditional set

of laws to govern these areas (Richards, 2002; Groh, 2006; Crisis Group, 2009; and Khan, 2007). This is still being followed in various forms and facets resulting in the formation of areas which can rightly be called ‘ungoverned spaces’ locally known as *Elaqa Gher*.

The terms ‘Ungoverned Spaces’ (UGS), ‘Ungoverned Territories’, ‘Ungoverned Areas’, ‘No Go Areas’, and ‘Safe Havens’ have been used interchangeably by various commentators. One thing is common to all such definitions—UGS has to do something with the State’s authority. For example, Anne and Harold (2010) define the term Ungoverned Spaces on the basis of the underlying assumption of official commentators i.e. “an area characterized by the state’s absence as there is a lack of state authority and governance” (Clunan & Trinkunas, 2010).

Similar to this, a special report of RAND for the sake of Air Force Project has illustrated ungoverned territory as spaces where state find it difficult to enforce its control (Rabasaet et al., 2007).

However, the simplest and the most concise definition is the one given by Groh (2006) which terms ungoverned spaces as areas having no state writ. This paper will be using Groh’s definition of UGS for the conceptual understanding.

A focal interest of literature on UGS is examining the factors which lead to emergence and existence of such areas. Joel Migdal (1987) claims the relationship governing society and a new state whereby society is determined by a battle that who will rule and will formulate rules. A viable state must maintain supremacy over the use of violence and force (Weber, 1919).

Ty L. Groh identifies a few generalizable theories which are helpful in explaining the causes of resistance to integration of a tribal group in the national polity. One is “Glue Theory” according which the ways of the past determines the current behavior of the individual to a great extent and under the influence of such norms there is generally resistance to the normative change also. Another is Kahneman and Tversky’s “Prospect theory” which suggests that pleasure of gain is surpassed by pain of loss. Always situation of some loss are avoided by people although it imparts some gain chances as well (Levy, 2000).

Method

This research is conducted by using mixed method design wherein both qualitative and quantitative methods are used. In order to register the opinions of intelligentsia, a questionnaire was given to accomplished personalities with extensive knowledge of security situation in FATA. Using convenience sampling method, 55 respondents were chosen, and in order to ensure representativeness of the sample, care was taken not to choose the respondents from a single area and/or with similar background. The respondents, therefore, came from Peshawar and various agencies of FATA region. They also belonged to different areas of expertise, such as academia, civil services, legal fraternity and non-governmental organisations, The purpose of the small scale survey was to investigate what the Pakhtun intelligentsia thought about security issues in FATA focusing upon questions like whether FATA is safe or not after 9/11 and which factors had been instrumental in making FATA an un-governed space?

Indicators of Un-governability

The authors of RAND report on ungovernable territories suggest a two dimensional framework for analyzing eight case studies included in their report. The two explanatory dimensions

according to the authors are un-governability and conduciveness to terrorist or insurgent presence. They define *Un-governability* as condition demonstrating the inability or unwillingness of the state in these regions to perform its functions and whatever structures of authority that do exist are not related to the formal institutions of the state. They suggest four measures of un-governability that is how much state get penetrated into society, to which extent state supremacy on use of violence existed, how much is state capable to control border and whether state get subjugated by external intervention. (Rabasa et.al. 2007).

Table 1
Indicators of Un-governability

Variable	
Lack of State Penetration	Absence of State Institutions
	Lack of Physical Infrastructure
	Corruption and the Prevalence of the Informal Economy
	Social / Cultural Resistance
Lack of Monopoly of Force	Illegal Armed Groups
	Criminal Networks
	Population with Access to Arms
Lack of Border Controls	
External Interference	

Source: Angel Rabasa et.al. (2007). Ungoverned territories: understanding and reducing terrorism risks. Santa Monica, CA: RAND Corporation.

The second measure suggested by the RAND report is *Conduciveness* as they contend that not all ungoverned territories are equally suitable as terrorist sanctuaries or conducive to the presence of terrorist and insurgent groups. *Conduciveness* is measured by the following four variables: as infrastructure can be sufficient and working access, how much sources of income are accessible; supporting demographics and invisibility.

The authors point out that adequacy of infrastructure is important because a terrorist group must have a basic communications and transportation network and the means of transferring funds in order to operate and access its targets. In absence of external funding, terrorists need to raise money locally in order to fund their operations.

Table 2
Indicators of conduciveness

Indicators of Conduciveness to Terrorist Presence	
Variable	
Adequacy of Infrastructure and Operational Access	Transportation and Communication Financial
Source of Income	
Favourable Demographics	Presence of Extremist Groups Supporting Social Norms Preexisting State of Violence Presence of Favourable Disposed NGOs or Social Assistance Programmes open to Exploitation Criminal Syndicates Available for Hire
Invisibility	

The importance of conflict resolution and governability has been recognized by economic analysts as well. The World Development Report 2011 issued by the World Bank is titled *Conflict, Security, and Development* and sees a correlation between lack of development and repeated violence in certain areas of the world (World Development Report, 2011).

The preceding review has shown that the issue of ungoverned spaces is not merely a topic of academic interest but also a matter of common interest for all major powers in the new world order of the 21st century. As already mentioned many think tanks and security analysis organizations are, therefore, coming up with detailed reports about ungoverned spaces. One common feature of all such reports is that Pakistan surfaces as a case study due to the alleged existence of safe havens of terrorist outfits in FATA. The 'Glue Theory' and 'Prospects Theory' enhance our understanding of these ungoverned spaces in Pakistan. A detailed discussion is made on both the theories in later pages.

Table 3

⊕ *Socio-Economic Indicators of FATA*

Indicator	Pakistan	KP	FATA
Literacy Ratio (both Sexes in Percent)	58%	53%	33.3%
Male Literacy Ratio	70%	72%	49.7%
Female Literacy Ratio	47%	36%	12.7%
Population per doctor	1094	6823	6630
Population per bed in health institutions	1624	1581	2574
Road (per sq km)	0.33	0.26	0.26

Source: Economic Survey of Pakistan 2013-14, 2014-15; Development Statistics of FATA 2014 See also FATA—A Most Dangerous Place by Center for Strategic & International Studies (CSIS), DC, USA (January 2009) (www.csis.org)

These poor socio-economic indicators provide a favourable ground for the armed groups and non-state elements to emerge to power and challenge the supremacy of the state.

FATA before 9/11

According to Ali Mohammad Jan Orakzi (2009), the former Corps Commander of Peshawar and Governor of Khyber Pakhtoonkhwa, FATA had a perfect peace with in and with its neighbors before 9/11. Information about and understanding of FATA was little known to the outside the world.

One of the questions in the questionnaire of this study was about the respondent's opinion about the peace in FATA before 9/11. Sixty percent (60%) respondents fully agree that FATA was perfectly at peace before the NATO led war in Afghanistan while 27% partially agreed to this statement.

In FATA the state writ did not exist over 5,000 sq kilometers of area. Undoubtedly, foreigners were there but no any incident of suicide attackers or militancy happened. Furthermore, Afghan refugees were also settled in Tribal belt in 2004 but shifted to settled areas. Taliban were present but no one had ever heard of militant Taliban till March 2004.

Table 4
FATA was perfectly at Peace before the NATO led War in Afghanistan

	Frequency	Percent
Yes, I fully Agree	33	60%
Yes, I partially agree	15	27%
I am not sure	4	8%
No, I partially disagree	3	6%
Total	55	100

According to descriptive statistics 33(60%) informants are fully agree that FATA was perfectly peaceful before 9/11, 15(27 %) are partially agree, 4(8 %) are not sure, whereas 3(6 %) are partially disagree.

Unfortunately, very little attention was paid to the development activities of these tribal areas. In terms of developmental budget, FATA has not been given the due attention which is evident from the meager allocation of funds for 4.475 million people and over 27,000 sq kilometers of area.

Table 5
FATA Development activities for the years 2000-2001 to 2015-2016

S.NO	Year	Development Budget (in millions)
1	2000-01	1,015.000
2	2001-02	1,030.000
3	2002-03	1,184.500
4	2003-04	3,006.540
5	2004-05	4,000.194
6	2005-06	5,150.000
7	2006-07	6,200.000
8	2007-08	7,500.000
9	2008-09	8,662.000
10	2009-10	12,865.000
11	2010-11	8,642.647
12	2011-12	10,000.000
13	2012-13	16,000.000
14	2013-14	18,500.000
15	2014-15	19,000.000
16	2015-16	19,700.000

Source: Budgets 2000-01 to 2015-16 Government of Pakistan Finance Division.

The above developmental allocation for FATAAs compared to other provinces is highly insufficient to meet the requirements of this hard hit region and pull it out from the quagmire of terrorism. For instance the budget (2017-18) of province of Khyber contiguous to FATA is Rs603 billion. (Budget Book: Government of KP 2017 – 2018) Though the development budget has been increased to about 20 billion in current financial year, yet the same is still inadequate keeping in view its strategic importance for the whole country, its population and area. The development activities in the region should be carried out on war footing basis if the region is to be brought into the ambit of state and society. In terms of development FATA was always neglected and no serious attempt was made by any government to bring the tribal area into the national mainstream (Orakzai, 2009).

Un-governability in FATA

The various indicators of un-governability are considered to be following;

- a. the level of state penetration of society;
- b. the extent to which the state has a monopoly on the use of force;
- c. the extent to which the state controls its borders; and
- d. whether the state is subject to external intervention by other states

The second characteristic of ungovernable areas *Conduciveness* is measured by the following four variables:

- a. adequacy of infrastructure and operational access,
- b. availability of sources of income,
- c. favourable demographics, and
- d. invisibility

FATA and some adjoining areas in Khyber Pakhtunkhwa qualify these requirements to a great extent. However, it is astonishing to find the opinion of Pakistani intelligentsia. Only 22% of the respondents fully agreed and 13% partially agreed that the tribal customs and traditions made FATA conducive for the spread of extremist Islamic militancy. Only 9% remained impartial on this question while more than 50% replied in negative. See Table 6.

Table 6

The tribal customs of FATA made the area conducive for spread of extremist Islamic militancy

	Frequency	Percent
Yes, I fully Agree	12	22%
Yes, I partially agree	7	13%
I am not sure	5	9%
No, I partially disagree	6	11%
No, I totally disagree	25	45%
Total	55	100%

In this case 12 (22 %) are fully agree that tribal customs have made the area conducive for Islamic militancy, 7 (13 %) are partially agree, 5 (9 %) are not sure, 6(11 %) are partially disagree whereas 25 (45 %) are totally disagree with this statement.

The issue of difficulty of governability in FATA, as perceived by the respondents is presented in Table 6. According to Table 7; 80% respondents validate the presence of armed groups to be the cause of difficulty of governance in FATA while 51% mark religious extremism as 'true' for un-governability in these areas. However, factor which got the highest percentage was foreign involvement (95%).

Table 7
What makes FATA, difficult to govern?

	Presence of Armed Groups	Religious Extremism	Vested Interest Groups (Business)	Ethnic Diversity	Foreign Involvement
True	44	28	40	30	52
	80%	51%	73%	55%	95%
False	8	24	15	22	3
	15%	44%	27%	40%	5%
No Response	3	3	-	3	-
	5%	5%	0%	5%	0%
Total	55	55	55	55	55
	100%	100%	100%	100%	100%

Presence of Firearms

The presence and possession of small and heavy firearms is a general social norm in FATA. It is the symbol of power of a person and shows his capacity to protect his family, clan and tribe. The most common type of firearms available in FATA, as indicated by Naveed Ahmad Shinwari, are 303, 7MM, 8MM, AK-47, G3, Heavy Machine Gun, Light Machine Gun, M16, Pistol, Riffle, and Rocket Launcher (Shinwari, 2008). It is a general perception that most of the firearms are produced locally, in Darra Adam Khel, YakkaGhund and other parts of FATA, however, more than 88% of the people of FATA, as shown by a research study, perceive that the firearms are imported from across the border of Afghanistan. The study further shows that the majority of the people in FATA think that the reason for easy access to firearms is because of the tribal culture. This supports our point that this is one of the supportive social norms which is conducive to the state of un-governability in FATA.

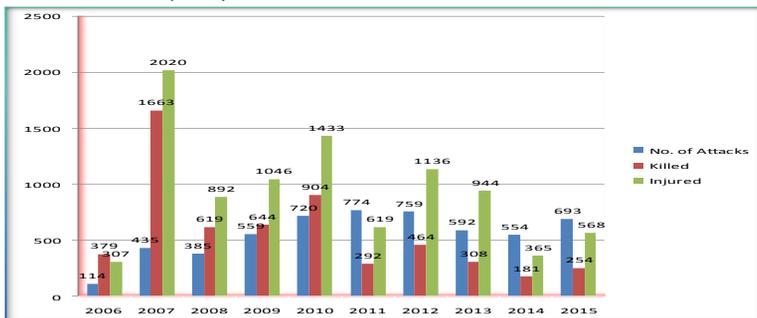
Reliance on Parallel Tribal Laws/Customs for Criminal Justice

No federal or provincial laws are applied in the tribal areas. Therefore, as mentioned before the justice system of FATA (FCR) is completely different than in the other parts of the country. Under the FCR, the political agent establishes a Sarkari Jirga for trials and decisions of civil and criminal matters. However, the credibility of the Sarkari Jirga is very low. In one research study 73% of the respondents said that the Sarkari Jirga is unreliable and it has no credibility while the 80% responded that Woolasi Jirga is more credible and reliable. Furthermore, more than 60% respondents observed that the decisions of the Jirgas are carried out according to the Local Rewaj (Local Tradition).

Figure 1

Year Wise comparison of Terrorist Attacks in Fata from 2006-2015

Source: Report generated by FATA Analysis and Strategy Team (FAST), Law & Order Deptt: FATA and Pak Institute for Peace Studies (PIPS)



Figure, showing Year-wise Comparison of Terrorist Attacks in FATA from 2006-2015

Centre of Conflict between Armed Groups

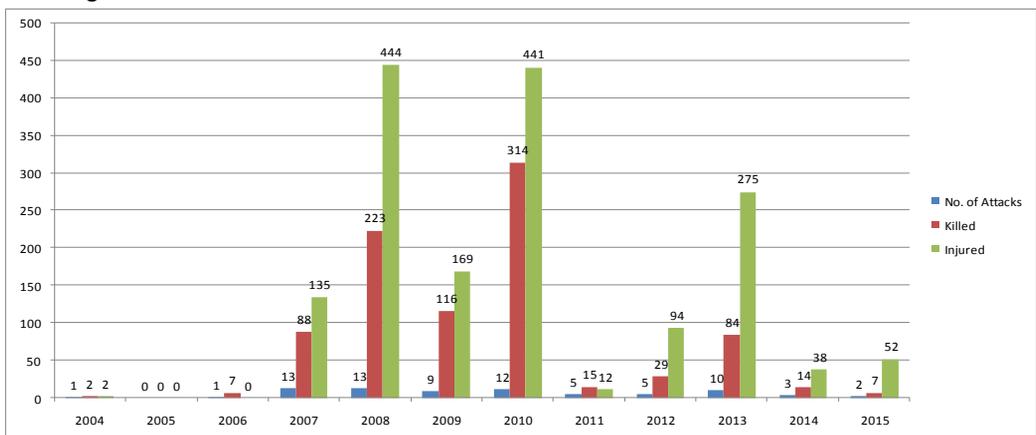
FATA is dominated by various non-state terrorist elements who not only engage in bloody combats against the state but also amongst themselves.

Table and Figure 8 show the number of terrorist attacks in FATA during the last 10 years (2006-2015). There were a total of 5585 terrorist attacks resulting in killing of 5707 innocent lives and injuring more than Nine thousand. Furthermore, the figure shows that the terrorist incidents did not see any significant decrease over these years. Even though there is a slight decrease from 2010 onward but the number of attacks in 2015 again portray a grim picture. These attacks were carried out both against the state and against each other by the armed groups in FATA.

There were 74 suicide attacks in FATA during last twelve years (2004-2015), resulting in the killing of 899 innocent lives and injuring 1662 others compared to 426 nation-wide suicide attacks which resulted in the killing of 6433 innocent lives while injuring 13269 others.

Any terrorist incident occurs in Pakistan, the blame goes to some unknown terrorist groups residing in FATA. However, it is something incomprehensible to observe the same terrorist incidents in the FATA itself. One explanation for this occurrence is the availability of various armed groups with conflicting interests. For example, in Khyber Agency, there were two armed groups, one was Lashkar-e-Islam headed by MangalBagh while the second was Ansar-ul-Islam headed by MahboobUstaz. The news about bloody combats between the two groups was a daily phenomenon till 2008. Both the groups had organized their members in the name of Islam and put their efforts to gain maximum control in Khyber Agency. Though they were against TTP and at times assisted the state to implement peace in the region yet they were officially banned by Pakistan and an offensive was launched against Lashkar-e-islam in 2008, ever since the whereabouts of MangalBagh is not known. Similarly, MahboobUstaz of Ansar-ul-Islam is thought to have been fled to Afghanistan.

Figure II



Source: Suicide Attacks in FATA. Report generated by FATA Analysis and Strategy Team (FAST), Law & Order Deptt: FATA and South Asian Terrorism Portal.

Figure, showing Suicide Attacks in FATA & Casualties during last 12 years (2004-2015)

Furthermore, it was also observed that both the groups resorted to coercive tactics to recruit members in their groups. During the epic period of MangalBagh, one person in the Khyber Agency narrated the story in the following words;

“our young are forced to join one group or the other. Their members come to our doors and meet one of the head of the family. They inquire about the number of the young adult males in the family. If a family has four (4) adult members, the group demands at least one of them to be recruited in their group. If the head of the family rejects this offer, he is then forced to pay ten thousand (10,000) Rupees to the group as a replacement of a member. If someone opposes to meet any of these offers, then there is no place for him in the Khyber Agency but to flee to the settle areas. Even in the settle areas such a person is not safe. We are stuck between the terrorist groups and army. Army thinks we are terrorists while the terrorists force us to join them. We are ruined.”

This story speaks volumes about the situation in FATA before launch of Zarb e Azab in 2014. The situation was not significantly different in other agencies of FATA. However, the credibility of such a response is often questioned when the fact is found that all the terrorist groups are headed by members of the people of FATA themselves.

Presence of Informal Economy

FATA abounds by drugs smugglers and other items as it is tax free zone. The assessment of the World Bank described the value of stealth economy as approximately \$30 billion, which form a tenth of the country's official gross domestic product (GDP) and become the highest ratios of a state in the world (Ahmad, July 13, 2004).

Main part of this type trading is the hawla comprised composition of finance lender and brokers who transfer funds from Pakistan and also receive at Pakistan. According to Citigroup, hawala flows into Pakistan are so robust that the informal economy they support defies “fiscal gravity” in terms of normal inflationary pressures and adverse foreign capital exchange rates (Behar, 2002). Although the hawala network has been somewhat inhibited after 9/11 episode, it is most followed mode of money transfer due to its low cost, and effectiveness. This is another indicator that the state has loose writ in economic sphere in FATA.

Causes of FATA becoming UGS

Geo-strategic reasons

Pakistan security has been deteriorated from the last three and half decades. During Soviet invasion in Afghanistan Pakistan role was applauded for curbing communism by freedom fighters (Mujahedeen). Besides, Pakistan was in great fear that this imbroglio and Soviet military forces might stretched to Pakistan province Balochistan and further to warm water of Arabian Sea, which has been proved only as paranoid only by Politburo. FATA was used as a nursery for training and recruiting *Mujahidins* to fight against the Soviet Union during 80s. *Madressahs*, fighters, weapons and *Jihadi* tactics were made available for the people of FATA. By 1992, there were more personal weapons per head available in Afghanistan, than in India and Pakistan combined; the Soviet Union pumped \$ 48 billion worth of weapons, while the U.S supplied \$ 12 billion worth of them. With the then population of about 18 million, this summed up to a few million dollars of weaponry per head (Khan, 2007).

However, Pakistan and the US both were involved in this war for their separate interests. According to Reidel (2011), Pakistan intended to use of money and arms in the time of Afghan Jihad against India. which with its own strategic goals. The US objectives were using Pakistan and Jihadis for beating the Soviet Union and to end communist threat while Pakistan was taking it as strategic balance against India (Shah, 2011). Pakistan President General Zia availed this juncture as an opportunity to secure his goals in the garb of Islamization and established Mujahedeen training camps on the soil of Pakistan. This paved the way to not only Afghan refugees, drug trafficking, Klashinkov but to sectarianism which led to numerous evils in society. The matter did not stop here, after Soviet exit from Afghanistan, there arise various challenges for Pakistan foreign policy as Pakistan embassy was set on fire by forces of Ahmad Shah Masoud, who deemed that Pakistan has backed Taliban in capturing Herat (Sheikh, 2012).

In all this background Pakistan's foreign policy has become subservient to the US. We are not only dependent with regard to our defense requirements but are also at the mercy of the US financially. Due to dependence, Pakistan's foreign policy is also dictated by that country. The Afghan war and terrorism spill-over has ruined Pakistan's economy and internal security. Almost every day there are acts of terrorism in most parts of country. Cases of kidnapping for ransom are on the rise. Added to that there is a total destruction of government institutions leading to maladministration, inefficiency and corruption. Governance is at the lowest ebb. The plight of the common man is utterly miserable. Extremism is also on the rise – there is no religious tolerance which has led to serious sectarian conflicts. Much of this has happened because of our involvement in the Afghanistan conflict. We are in a difficult, complicated and despicable situation from which it is hard to escape.

Extremism and militancy in Pakistan were initiated in General Zia regime and General Pervez Musharraf regime who took Afghanistan imbroglio as facilitating ground for them with US financial assistance in several ways. All this triggered sectarianism and extremism series in Pakistan. Pakistan is in agony of distorted image, shattered economy and undermined state sovereignty consequently. Pakistan contemplated soviet invasion time insurgency as not will have severe blowback for Pakistan but the US after Soviet exit deserted Pakistan whereby no post war settlements were operated (Ilahi, p. 140).

Afghan Jihad ended with start of series of extremism for Pakistan whereby the first phase was started with collusion of India in the form of several bomb blasts in various Pakistani's parts. Two important reasons triggering extremism in this phase were Indian desire to revenge Pakistan for its support of Kashmiri insurgents in Indian occupied Kashmir and secondly, Pakistan supporting Sikh's Khalistan movement of East Punjab in India. In 1980s second phase was started due to conspiracy of three extremist organizations as Lashkar-e-Jhangvi, Sipah-e-Sahaba Pakistan (SSP) and Sipah e Muhammad Pakistan (SMP). Several civil servants, professional, clerics were killed by these extremist organizations till the government sternly handled them and then they were shifted to FATA. Simultaneously ethnic strife become apprehensive in Karachi where in Sindh MahajarQuomi Movement becoming alarming for other factions. Consequently, Operation Clean Up was launched in Benazir Bhutto time to control these extremist trends (Pakistan Development Review, 1996). Third phase was started in 2001, where Afghan Taliban infiltrated to Pakistan tribal area and gradually this area was turned to Al-Qaeda and Taliban's hub.

On Afghan soil we have faced challenges and costs as we could an alternative transit path for Central Asia trade to the globe for transfer of fossil fuel to the South Asia so as to counter Russia dominancy. Afghanistan turmoil will keep Pakistan with myriad security threats in shape of restive FATA, illegal infiltration, consequently refugees deluge, spike in drugs trafficking, uprising in Pashtun

nationalism which will ignite Afghanistan imbroglio and both Pakistan and India will try to steal the march on each other (Jinnah Institute Report, 2011).

Militants in FATA are settled due to porous border between Afghanistan and Pakistan (Javaid, pp.125-131) and Pashtunwali (Pashtun code of life) of inhabitants of FATA and KP(Ahmad, 2010, pp.102-113). Pakistan is accused for the presence of Al-Qaeda and Afghan Taliban who attacked coalition forces in Afghanistan. Al-Qaeda was originally the organization with norm and tradition of Arab countries especially Saudi Arabia and Egypt. Now Al-Qaeda has its cell in approximately forty countries. As far as Al-Qaeda is concerned then is clear that it became an organization against US forces occupation of different Muslim territories and it had fought against Soviet invasion in Afghanistan. In the garb of terrorism it wants to get rid of foreign occupation and to work for renaissance of the real soul of Islam. For them 9/11 was turning point to military and political joint venture for realisation of this goal and to prepare world as field for Jihad (Aziz, N.D).

Al-Qaeda was arch rival of the US with no resentment against Pakistan, but when Pakistan launched military operation in FATA as per Musharraf's order, since Al-Qaeda has been turned against military dictator without any grudges for the state. The motive behind Al-Qaeda arrival to FATA was to flourish its agenda of Jihad and to give tough time to the US, and for the same very sake another frontline organization was needed in order to escape from Pakistan state and army focus. This space was filled by Tehrik e Taliban Pakistan which remained active in Swat, FATA and so many other parts of Pakistan.

Tehrik-i-Taliban Pakistan known as the Pakistani Taliban, is an umbrella organization of various Islamist militant groups based in the north western Federally Administered Tribal Areas along the Afghan border in Pakistan. Most, but not all, Pakistani Taliban groups coalesce under the TTP. In December 2007 about 13 groups united under the leadership of BaitullahMehsud to form the Tehrik-i-Taliban Pakistan. The Tehrik-i-Taliban Pakistan's stated objectives are resistance against the Pakistani state, enforcement of their interpretation of sharia and a plan to unite against NATO-led forces in Afghanistan and for this purpose TTP has launched a series of suicide attacks (Fair and Jones, 2010, pp.161-188). TTP is validating their ruthless attacks inside Pakistan in retaliation of US engagement in Afghanistan and due to Pakistan key role in combating terrorism.

Now after the defeat of Red Bear, the US took a U-turn in its policies and started a war against the former *Jihadis*—Al-Qaida, due to the excuse of 9/11. After the incident of 9/11, USA in support of its NATO Allies launched a full-fledged war against Al-Qaeda of Afghanistan in 2001. The war has continued for more than a decade which has had a spillover effect of war on tribal area and Pakistan. President Obama in press release of October 15, 2015 claimed that USA had achieved its targets by pushing back Taliban and reclaiming territories from them in Afghanistan. He further said that about Ten Thousand troops would camp in Afghanistan for training Afghan forces and supporting them in counter terrorism operations against the remnants of Al-Qaida. He also threw light on Afghan led reconciliation process and said that the only real way to effect a complete drawdown of U.S and foreign troops from Afghanistan is through lasting political settlement of Afghan Government with the Taliban and other stakeholders. Nonetheless, the Taliban has so far not shown any serious interest in political reconciliation which is evident from their latest offensives in Afghanistan. This again demonstrates that they are seeking a war based solution for Afghanistan.

Irrespective of the above position, the tribal area of Pakistan remained a battle ground between the U.S led NATO and Pakistan Armed Forces which has devastated the area and shaken the fabric of tribal society. Thus it can be seen that Pakistan's tribal belt has become a battle ground between the U.S led NATO countries and Al-Qaeda and now new emerging entity Daish. Both have used their local influences for the sake of achieving their long term strategic objectives. The situation has improved to a greater extent due to launch of vigorous operations in North Waziristan and Khyber Agency.

Political Reasons

Since independence it has been tenuously governed because of deliberate policy, not because of Pakhtun tribal traditions or resistance. The state has retained a colonial-era political, administrative and judicial system that denies basic constitutional rights and political representation.

Financial gains by the bureaucracy and politicians, and strategic gain seems the only reasons why FATA is still ungoverned space.

Socio-economic Reasons

The tribal belt comprises regions which were economically very deprived due to inaccessible nature of the area. Even after 1947 unfortunately very little attention was paid to the development activities of these areas. Even at present, the total budget for FATA is about 20 Billion which is highly insufficient to meet the requirements of this region. Complaints of corruption are also widespread about the official organizations responsible for developmental work in FATA. For instance a survey reports that people in FATA have a very low trust on government officials. The local religious leaders enjoy greater trust of people, even though the level has decreased over the years, See Figure 11 for details (Shinwari, 2008). The people of the FATA also highlighted the poor socio-economic condition to be one of the reasons for the presence of non-state elements (Shinwari, 2008). They further pointed out that the unemployed youth of FATA mostly engages itself in drug abuse (35%), arms and drug trade (6%), domestic violence (34%), criminal activities (12%). However, the research pointed only 4% of the people think that the unemployment leads to the involvement of youth in extremist activities (Shinwari, 2008). It also indicates that though unemployment does not lead directly into the extremist ideology. However, it surely provides the raw material for extremists to use in terrorism.

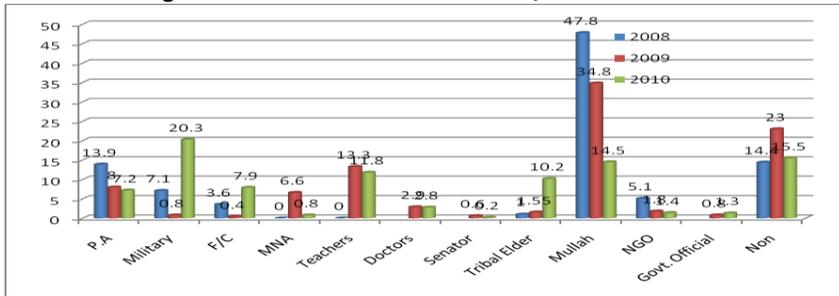
The same research highlights that conflict over land is an old phenomenon and local tribesmen are well aware and are accustomed to this. However, extremism is something that has only a 30 year history and has destroyed the very fabric of the tribal and Pakhtun culture. The new dynamics affected history long institutions of Jirga, hujra, nanawatay etc. The possible purpose of destroying these deep rooted institutions was to find space for their own decisions instead of leaving it to Jirg (Shinwari, 2008).

According to a research the Islamic movement in Khyber Pakhtunkhwa and tribal areas were led by al-Qaeda and Taliban who were against prevalent societal power structure and main patrons were mailk and Khans. The challengers are spearheading the millennial tradition of popular religion, where the establishment of an Islamic state can provide a hope of happiness, prosperity and justice and stop cruel order (Roy, 56, 1981 cited by Khalid)Both justice and economic better life demands have equal significance. Kashmiri Jihad triggered Pakistani jihadists who got facilitated and employed by Taliban and have challenged state writ. Deployment of military troops of Pakistan in tribal areas had diminished the power and influence of political agents whereby administration became weaker and weaker. The curbing of extremist mullahs by state was in utter failure. Consequently, illegal

stations of FM radio were established and flourished which led the society radicalized which enhanced contempt and hate for elites without any proper check by state authorities. An increase in Madrassas specially Saudi Arabia sponsored happened. A demographic time bomb exists in tribal areas where 60 percent of population comprised of young people of age 15 to 26. Lack of jobs has aggravated people resentment against state. Furthermore, state got weakened for neglecting merit based recruitment and avoiding professionalism in administrative and security services of tribal areas and Khyber Pakhtunkhwa.

Fault lines in governance and lack of efficiency and merit to govern state led to crisis. Consequently, an unending series of crisis was followed by state of Pakistan.

Figure III - Most Trusted Institution/Leader in FATA



Source: Naveed Ahmad Shinwari. (2010). *Understanding FATA, Volume IV*. Retrieved October 10, 2011 from <http://www.understandingfata.org/uf-volume-iv/>

FATA people are having conservative approach towards Islam but they cannot be termed as fundamentalists. *Jirga* (the assembly of elders and influential) is a place for settlement of disputes which is based on centuries long tradition where all of disputes are solved without any consideration of distinction.

The terribly poor economic conditions, low literacy, under-developed infrastructure as the contributory factors towards un-governability have been identified by various reports (United States Government Accountability Office, 2008; Crisis Group International, 2009).

Discussion on FATA as UGS

According to Ninda Swidler “Glue Theory”, signifies that Individual past conduct has a great reflection on current behavior which resist the trends towards any of normative change. This theory has divided decision making into two steps as evaluation and editing whereas in editing refer some outcome for taking decision whereby lesser outcomes are taken as losses and greater outcome are contemplated as gains. In evaluation a value is computed for possible outcomes. The theory suggests that past greatly impacts present and future as an individual is resistance to change to retain status quo. As a natural corollary the society will resist any change imposed against its will. The application of glue theory therefore furnishes an argument that a tribe is resistant to accept state authority as that amounts to giving up old ways of living. Accordingly, Tversky’s and Kehneman’s Prospect theory advocates the same notion of normative grounds having resistance to the authority of state to be

implemented. As per this theory pleasure of gain is surpassed by pain of loss. In terms of prospect theory, the observance of Pakhtunwali Tribal independence can be argued as the reference point that determines what constitutes a loss or gain.. In terms of prospect theory, the Pashtun tribal society values construction of roads and provision of protection but at the same time will not be willing to accept any loss of autonomy or offer willingness to accept fruits of modern living in as a price for loss of autonomy. (Harbaugh, Rick & Kornienko, 2008). No any common enemy cause destruction to segmentary of society. Because segmentary societies mostly have equal distribution of wealth at different level and influence and powers are also within society reach. It mostly signifies impasse resulted of any conflict between two groups with no end in sight as both have equal might as the very instance of Ansarul Islam and Lashkar e Islam suited most in this perspective. (Charles, 1982).

Impact of Ungoverned Spaces

The ungoverned territories generate all manner of security problems (Rabasa, et al., 2007), such as civil conflict and humanitarian crises, arms and drug smuggling, piracy, and refugee flows. They threaten regional stability and security. The Crisis Group International (2010) report highlights a few of the impacts of ungoverned spaces in Pakistan. These include;

Spread of Crime and Militancy

Spread of militancy is a gift given to the mainland territories by the ungoverned territories. Militant, extremist, and criminal elements find the ungoverned territories as a safe haven for themselves and a place of resort. Khan and Sajid (2010) argued that the proximity of tribal belt is one of the several reasons for kidnapping in Khyber Pakhtunkhwa. The kidnapers abduct the victims and take them to the tribal areas and in return ask for ransom or some other demands such as the demand for release of a particular criminal/militant such as in case of the kidnapping of the two Chinese engineers from district Dir (Daily Mashriq, 9 January, 2010). At times, the amount received by such means is further used to fuel the terrorist/criminal activities. This crime is thus perpetrated by the militants as a tool for increasing their bargaining power with the authorities. Militancy and Terrorism is considered one of the biggest threats to the economy as it creates extra uncertainty and risk for the business. In such a scenario not only foreign investors terminate their projects but also the residents of the country prefer to invest their hard earned money in safe countries. According to the media reports 90% business activities in Khyber Pakhtunkhwa and particularly in Peshawar have been affected. Militancy also encourages and engenders allied crimes such as kidnapping, murder, car snatching, extortion, target killing and robbery etc. In Khyber Pakhtunkhwa in 2015 the said crimes were perpetrated in alarming number.

Sr. No.	Crime	Peshawar	Mardan	Nowshera	Charsadda	D.I.Khan	Others	Total
1.	Robbery	20	24	24	11	-	10	89
2.	Kidnapping	16	-	14	11	12	14	67
3.	Murder	145	66	87	88	72	-	458
4.	Car snatching	07	05	09	-	-	21	43
5.	Street Crimes	17	04	09	-	07	07	44

Source: KP Terrorism Report 2015

The above crimes can be discouraged to a considerable extent if we are successful in getting a peaceful FATA.

Shattered Economy

Regarding economy, it is said that as militancy in the tribal areas thrives, so does the war economy that fuels it. The arms and drugs trade is flourishing in FATA and other UGS in Pakistan,

partly a legacy of the Afghan civil war and partly because of the absence of a criminal justice system and economic regulatory laws. With many key access points at FATA border with Afghanistan now threatened by the militants, cross-border smuggling is on the rise. These UGS hold smuggling markets, commonly known as “Barha Markets”. The Barha Markets are places where all the smuggled items from all over the world are traded and sold. There is a wide range of items being traded there. The range of items include, among others, from needle to sewing machine, from bullet to rocket, from bicycle to land-cruiser vehicle, and so on. However, the Barha Markets are better known for their trade in arms and drugs.

Conflict Induced Displacement

Almost one third of FATA’s approximately 3.5 million-strong population has been displaced by conflict. According to FATA secretariat figures released in July 2009, about 550,000 people were displaced from Bajaur and Mohmand; 80,000 from Kurram; 50,000 from North Waziristan; and 250,000 from South Waziristan, more than half of this agency’s population, with ongoing military operations rapidly increasing their numbers (Planning and Development Department (April 2009). During fresh military and paramilitary operations in North Waziristan, the estimated IDPs number has been exceeded than 1.000 million individuals and 100000 families. Similarly, the displacement occurs partly due to state’s intervention to initiate its writ on the territory by force through military operations (such as in Swat and parts of FATA) and partly due to the fear of extremist elements by the local population.

Conclusion

- In our case study presented in the previous pages, we found clear signs of non-state actors and characteristics of un-governability in these areas of Pakistan. The indicators of un-governability as presented in Table 1 were also identified in these areas of Pakistan. e.g. lack of state penetration in to the society or the poor writ of government , lack of or absence of state institutions (like hospitals, schools, colleges, universities, etc), lack of physical infrastructure (roads, electricity, phone and gas etc), corruption and the prevalence of the informal economy (black market), social/cultural resistance (Pakhtunwali and Riway), lack of monopoly of force, Illegal armed groups, criminal networks, population with access to arms, lack of border controls, and external interference in FATA are clearly visible. Furthermore, the conduciveness of FATA to the terrorist’s presence is also visible. Favourable demographics (extended families), supporting social norms (Hospitality and Honour), preexisting state of violence, and presence of extremist groups (e.g. TTP etc.) are but a few of the indicators for measuring conduciveness of an area to terrorist presence. We find in our discussion that FATA has shown the signs of most of these indicators presence. If we take the measuring instrument, established by RAND Corporation then FATA qualifies the definition of UGS and also existing crisis.
- The economic consequences of UGS for the whole country are severe and harmful. It is a known secret that most of the smuggling in Pakistan is carried out through the loose borders in FATA and Balochistan. The smuggled items are then sold in the informal markets of Pakistan. The prices of such items are in general lower than the regular items. However, the smuggled items reach to the market without going through any tax, custom duty, or tariffs. Resultantly, the government has no gain from smuggled items. There are no foreign investments in UGS. The local investors are also hesitant to invest in UGS due to their harmful nature.

- Further to extremist challenge the other more horrible threats exist of organized criminal activity in tribal areas as forgery in documents and money laundering to smuggled items. The most prevailing trade is of narcotics which most likely in dealers and contractors in Khyber Pakhtunkhwa which of pivotal significance in the supply of heroin of Afghanistan to the Russia, Europe and Central Asia markets. This type of trafficking is dangerous in its own as consequences are of addicts and corruption and is feeding source for militants. It is apprehensive for security officials that extremists get profit from heroin sale and now taking this income against state war.
- The state limited presence in border area has intricate the security scenario further which is visible in FATA where the state writ exist nowhere. Amazingly, the border management through fencing was severely opposed by both the US and Afghan government.
- On the policing side, the on-going situation in FATA has caused severe consequences as well. There was more than 200% increase in police check posts in KPK alone. The improved security of the VVIPs, shrines, mosque, government establishments and now educational institutions have caused the police to provide more and more force for the protection of such persons and places.
- Socially, the society has become more insecure and the social ideologies are slowly and gradually shifting towards extremist ideologies. Furthermore, the popular culture is also adopting the extremist traits. The non-state elements in tribal areas are used by the criminal elements in the settled areas for their own gain as well. As Sajid and Khan (2009) identified, kidnapping for ransom is one of the effects of law-less tribal areas in KPK. Sufi shrines bombed and bulldozed, CD shops and music centres bombed, and fine arts personnel kidnapped and constantly threatened for severe consequences if they do not let the profession go. Many of the persons attached to music and fine arts industry, such as AlamZebMujahid, HaroonBacha, and Sardar Ali Takkar, has migrated to other countries because of the constant threats from extremist elements.
- In the ongoing operation of Zarb-e-Azab in North Waziristan, Pakistan Army has achieved significant results by reclaiming the territory from the terrorists and containing them. The war tactics and skills of the terrorists have also been weakened which has compelled them to attack soft targets in shape of Army Public School Peshawar and Bacha Khan University Charsadda. DG ISPR in his briefing on the incident of Bacha Khan University said that the enemy was on their escape and only executing attacks on soft targets as retaliation. Thus operation Zarb-e-Azab has made a shift in the war strategy of Taliban from hard targets to soft targets like educational institutions which exhibits that their strength has been contained to a great extent.
- The international consequences of UGS are also very harmful to the international image of Pakistan in the international community. Further, the enemies of Pakistan, India and Israel, took the case of UGS in Pakistan and make very harmful propagandas against Pakistan in the international community through media and other means. Besides this, the state's effectiveness in UGS is also questioned by the international donors and United Nations as well. Furthermore, the situation in FATA adversely effects Pakistan relations in the region.

Recommendations

- Although ungoverned territories generated crises may have different sources that require different policy mixes, the policy must always address the two sets of attributes that make some of these territories actual or potential terrorist sanctuaries—the lack of an effective state presence and the conduciveness of these territories to the presence of terrorist

groups. Two approaches are possible: the direct approach, targeting terrorists directly with military force (currently in move in the country), and the indirect approach, helping friendly governments extend state control and improve governance in these territories. The authors recommend blend of the two suitable approaches. The results of direct approach could be proved short lived and the indirect approach can produce lasting effects.

- FATA may be brought in the mainstream of society by changing its status into a settled territory. FATA can be made into a new province or can be merged in Khyber Pakhtunkhwa. The state institutions in FATA may be strengthened. Increase in schools, colleges and establishment of engineering, medical and general universities in FATA will contribute to the mainstreaming of FATA.
- For a greater state penetration into the society, the infrastructure for communication and transportation may be built on emergency basis.
- From a policing perspective, an intelligence-led-policing model be adopted for FATA, as such a model is very useful even for the entire country.
- Political process may be strengthened and zero tolerance against sectarian outfits be exercised.
- A greater ration of aid in lieu on war against terrorism in FATA may be diverted to developmental activities & welfare activities, so that the region could play a significant role towards national progress and prosperity.
- Due to historical reasons situation in Afghanistan greatly impacts peace in the FATA region. People living on both sides of the Pak-Afghan border are tied in strong relationships of ethnicity and beliefs. It is, therefore, important that we help Afghanistan establish peace and order in its territory as this will have a worthwhile effect upon peace in FATA region. In this regard assistance needs to be provided to Afghanistan to help it build its law enforcement institutions so that it is able to protect its land from being used against Pakistan.
- It is a routine phenomenon that thousands of Afghan people cross the border of Pakistan which have proved detrimental at occasions. A comprehensive strategy may be chalked out to check the illegal infiltration on the border in order to protect the tribal area from being used as sanctuary for terrorists.
- Peaceful and stable Afghanistan is the prime interest of the whole region. More than a decade of the US occupation has troubled Afghanistan where there is escalating militancy in Af-Pak region due to non-state actors in the shape of Al-Qaeda, Taliban myriad groups and ISIS. Now that Osama bin Laden is gone, Al Qaeda's back is militarily broken in Afghanistan and FATA, and its rank and file is shifting to the Arab world and East Africa, the links between the Taliban and Al Qaeda are no longer that strong. Moreover, the U.S decision to bring about a drawdown of its forces from Afghanistan till 2016-17 also implies meeting the demand of the Taliban for a full withdrawal of foreign forces half-way. Accumulatively these developments are creating an environment in which restoration of peace in Afghanistan through dialogue with the Taliban has a chance. But only a chance, the availing of which would require some basic agreement among the power contenders and stake holders inside Afghanistan and imaginative diplomacy on the part of the U.S/West and neighbours of Afghanistan. For any solution to the Afghan problem becoming viable, support of the majority if not consensus of Afghans would be required. Also a clear understanding among the international and regional stakeholders on Afghanistan's neutral status has to be restored.

Further to this state writ and effective governance is most important for resolving FATA militancy and extremism. Terrorism can be curbed only through establishment of state writ. The societal values should be best possibly adjusted in structure of FATA which can only work to address people grievances against state. In nutshell a comprehensive strategy having two stages may be devised to tackle the crisis in FATA. In 1st stage the government may stabilize the troubled areas by taking the local people on board. In the 2nd stage the government may start infrastructural development and human development followed by industrialization in the region and affording maximum opportunities to the local people. As a result, people would not only get employment but also play a vital role towards the development of the country and their economic deprivation would be reduced. Such development may also be coupled with political and constitutional reforms so that the isolation of the people of FATA could be ended and they are absorbed in the mainstream of society.

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Conflict-Induced Internally Displaced Persons in Pakistan and Issues of their Protection: A case of displaced Pakhtuns & the United Nations Guiding Principles on Internal Displacement

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Internal Displacement is one of the major issues Pakistan is facing. Pakhtuns living in FATA and parts of Khyber Pakhtunkhwa have mainly been displaced by conflict. Numerous large and small-scale military operations have been carried out in the whole of FATA and Malakand division to eliminate militancy. However, it is largely the local noncombatant population which bears the brunt of both militancy and counter militancy military operations. The number of the displaced persons from FATA and Khyber Pakhtunkhwa is around six million. Protection of this large displaced population became problematic for a country facing multiple challenges- on political, security and economic fronts. The displaced persons are “orphans of the conflict” who are in dire need of protection and sustenance during displacement. The United Nations Guiding Principles on Internal Displacement (1998) is a non-binding but comprehensive document on the issue of displacement. It aims to provide guidance to states facing displacements. Protection of the displaced persons is one of the cross-cutting themes of the Guiding Principles. Moreover, it deals with all stages of displacement such as pre-displacement situation, during displacement and after return situation. This paper examines the protection problems of IDPs- predominantly Pakhtuns – displaced from Malakand and FATA in the light of the Guiding.

Keywords: Protection of IDPs, Pakhtun, terrorism, FATA, PATA

Protection of the internally displaced persons (IDPs) in Pakistan, who are predominantly Pakhtuns, is a complicated issue and requires judicious resolution. This paper attempts to highlight the protection issues of the IDPs in Federally Administered Tribal Areas (FATA) and Khyber Pakhtunkhwa. Moreover, the observance or non-observance of the United Nations Guiding Principles on Internal Displacement (UNGPID) is also highlighted. Protection of IDPs is being explained to underscore the vulnerabilities faced by the displaced masses. The term “Protection of Internally Displaced Persons,” means access to fundamental human rights of displaced persons during the crisis, return and rehabilitation process. The state is responsible to give fundamental human rights to its citizens (Dixon, McCorquodale, & Williams, 2011, p. 417). Moreover, the international community, too, has the responsibility to impress upon other members of the comity of nations to observe the fundamental human rights of its citizens, where it sees any violation (Mansbach & Taylor, 2007, p. 473).

Pakistan is one of the few countries facing internal displacement frequently. Problems knitted to displacement remain the same irrespective of time and place. "It is not the cause of displacement but the displacement itself gives rise to problems for the displaced people." (Rehman Ali, personal communication, May 5, 2011). Shad Begum, an activist, from Dir Lower closely observed that the 2009 internal displacement from Malak and division and North Waziristan Agency explained that time and space of internally displaced persons might have changed but their plight and protection remained similar. She observed that in some cases the condition of IDPs from North Waziristan was worse than IDPs from Malak and division displaced in 2009 (Shad Begum, personal communication, July 15, 2014).

The IDPs have the right to protection against adverse circumstances during displacement and after return. It is the prime responsibility of the state to provide protection to its displaced masses (Opeskin, Perruchoud, & Redpath-Cross, 2012, p. 399). Major protection issues of the Pakhtun IDPs in Pakistan are analyzed in the context of UNGPID. As most of the IDPs were displaced from the areas where the Pakhtuns live, therefore when the authors express their views about IDPs from Malakand and FATA they mean the displaced Pakhtuns from those regions.

Method

Exploratory research method has been used to evaluate the situation of displaced people. IDPs, UNHCR officials managing IDPs, academicians analyzing the displacement situations in the country have been interviewed using open-ended questions. Interviews were either through direct contact, telephone, Skype conversations, and emails to compile this study. IDP camps were visited to observe and get firsthand knowledge of the situation on the ground. Special emphasis was given to the displacement situation of Swat in the camps of district Swabi as they were among the first chunk of IDPs displaced by the conflict between the Pakistan military and militants. Data was also collected from IDP camps set up for displaced persons from Khyber Agency, North and South Waziristan Agencies. Throughout the course of this research a wide-ranging literature review was carried out to search all essential facets of the topic. Information and statistics were compiled through accessing web sources, newspapers and journals.

This study is borrowed from the principal author's Ph.D. thesis titled "Conflict-Induced Internal Displacement: Issues & Challenges for Pakistan." The study focused on the views and experiences of IDPs in Pakistan regardless of their time of displacement. This is an updated version of the old study and the Pakhtun dimension has been highlighted.

Major protection issues

IDPs Right to shelter

"Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence," say the Guiding Principles. The Guiding Principles on Internal Displacement is explicit about the provision of shelter and protection against deprivation from the shelter. Millions of Pakhtuns got displaced from Malak and Division and FATA, after the initiation of military operations against the militants. For instance, the military operation *Rah-e-Rast* displaced around 3 millions in 2009, in the same year operation *Rah-e-Nijat* was launched in South Waziristan which displaced around seventy thousands individuals (Akbar, 2015) and military operation *Zarb-e-Azab* in 2014 displaced around 600 thousands ("IDP crisis - Post operation *Zarb-e-Azb*," n.d.).

Paragraph two of Principle 7 of UNGPID emphasizes that authorities should ensure proper accommodation to the displaced persons. Moreover, safety, nutrition, health and hygiene of IDPs is important. Members of the same family should not be separated (Kälin, 2008, p. 36).

Aqeel Khan was dissatisfied with his accommodation in D.I. Khan, about 500 KM east from the town of Tehsil Wana of South Waziristan Agency (SWA), because he told that his relatives had provided him accommodation rather than the government providing shelter. Likewise, Shahidullah Dawar from SWA told that the policy of the government of Pakistan towards the IDPs from SWA was punitive (Shahidullah Dawar, personal communication, June 20, 2012).

IDPs from Aurakzai Agency in the Tughsarai IDP camp in district Hangu, IDPs in Jalozei camp from Bajaur, Khyber and Mohmand agencies and IDPs in camps of District Swabi from Swat, Buner and Dir and IDPs from North Waziristan Agency in Bakakhel IDP camp faced numerous shelter-related problems. Rehman Ali, a hygiene officer at International Medical Corps (IMC) was of the opinion that in Tughsarai camp at Hangu more than one nuclear family was accommodated per tent; thus, the presence of greater number of individuals made it hard for the inhabitants of the tent to keep it clean as they all had to dine and take rest in the same place and the number of inhabitants was more than the capacity of the tent so it hampered their efforts to keep it clean all the time. (Rehman Ali, personal communication, May 5, 2011) (Shad Begum, personal communication, July 15, 2014). Likewise, Feroz Khan of district Buner was also furious over the government inaction to improve the living condition in the camp (Feroz Khan, personal communication, September 15, 2009). The principal author observed that tents were overcrowded and privacy of nuclear family could not be maintained. Whole families were accommodated in one tent and many tents were being used to lodge more than one family.

Similarly, most of the IDPs in Jalozei camp near Nowshera, Khyber Pukhutnkhwā (KP) were not satisfied either from their living conditions in the camp. Ijaz Khan- an IDP from Bajour living in Jalozei IDP camp told that tents provided to them were not strong enough to resist the harsh weather condition such as extreme winters and extreme summers, which is the normal weather pattern in KP. He revealed that unscheduled power outages were a routine over there. The general public also faced the problem of power outages all over the country but keeping in view the poor resistant tents shelters did not provide much protection against the weather in tent villages. He further informed that although his family was small, therefore, he did not face the problem of space and privacy in the tent but there were many other IDPs who were living in overcrowded tents (Ijaz Khan Salarzai, personal communication, June 12, 2012). In a nutshell, it can be said that the government failed to cater to the needs of all the displaced population because of their large numbers. Such kinds of problems compelled most of the displaced persons to opt to live outside the camps.

Health of IDPs

Health as a human right does not denote the right to be in good physical shape nor does it avow an infinite right to be treated for all medical conditions. To a certain extent, this right may be seen processing two components i.e. the right to health care and the right to healthy circumstances. The rights-based approach to health integrates together a medical, remedial angle centering on health care and health services and a civic health protective standpoint spotlighting on the societal determinants of health, which includes water, sanitation, nutrition, and health schooling. Dislocated from predominantly Pakhtun areas, IDPs have the right to health and other essential services, including the right to well-being. This right of the IDPs has been affirmed by the UNGPID and various

instruments of international humanitarian law and international human rights law (K'alin, Williams, Koser, & Solomon, 2010, p. 109).

Apparently, every IDP camp in the country is provided with at least one dispensary and doctors. Although condition and services of dispensaries vary from camp to camp, in some cases the inhabitants of the camp were found satisfied with the medical facilities while in other cases they expressed sheer disappointment regarding health facilities. Some of the IDPs and personnel related to International Non-Governmental Organizations (INGOs) and NGOs believed dispensaries in the IDP camps were not equipped with the advance medical facilities but still they were adequate to address the issues of first aid and initial medical treatment in an emergency situation. (Rehman Ali, Personal communication, May 5, 2011). Medical facilities in the IDP camp of Chota Lahore Swabi were not ample to satisfy the needs of the inhabitants. There is no denying the fact that medicine was provided by the government, however, the residents of the camp told that they only got Aspirin and Ponstan, tablets normally used for light headache and mild symptoms of fever and pain. The reason for this was not scarcity of medicine provided by the government, but the corruption of the medical staff posted in the camps (Shahpoor Khan, personal communication, September 16, 2009). He further elaborated that the dispensary in the camp had all the essential medicines, however, the medical staff sold that out in the open market and thus IDPs in the camp were deprived of free medical check-ups and medicines. In order to verify the claim, the researcher (principal author) contacted the medical officer at the camp but due to a large number of patients, he found it difficult to discuss the matter. However, it was observed that he was thoroughly checking the patients and was prescribing medicines; on the other hand, the dispenser was handing over all medicines, which the dispensary had in the stock.

A group of IDPs in the Chota Lahore YarHussain camp told on the condition of anonymity that some of the wounded were suspected to be sympathizers of Taliban and therefore, were denied medical treatment. They further informed that at about fifty percent of the wounded were denied medical treatment by the hospitals in Swat based on their association with the Taliban in one way or another. The principal author inquired to verify those incidents however; this could not be confirmed by other independent sources or news reports. If so, this is in stark contradiction with Principle Nineteen of the Guiding Principles, which says all the sick, wounded and disabled internally displaced persons have the right to obtain medical care to the maximum possible level and without any deferment and proper attention. It further says that such medical care should be extended to the displaced people without any distinction (K'alin, Williams, Koser, & Solomon, 2010, p. 50). But the ground realities in district Swat during the 2009 military operation known as *Rah-i-Nijaat* were not in conformity with Principle Nineteen.

Basic health units (BHUs) existed in camps to take care of the basic health needs of the IDPs. To eradicate malarial parasites, anti-malarial DDT or other insecticides were sprayed in the camps regularly. Moreover, health awareness programs were run in camps by different NGOs i.e. SACH¹, ABKT² and Doctors without Borders etc. The BHUs have all the required medicines to stop the spreading of contagious diseases. Jan Wali a resident of the Tarakai IDP Camp of Swabi, originally from Mingora (Swat), told that the BHU in camp has the required equipment and medicines to minimise the risk of spreading contagious diseases. He further informed that the BHU has got all sorts of contraceptives including condoms not only to facilitate the IDPs in family planning but to stop

¹ Struggle for Change

² Association for Behavior and Knowledge Transformation

Human Immunodeficiency Virus (HIV) and Sexually Transmitted Diseases (STDs) from spreading (Jan Wali, personal communication July 09, 2009). However, it is to be noted that Tarakai IDP camps were set by Liaqat Khan, an influential industrialist, of the district Swabi. The man is known for his philanthropy all over the district. Therefore, it should not be assumed that facilities in that camp were a standard kept in all camps. Mostly the government-administered camps are quite large and health facilities of such kind are not provided due to lack of resources and large number of residents. However, there were some government-run camps, which comparatively provided efficient health facilities but that too was due to active involvement of UN Agencies and NGOs e.g. in Tughsarai IDP camp, services were provided by International Medical Corps (IMC), in Jalozai Camp, World Health Organization is actively involved through implementing partners. Moreover, International Committee of the Red Crescent (ICRC), Centre of Excellence for Rural Development (CERD), International Rescue Committee (IRC) and Handicap International shared the responsibility of the government in provision of health facilities to IDPs various camps i.e. Shah Mansoor Camp 1 and Camp 2 Swabi, Jalala Mardan, Palosa, Sugar Mills and Sheikh Shezad IDP camps. Satisfactory health facilities arrangements were there in the Tughsarai IDP camp in district Hangu. (Rehman Ali, personal communication, May 5, 2011). However, nothing can be absolute and there were many camps where the inhabitants were not satisfied with health and hygiene condition inside the camp. For instance, an IDP from Jalozai camp told that he was not satisfied with the arrangements made for the eradication of malaria in the camp (Ijaz Khan Salarzai, personal communication, June 12, 2012). The overall condition of health facilities and arrangements to stop contagious and infectious diseases from spreading are in conformity with Principle Nineteen of UNGPID.

The Guiding Principles address the importance of the healthcare needs of pregnant women. Bas Bibi, a resident of Charbagh Swat at the time of interview lived in Sheikh Shehzad IDP camp Mardan had lost her only son at the hands of Taliban in Swat. She was 75 years old widow and told that her daughter-in-law was seven months pregnant. She said that although there were medical facilities at the camp level, they had to wait for hours to receive medical treatment. She further informed that she was old enough to stand in the queue with her daughter-in-law for her pre-delivery medical check-ups. The principal author was denied permission to interview her daughter-in-law as it was against the Pakhtun culture. Pakhtun women normally do not meet with strange men due to the prohibition of such encounters in the local culture (Bas Bibi, personal communication, July 10, 2009). Azmat Ali was not satisfied with the medical facilities for the women and particularly pregnant women at the camp (Azmat Ali, personal communication, July 10, 2009). The presence of such issues at the grass root level in the IDP camps represent that there were no special efforts made to take medical care of pregnant women.

Fortification against Illiteracy

To acquire education is one's basic right and the state being the supreme authority over its citizen has the responsibility to provide its populace with education. Article 26 (1) of the Universal Declaration of Human Rights says that all human beings have the right to get a free education at least at the elementary level (Kälin et al., 2010, p. 252). Principle Twenty-Three of the UNGPID also addresses the issue of education of the internally displaced persons (Kälin, 2008, p. 106).

Primary schools were established in tents in most IDP camps of Khyber Pakhtunkhwa—formerly known as NWFP. However, most IDPs were not satisfied with the quality of education provided in those schools. Jan Wali of Swat told that two of his sons were of school-going age, but they were not going to the school in the camp because they had no surety for how long they would live in the camp. The second reason in his view was that the schools in the camp were just to engage

the children in informal learning activity with no concrete results. He told that his kids were better off without going to school as he thought they were helping him out in domestic matters i.e. a collection of food from the camp distribution point etc (Jan Wali, personal communication, July 09, 2009). A group of people in Shah Mansoor camp Swabi were eager to share their insight about the problems of the IDPs. They were from Malakand and told that while there were schools for children, however, no colleges and universities were available for hundreds of young boys and girls in the camp. Local colleges were already accommodating students more than its capacity. The young boys were wondering here and there in the camp due to the absence of educational facilities. Since there is no accurate mechanism developed to stop the movement of militants in the guise of IDPs in and out of the camp; thus, the youth among IDPs due to lack of educational and creative activities are prone to be attracted by militants to formal and informal preaching of militant ideology, because the vacuum created by the absence of productive activities is bound to be filled by negativity.

Rehman Ali told that there were schools in the Tughsarai IDP camp of District Hangu but a limited number of children attended those schools. The camp was situated far away from the road and the market and thus many parents did not encourage them to go to schools instead they preferred their children to assist them with their daily chores. He further informed that the number of college and university going students was in thousands but there were no colleges and university in the camp. The resulting impact was that most of the young men got involved in criminal activities like robbery and theft. (Rehman Ali, personal communication, May 5, 2011). It is difficult for the administration to establish full fledged colleges and universities in IDP camps, but it is possible to establish small campuses of the public sector universities and colleges which are already functional in the areas of origin of IDPs. The displaced children were potential anti-state elements and an easy target for recruitment by the Taliban. Experience has revealed it time and again that uneducated and unemployed youth is their tool.

The Guiding Principles say that there must be no discrimination between the internally displaced person and the rest of the citizens. Primary schools in IDP camps with no formal examination process involved is equal to the violation of the UNGPID. For an economically dntrodden country like Pakistan; providing quality education for the internally displaced persons whose number is in millions is a mammoth task. However, the quality of education in the IDP camps is a matter of concern. Education for the college and university going internally displaced students in camps has not been taken care of. Thus, protection against illiteracy or right to get an education should be a matter of high priority for the authorities. Meticulous assessment of the consequences of displacement and the facility of education for the children and the youth should be made.

Additionally, mostly the displaced persons are from backward areas and women in such areas are discouraged to get an education. While this fact remains oblivious in the conflict zones but when the tribal Pakhtuns are made IDPs and they settle down in camps then the deprivation of women from education becomes visible to all. Although there is a cultural element involved in it the lack of educational facilities for females cannot be ignored.

Safeguarding Internally Displaced Children Rights

The state of internally displaced children in the IDP camps and in the host communities is not the same all over the country. It varies from camp to camp. Child labor is a sensitive issue and the government lacks the capacity to monitor the situation and control it. In IDP camps child labor is a common practice. Those camps which happen to be in close vicinity of the urban centers, provide an

opportunity for the IDPs to make a living. Displaced Pakhtuns are normally found discontented with their financial condition as in most of the cases they do not get the promised support from the government and are looked upon as sympathizers of the anti-state elements. Ibtesam Khattak, a psycho-social-counselor with SACH (NGO), told that the above-mentioned factors played a vital role in developing the mindset of the elders to allow and involve their children in bread earning race. She told that in the situation of displacement parents allowed their children to go to work, as they had no other option but to utilize every extra pair of hands to improve their financial condition. (Ibtesam Khattak, personal communication, August 5, 2011).

The marriage of girls below the age of 18 years is also an issue in the most remote parts of Pakhtun areas of FATA and KP. Zar Gula of Aurakzai Agency was married to Hashmat Ali in the IDP camp of Tughsarai in the year 2010. According to RehmanAli, the girl was only 14 years old at the time of her matrimony. He further informed that she was in class eighth when she got married. The reason was that she was already engaged with Hashmat Ali who was her elder cousin. They were about to get married when they were forced to move out of their area of habitual residence. In Rehman's opinion, it was the societal pressure on both the families, which made them take the decision of their marriage in the camp (Rehman Ali, personal communication, May 5, 2011). Ibtesam Khattak so expressed her views on the same issue and said that in some cases it is the societal pressure while in others it is the will of a family of the boy to get their son married with a young child who is not yet adult by law. In her opinion, the government has no capacity and intention to implement laws regarding the minimum age of marriage in remote area, as it would be meddling with their culture. However, the cases of early marriages in the IDP camps were not only a violation of Convention on the Rights of Child (CRC) but it was also a violation of the UNGPID and the government should devise a mechanism to stop it (IbtesamK hattak, personal communication, August 5, 2011).

The issue of early marriage can be discussed along with the rights of child and rights of women, as females under the age of eighteen fall in the same category. The matter under discussion leads to early pregnancy which is a serious violation of the women and children health rights. Qabil Shah, working with SACH, said that IDPs from FATA settled in the Southern districts of KP had early pregnancy issues. He told that it was part and parcel of the culture in FATA that girls would be married as early as possible. (Qabil Shah, personal communication, August 10, 2011). Infants with health problems and no proper facilities do not survive beyond five years of age and in some cases when they survive they do not become productive members of the society as they mostly get diseases like polio and hepatitis etc. It is a fact that government does not have the capacity to stop and implement laws related to early marriages in remote areas. However, it cannot be an excuse to cover the inefficiency in IDP camps. The government does not have the capacity to implement those laws in the areas of habitual residence i.e. FATA and PATA due to cultural sensitivities and inadequate state machinery. However, state machinery can be utilized to protect children from early marriages, at least in IDP hosting areas and camps.

The overall situation of children's right in the conflict zones and in IDP camps and host communities is not satisfactory. It is a tough task to provide them with their rights but the government has no effective measures in place to protect the rights of IDP children. Deprived of their rights these children, both males and females, can turn into anything i.e. anti-state elements, thieves, , sex workers and spies etc.(Activities, 1956, pp. 4711–4712) Every displaced Pakhtunhas a story and at times they hold the government responsible for their miseries. Therefore, it is immensely important to impart education to children and observe children's right to turn children into an asset for the future.

Protection of Displaced Pakhtun Women

Women and children make an overwhelming majority of the IDPs, about forty-eight percent, in Pakistan ("Population - female (% of total) in Pakistan," n.d.). They are susceptible to the challenges they encounter during displacement. Women are among the vulnerable groups in the IDP camps. They normally take care of the whole family but are generally ignored. The Guiding Principles have taken into consideration the condition and special needs of IDP women (Kälin et al., 2010, p. 339).

Pakhtun culture plays a major role in providing protection to women who are considered an honour of men in the society. Protecting them from any form of mal treatment by other men is a major responsibility of their male family members. When these people got displaced they wanted privacy and safety along with dignity for their women. However, displacement exposed them to new challenges which they had not encountered till then. Officials of UNHCR Pakistan responsible for the protection needs of IDPs told on the condition of anonymity that displaced women do not get their due rights in the IDP camps in KP. Some of them revealed that there are inadequate medical facilities for the expectant mothers or mothers with young children. Some females approached the UNHCR field offices in KP to get medical assistance. Their opinion was that the UN agency for refugees was doing its best to help and protect the IDPs but at that moment it was beyond the power of the UNHCR Pakistan to reach out to all IDPs and address their issues given the fact that government of Pakistan did not give security clearance to UN agencies and other international aid agencies in many areas of FATA and Frontier Regions because of poor security situation.

Rehman Ali remarked that the Guiding Principles demand that female-headed households should get protection which their circumstances demand but the situation on the ground suggest that the female-headed households in camps, did not get what they needed i.e. livelihood support and healthcare etc. because of slow response from the government officials deployed in camps. The second reason was the lack of general awareness among the IDP women about their rights. He told that most of the IDPs were from the farthest Pakhtun areas who did not know about their rights (Rehman Ali, personal communication, May 5, 2011).

The primary level education is available for children of both genders therefore; there is no discrimination at the policy level. Many vocational training centers have been established for women to give them special education and make them able to be a helping hand in the economic uplift of their families ("Pakistan," 2009).

Protection against Discrimination

In the year 2012, the number of IDPs in Pakistan was more than a million. Resettlement of IDPs from one area is paralleled by the flight of people from another region. Speaking strictly in terms of principles and ethics, there should be no discrimination among IDPs and the rest of the citizens. Rehman Ali says that the ground realities are not encouraging when it comes to equality. IDPs are confined to the camps for registration and protection but the situations of displacement expose them to discriminations, not only their sex, language but also their displaced status. IDPs living in camps faced biased treatment by the authorities administering those temporary settlements. They are blamed to be the cause of the conflict and thus deserving suffering. IDPs living with the host communities also face discrimination both at the hands of the host community and the authorities administering their displacement. Mr. Ali told that although there were exceptions and one could not generalize, but discrimination was practiced. (Rehman Ali, personal communication, May 5, 2011).

Broadly speaking the displaced of Swat were assisted in an amiable mode as compared to the IDPs of FATA. There were reservations and complaints of the displaced people, but the overall

outcome of the Swat situation suggested that the government approach to the Swat IDPs was pragmatic and the displaced persons were taken care of according to the norms of human rights. However, on other hand the IDPs from FATA in general and South Waziristan, in particular, do not get the same type of response from the government. Mostly, they have not been settled in IDP camps. They have been accommodated with host communities in Dera Ismail Khan and Tank etc. According to Ibtisam Khattak, those IDPs living with host communities develop a sense of dependency, which de-moralizes them (Ibtisam Khattak, personal communication, August 5, 2011). Discrimination of one IDP group against the other is a breach of the UNGPID (Willmot, Weller, & Mamiya, 2016, p. 201) (Kälin, 2008, p. 4). The UNGPID prohibits all forms of biases against the IDPs; may it be discrimination among IDPs or among the IDPs and the rest of the citizens.

In the year 2009, a group of people in the IDP camp of Yar Hussain told on the condition of anonymity that some of their young relatives were friends of Molvi Fazlullah³ in Swat and that was why their families were under observation. They told that they never supported or appreciated the acts of their relatives when Taliban were in power in Swat but their association made them the target of discrimination. They further told that since their relatives were with Maulana Fazlullah and people in their village knew that; therefore, they were scared that if they complained about that discriminatory attitude to anyone in the camp or any government official the camp administration would brand them terrorists, and then no one would come to their rescue or support.

IDPs Right to freedom of movement

IDPs have the right to freedom of movement. Restricting that right intrudes on their right to earn a living, health, education and a family. The right of free movement does not only include their right to move in and out of camps or move freely within the country but it also includes their right to move in and out of the country (Kälin, et al., 2010, pp. 9–46). (Principle 14 (1) and (2) of the UNGPID also advocates for the right and liberty of free movement of IDPs. Infringement on their right of movement maximises the sufferings of IDPs. This does not only bar the IDPs directly from moving out of the camps but if the camps are set outside the urban areas and away from the main transportation routes the IDPs would find it difficult rather impossible to move out of camps (Kälin et al., 2010, p. 11). IDP camp of Yar Hussain was set up about 15 to 20 km away from the main Mardan Swabi road and the link road to the camp was in a dilapidated condition. There was no routine public transport running on that road. The IDPs used to find it hard to visit Mardan for registration and collection of IDP registration cards.

The relatives of some of the fugitive militants in Swat were settled in a camp in Malakand. The camp was setup far away from the populated areas and movement of people in and out of the camp was closely monitored. Setting up a camp at a long distance from the main or linking roads is a step which deprives most of the population of the camp to move freely not because of the laws and law enforcement agencies but because of the location of the camp. According to BBC Urdu radio, the in and out movement from that particular camp in Malakand was closely monitored by the army and that was why the camp was strategically set up away from the settled area with only one access point to make it easy to have an eye on its inhabitants' movement.

³ He was the head of Swat Taliban in 2009 and he is the current leader of Tehrik-i-Taliban Pakistan (TTP). He took over the headship of TTP in November 2013

Provision of Humanitarian Assistance

Humanitarian assistance is not defined by any human rights or international humanitarian institution. It is assistance necessary for survival such as food, water, medical supplies, clothing, and related non-food items such as water containers, cooking utensils, soap, etc. or the means to immediately obtain any such items, for instance, cash assistance. Access to humanitarian assistance must not only include access to essential non-food items but also to personnel and items necessary to provide humanitarian assistance. For example, humanitarian assistance personnel should have access to items of information technology, telecommunication, and vehicles necessary to gather and preserve the required data about the vulnerabilities of the affected population and deliver that assistance. Humanitarian assistance normally arrives in the wake of calamities such as conflicts or natural disasters.

At national level legal frameworks for humanitarian assistance for IDPs are rare to find and Pakistan is not an exception to it. There may be many reasons for not developing a legal framework at the national level but the most dominant among those factors is a failure of the government to plan ahead. It is not a colossal task to do legislation for IDPs but mere legislation for humanitarian assistance cannot solve the problem. If the government lacks resources to provide humanitarian assistance to IDPs then legislation alone cannot manufacture funds.

The Yar Hussain IDP camp set for the IDPs of Swat, Dir, and Buner in 2009 had the general problem of safe drinking water. There was a small canal running in the middle of the camp for irrigation. For most people of the camp, it was impossible to have access to clean drinking water. Thus, it was a common practice for the inhabitants to fill water coolers or bottles from that canal. Women and children would filter the water through pieces of cloths to make it clean for drinking purpose. The European Charter on Water Resources approved by the Council of Europe Committee of Ministers in 2001 recognizes that “everyone has the right to a sufficient quantity of water for his or her basic needs” (Mauerhofer, 2015, p. 102). Upon talking to inhabitants of the camp it was revealed that many infants and children were suffering from different stomach disorders due to drinking unclean water (Ahmad Nawaz personal communication, September 16, 2009). No concerned camp official was able to comment on the issue of non-provision of clean drinking water to the majority of inhabitants of the camp. Secondly, they did not have clean water for washing their utensils and they had to rely on the same canal water to clean their utensils.

While there were basic health units in the camp, but they were not well equipped to serve the needs and provide effective health care to the IDPs. Ahmad Nawaz told that the government was unable to provide clean drinking water to all the residents of the camp which caused numerous health problems; secondly, it failed to ensure the availability of medical staff and appropriate medicine to cure sick people. (Ahmad Nawaz, personal communication, September 16, 2009). Likewise, the IDPs of Tughsarai and Jalozaicamps faced lack of adequate medical facilities to cope with diseases caused by the unhealthy environment inside the camp. The Tughsarai camp was later on handed over to International Medical Corps (IMC) to take care of medical issues in it. Since they were IDPs from FATA and not from Swat, Dir or Buner therefore, most of their needs were ignored due to one pretext or other. (Rehman Ali, personal communication, May 5, 2011).

During the Swat crisis where IDPs were provided humanitarian assistance by the direct intervention of the government and the national and international NGOs, it was observed that it was

not fully utilized for the wellbeing of IDPs. A huge amount was spent on logistics, honorarium and wellbeing of humanitarian personnel of the government as well as NGOs. Answering a question about the justification of the amount spent on logistics and heavy salaries of the humanitarian assistance staff, Jan Wali replied that NGOs' officials mostly used heavy vehicles to visit camps. These vehicles were not only purchased or rented but also consumed more fuel as compared to small vehicles i.e. motorcars not more than 1600CC (Jan Wali, personal communication, July 09, 2009). Rehman Ali, however, tried to justify the use of some of the humanitarian assistance money for logistics and perks of the personnel on the ground that it increased the efficacy in distribution and provision of necessary aid to the IDPs. (Rehman Ali, personal communication, May 5, 2011).

When compared with international organizations, the local organizations work more effectively when it comes to saving money on logistics and staff salary and utilizing the same for humanitarian assistance. However, corruption sucks most of the funds meant for humanitarian assistance and little is left to be spent for the needs of the deserving displaced persons. (Muneeb Ilyas, personal communication, July 09, 2013).

Conclusion

Protection of IDPs is of primary importance. If they are provided protection according to the standard set by the UNGPID then there is a fair amount of chance that a measurable population of the country would be saved from facing miseries.

The displaced in Pakistan are mainly Pakhtuns and largely they have not been managed well by the concerned authorities. The government should take care of their protection and humanitarian assistance. It is unfortunate that Pakistan has not developed a domestic framework of coping with internal displacement.

Displaced persons should be made part of the decision making process as they are the ones whose lives are affected due to displacement. Pakistan has ratified many international human rights instruments and therefore, it needs to incorporate those laws into national laws through legislation. Pakistan has yet to make national laws for the internally displaced persons through domestic legislation. Managing such large displaced population in the absence of law itself is a problem. These laws are necessary to protect and reduce the miseries of its displaced population.

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