



**RESEARCH PAPER**

**The Role of a Civil Society at Different Levels in Ex-FATA's Peace, Prosperity and Development**

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**ABSTRACT**

Ex-Fata is an isolated part of the Pakistan till merger with the Khyber Pakhtunkhwa, but after merger the region is rapidly moving forward to be an open, free and integrated part of the Pakistani Community thereby bringing positive hope and expectation to the tribal people and democratic forces in the country. With the pace at which changes are taking place in the region is a major challenge to the government. As a result the government becomes consciously aware of the importance of citizen engagement in all sectors for better governance and stability in the region. Primarily it is a qualitative study investigating and analysing the role of civil society in promoting peace, prosperity and development in Ex-FATA. However, this study contends that, despite their essential and substantial contributions, Civil Society contributions were largely restricted to social humanitarian objectives rather than bringing about political change as a result of harsh and systematic restrictions by the political pundits. Following the recent systematic change in the political environment has opened up new possibilities for civil society to engage more effectively across the country's socio-economic spectrum. The Author concludes that civil society still lacks the ability and human resources required to create a more organised and collaborative force capable of achieving successful and vibrant change in the areas of democracy, good governance, peace, prosperity and development in the region.

**KEYWORDS** Civil Society, Ex-FATA, Peace, Prosperity and Development

**Introduction**

Ex-FATA is the collection of seven semi-autonomous districts and six frontier regions (FRs) having 27,220 square kilometers area by sharing a 600 km border with Afghanistan. Predominantly, it has the Pakhtun population of 3.17 million locals and some 1.5 million refugees from Afghanistan and continues to be the Centre of global attention in the wake of US invasion of Afghanistan in 2001. While, the total population estimated in 2000 were about 3,341,080 inhabitants or roughly 02 percent of Pakistan's population.

In recent years Ex-FATA has become a bone of contention between the US and Pakistan, as US incursions into FATA have produced a war of words and even direct confrontations between the US and Pakistan forces on the border. Ex-FATA is also considered as, "home to many Al-Qaida Operations", especially the numerous "foreigners" from the World, Central Asia, Muslim Areas of the Far-East, and even Europe who flock to this war zone for training, indoctrination and sometime respite from repression at home. (Malik, 2013)

All the seven tribal districts formerly called as agencies are headed by the Political Agents (PAs), who exercise significant executive, judicial and revenue powers, who rule through tribal leaders, which are known as Malik's. This belt has never been governed directly by the center and provincial government since the end of the British Colonial Empires. According to the modern understanding of the statecraft, this region in recent history can be conceived as a stateless society in the sense that the writ of the government wasn't there, because of large ungoverned or semi-governed spaces. It was not accidental, but under the policy of "Strategic Neglect" aimed at safeguarding the northern and western borders of Pakistan using Pakhtun tribes. (Hassan, 2017)

### **History of Ex-FATA**

Although the British never succeeded in completely claiming unrest in the region, it served as a buffer zone from unrest in Afghanistan. The British Empire attempted to control the population of annexed tribal regions with the FCR (Frontier Crimes Regulation), which gave considerable power to govern to local nobles, so long as these nobles were willing to meet the needs of the Britishers. Due to the unchecked discretionary powers of the Political Agents (PAs), resulting in extensive human rights violations, because of which it came to be known as the 'Black Law'. (Wikipedia, 2018)

### **Merger of Ex-FATA into Khyber Pakhtunkhwa**

On 24<sup>th</sup> January, 2017, the federal government decided to merge FATA in the Khyber Pakhtunkhwa Province and on 31<sup>st</sup> May, 2018 it was officially merged in the Khyber Pakhtunkhwa. But, till now the implementation is almost zero.

### **Civil Society:**

It can be termed as; 'public institutions which includes a number of individuals generally and have a corporate political, social and cultural aspects of the society'. (OR) 'It consists of people who makes groups and associations based on their will and choose an independent government for improving wishes and aspirations of the members of that society'.

### **Formation of a Civil Society**

In the 2<sup>nd</sup> half of eighteenth century it was made and introduced as an independent sphere from government and was erupted in 'Tom Piene' - 'Adam Smith' (1723-1790) and 'Adam Fergusson' - 'John Lock' (1635-1704) and a new concept of civil society was described by 'Hegel' (1770-1831).

The concept of civil society was revived by 'Anthonio Gramsci' in the early 20<sup>th</sup> century. While it was superseded in the 2<sup>nd</sup> half of 19<sup>th</sup> century. In 1970's and 1980's developments of Central and Eastern Europe breathed a new life into the concept of civil society as it was emerged as a reaction against 'totalitarianism', especially socialist totalitarian regimes. 'Thomas Hobbes' (1588-1679) and 'Karl Marks' (1818-1883) were the other experts who have written on it as well. (Bahmani, 2016)

### **The Role & Status of Malik's in a Tribal Society:**

Historically, Pakhtun society was shaped by the hereditary tribal chiefs (Malik's) along with a traditional code of honour (Pakhtunwali), which is the keystone of the arch of Pakhtuns social fabric. The Pakhtunwali embraces all the activities from cradle to the grave. The British colonial administrators in India try to control the Pakhtuns by various methods like; proxy wars, installation of friendly governments and direct interventions etc. So, the failed attempts of direct rule encouraged British to introduce the sandman

system, whose effect was the raising of tribal levies or khasadars, which survives even today. In Return London stationed troops granted these areas, a semi-autonomous states or a reward for tribal acquiescence to colonial rule.

Consequently, the British built roads and infrastructure with the help of local maliks, who could control loyalties of the tribes. In return, the Malik's got large grants and subsidies. The British also issued a Frontier Crimes Regulation (FCR) Act in 1901, replacing the earlier generation of laws. "It was a distinctive colonial tactic to provide the executive access to judiciary in order to exercise absolute power over an area". (OR) "FCR is a series of oppressive rules more appropriate for the Middle Ages than the 21<sup>st</sup> century".

While, the most notorious sections of the regulation are 21-24, which deal with the issue of collective territorial responsibility. These clauses are particularly troubling, because they provide the authority to Political Agent (PA) to punish a whole tribe or clan for offenses committed on its land by levying fines, detaining people, grabbing their property and even destroying it. Pakistan retained the Maliki system, which the British introduced to create reliable local elite. This unique status was enshrined in treaties that give Maliks (Tribal Elders) allowances and subsidies that they could disperse among their tribes in exchange for maintain the border routes often for trade and strategic purposes.

But, FATA today is a part of Pakistan, which more closely resembles a colony whose population lives under laws and administrative arrangements, but set it apart from rest of the state on the basis of imposed definitions, misperceptions and insensitive institutional imperatives, which continue to hamper stability, economic empowerment and self-determination in tribal areas. Political Agents grants authority to tribal elders (Malik's) on the basis of male inheritance. But, Political Agent can also arbitrarily withdraw, suspend or control a Malik's status, if he deems that the individual is not serving the interest of a state. Malik receives financial privileges from the administration in line with their tribe's cooperation in suppressing crime, maintaining social peace and in general supporting the government.

Some other privileges include nomination of agency councils or other local government institutions like; appointment of the Jirga "Council of Elders" established under the FCR for adjudicating civil and criminal cases, and periodic access to the highest echelons of government, including the governor, the prime minister and the president to respond to the interests of their respective tribes. (Malik, 2013)

### **The Role & Status of Women in a Tribal Society:**

The culture of FATA is strongly influenced by religious belief, particularly when it comes to honour where as a woman is considered to be the center of honour for tribal people, driven by local customs rather than a proper reading of the religion. The victim of this honour culture is often women, who lose out and are vulnerable to economic poverty. A recent survey conducted by shinwari (2008), revealed that majority of them believes that women should be allowed to get an education and access to better health care. However, they oppose the idea of women working or gaining more influence.

Pakhtuns have codified the honour system in Pakhtunwali, which revolves around different concepts vested in honour. For example, a man's property, wealth and all that is linked with, is a sum total of his honour value. Woman is also considered to be an object of value and therefore, is center of value for a man and his family, even tribe. Therefore, when the rights over a woman are transferred from a father to a man she is

marrying, the guardianship of honour shifts as well. By having or (blamed off) 'dishonourable' behaviour a woman challenge the order of things, undermines the ownership of others to her body and indirectly challenges the social order as a whole. It is forbidden to give or take away a woman's body unless it is part of a controlled trade governed by men.

Their physical chastity is of upper most importance and by the merest hint of 'illicit' sexual interests a women losses her inherent value as an object worthy of possession and so, in most circumstances her right to life. In a tribal society, women often have their legal rights curtailed in favour of their husbands or male relatives. For example, women are officially allowed to vote in Pakistan, many have been kept away from ballot boxes by men. (Akbar, 2010)

Traditionally, Pakhtun women have an inheritance rights, but in most cases these are violated and their right in ancestral property has been kept by brothers. Another tradition that is still practiced today is Swara; 'the offering of a female relative to someone in order to rectify a conflict'. This tribal tradition has been declared illegal in 2000 in Pakistan. With respect to education right, tribal people admit the importance of education and willingly send girls for education to schools.

Though, the education of girls continues till high school in most cases. One of the main reason of which is the lack of education facilities, i.e. colleges and universities in the tribal areas. But, despite all these obstacles, many pakhtun women of the region have begun a process of slow change. A rich oral tradition and resurgence of poetry and compulsory reading of Holy Quran has inspired many Pakhtun women seeking to learn, read and write. (Akbar, 2010)

### **The Role of Civil Society in a Peace Building in Ex-FATA**

'Peace building' refers to actions taken to forge enduring peace in order to avert the outbreak or continuation of violent conflicts. (OR) 'Peace building is the absence of war or a state of no violence'. It is a complex, long-term and multi-layered process. It is possible to calculate the reduction in violence and the augmentation of justice in such a course, as well as to identify stages towards achieving peace.

In order to address the underlying causes of violence and secure the protection of civilians, peace building initiatives are made by a variety of actors in civil society and government on a local, national and international level. Civil Society is widely assumed to be an important actor for peace building and the focus of which has been towards the building and strengthening of civil society, especially in countries experiencing armed conflicts.

In such environments, civil society is understood as playing an important role in reducing violence and in facilitating a sustainable peace. Similarly, civil society advocacy can facilitate the participation of poor and vulnerable populations in the design and implementation of development policies and programs, which can enhance the delivery of basic societal amenities, such as health and education.

Civil society organizations also play an important role in public life. Last but not the least, members of civil society organizations volunteers their time, skills and expertise to development. FATA has been in conflict for over 10 years, and peace there is now only a pipe dream. Although, the civil society has made an intensive efforts to bring peace in the area, as many civil society organizations engaged in peace building in FATA by putting efforts for re-establishing peace and eradicating chaos from FATA.

There is a wide range of flaws and gaps between the ideas and ground realities in FATA for peace building, because of deplorable governance system and inefficient civil society organizations between the state and common people of a society. So, for development of the region, it is essential to take essential steps at all levels. For example, it is essential to generate the desires of development among the people of FATA, which automatically lead towards peace building. Secondly, the government should formulate and execute a development strategy for peace building in FATA in collaboration with the civil society, because peace cannot be achieved through violence, it can only be attained through understanding. (Wazir, 2014)

### **The Role of a Civil Society in Education in Ex-FATA**

Providing an educational capability to its citizens is a fundamental task of any state and the level of education (Literacy Ratio) is a sign of any country's progress. So, a state cannot be called a developed state, until it has a viable education policy, because it is a universal truth that illiteracy and unemployment among the youth create frustration that leads to aggression and ultimately ends in violence.

Thus, illiteracy and unemployment proved in providing active forces for militancy in the region. There are divergent views regarding the role of civil society in education, like some civil society members have established their monopoly in FATA, which are working in different sectors' i.e. 'education, health, communication, livelihood, IDPs and conflicts' etc. without having any professional and qualified staff. The main reason behind which is the corruption and monopolyism, which create hindrance among the people in Ex-FATA.

In recent past, i.e. in 2013-14, 551 schools (362 boys & 189 girls) schools were destroyed in Federally Administered Tribal Areas and Frontier Regions due to ongoing militancy and floods. However, Governor 'Mehtab Abbasi' has issued special orders to reconstruct the destroyed and damaged schools on priority basis and special emphasis was given to the education sector.

However, the recruits in different sectors are mostly incapable and inexperienced which are appointed on high approach and other similar activities. The local people several times demanded from the higher authorities to implement merit, but in vain till now. So, if opportunities are provided to them in a true sense, the situation would change in a very short span of time and the civil society would appreciate it on every forum. (Bajauri, 2016)

### **The Role of a Civil Society in Good Governance in Ex-FATA**

In developed and politically matured democracies, the role of civil society is cardinal in almost all aspects of public life. Nearly all private owned media, out-of-government political parties, and various non-profit social, political and economic organizations of people, institutions and associations form civil society of a country. As far as the role of a civil society in governance is concerned, it is particularly for having good governance and it is not possible without an active civil society.

The role of a civil society in good governance is to appraise people for their fundamental rights and responsibilities, because most of them are unaware of the governance, public issues and the administrative structure and functions etc. Additionally, civil society offers places where the populace can debate and discuss their issues and inform the authorities of their concerns. People's involvement in public affairs is a crucial component of good governance. Transparency is the other distinctive feature of good governance. Additionally, the role of civil society in educating individuals about

the importance of the rule of law is very crucial, as well as apprising government institutions and functionaries of the state about their respective role and importance.

As far as the role of a civil society in implementing good governance in Ex-FATA is concerned, the situation is not very much compromising due to colonial system and monopoly of the land lords, Khans and Nawabs system in the tribal entire belt. However, due to media the situation is changed a lot and the parameters of society has become the performance oriented creating healthy environment among different stakeholders of the society. The government here is now realizing the importance of people and institutions by creating conducive environment based on trust and confidence. (Khan, 2018)

### **The Role of a Civil Society to Combat Militancy & Extremism in Ex-FATA**

As Pakistan faces internal threats from militancy and extremism, there has been an increase in funding for civil society organizations for the goal of countering violent militancy and extremism and the donor countries invest large sums for opposing the ideologies that seek to promote violence. So, these actions require a deep, nuanced understanding of the local dynamics and how to undertake these tasks in a proper way that are locally acceptable.

Violent Extremism refers to; 'advocating, engaging, preparing or otherwise supporting, ideologically motivated or justified violence to further social, economic, political and religious objectives that are rigid, uncompromising and intolerant'. An extremist ideological system has no room for peaceful change or reform. Diversity and Extremism are mutually exclusive concepts. It is an essentializing force, which is culturally, politically, economically, socially and spiritually predatory and it seeks to eliminate diverse identities, practices and institutions of thought, knowledge and behavior in a society. (Siddiqui, 2016)

Due to discrete acts of the government, terrorist's activities may have decreased in Ex-FATA and also in Pakistan as a whole. But, it requires more security measures in the social, religious and political spheres to uproot it permanently from the region. Thus, these efforts need to be taken together on a large scale for ending the menace of militancy and extremism from the whole belt. While, Ex-FATA administration must remain alert and robust to deny the location of jihadis, Punjabi Taliban and the foreign elements inside the tribal belt again. Civil Society has empowered to take decisions on their own for their survival and upliftment. (Aziz, 2015)

### **The Role of a Civil Society in Ex-FATA Reforms:**

The Fata Reforms Committee was set up in November, 2015. So, after a year of consultations with the Tribal Jirga and some other stakeholders, they settled on option of the merger with Khyber Pakhtunkhwa as the preferred solution, without women representation. But, report of the committee is most far-reaching set of reforms, including the repeal of FCR (Frontier Crimes Regulation), making the role of PA invalid, to be replaced by the 'Riwaj Act'. Most importantly, it significantly reforms and separates the judicial from the executive authority. Furthermore, the New Riwaj Act and merger would mean, people choose their own representatives for the provincial government.

The Jirga would be institutionalized in the judicial system and jurisdiction of the superior courts would be extended allying for an appeal against Jirga decision to the superior courts. In an unprecedented step the committee acknowledges that there are public funds being lost and misused, and also stresses the importance of audits for local bodies. It addresses the urgent need for social and infrastructure development and makes a point to begin reforms after rehabilitation and points out the need for more budgets. Furthermore, it acknowledges the need for land reforms, security with border, remove

collective punishment and permit system. It also proposes a five year transition period, which includes upholding Article 247 and the role of PA during his period to ensure security. (Chowhan, 2016)

Fata Reforms includes; The National Commission for Human Rights Committee for suggesting far-reaching reforms that has a positive impact on the overall process of reforms, legislative measures, executive measures, judicial reforms, socio-economic development, health reforms, educational reforms, economic and land reforms and above all security measures. The development of institutional capacity and the provision of necessary people are essential for these reforms to be successful. In order to successfully complete the reform process, it is more vital than ever to maintain and enhance an organization of Political Agent, which serves as the process, central axis. A well-structured implementation process will be necessary to ensure adequate and timely implementation of the reforms recommended by this committee and a special directorate of transition and reforms with dedicated units for each segment of the reforms. (FATA Reforms, 2016)

### **Challenges to Promote Social Accountability in Ex-FATA**

The challenges to promote social accountability in Ex-FATA are similar to that of South Asian Countries, which have struggled to attain good governance through public arrangement. Most prominent challenges among them are as follows:

#### **Government / State Resistance to Reform**

Amongst the deep-rooted governance system, at the hands of down-to-earth politics has gone extremely inefficient, there is a severe resistance on the part of government and the state to reform. For example, even after the promulgation of Right to Information Act, people were not allowed to access some information held at different offices in Ex-FATA.

#### **A Difficult Confusing Accountability Land Scape:**

It is the right of every citizen for social accountability initiative that they should politically intelligent to align accountability of poor's as well as the elitist's.

#### **Disruption by Powerful Vested Interests:**

The powerful interests groups 'religious fundamentalists' that have become major stakeholders of the government or public offices having hostile behaviours struggling to work with them.

#### **Weak / No Implementation of Right to Information Act:**

Public access to information after the Right to Information Act is hindered due to no reason and even the work out mechanism is yet to be implemented properly.

#### **Centralization**

Due to centralized government system individuals (politicians) viewed all the powers and authority without any law or authority instead of institutions, which is the other cause of social accountability in Ex-FATA.

#### **Weak Governance and Accountability Mechanism**

Due to weak governance system and accountability mechanism many civil society organizations discourage discussions on their own transparency and accountability, which puts their credibility under question in Ex-FATA.

### **Absence of an Enabling Environment**

In Ex-FATA the enabling environment for the promotion of social accountability is missing, i.e. absence of legal and regulatory frame works, policies, political environment and an accessible, open and friendly government.

### **Political and Institutional Capacity of the Government and Civil Society**

Particularly in Ex-FATA, elites' captured the whole political system, which weakened the governance and its institutions. The civil society also lacks the capacities and capabilities to convince and realize the government for its constitutional obligation to be accountable to the masses.

### **Absence of Performance Benchmarks**

There is hardly any public service in Ex-FATA which is benchmarked, due to which the researchers and others concerned have to set benchmarks first for their comparisons strategies.

### **Lack of Social Mobilization and Effective Media Exposure**

The practice here in Ex-FATA is that, societies have rarely been taken on board for collective decisions and their complaints have never been heard by the institutions unless endorsed by the local MPA's and MNA's. So, in such environment realizing the masses their power and expecting of them to stand to demand their constitutional right is not at all easy. (Yaseen, 2013)

### **Conclusion**

As an engraved 'Nation', Pakistan is still at an emerging stage, and needs a certain level of political maturity to provide a working space for the civil society organizations (CSOs), because the Pakistani society is in dire need of sensitization about various social evils, like the legitimate rights of the poor and deprived community for better working of the CSOs. As we have seen, that the staff and workers associated with several organizations, are hardly provided with conducive working environment in the fields. Additionally, it has been noted that the country's civil society has generally operated in a reactionary manner, which is energized periodically to react to the state's excesses and dispose-off corrupt and in-effective governments.

Although the civil society movement has recently become increasingly vocal and has taken over the streets and media, CSOs in Pakistan have not yet been able to develop a comprehensive strategy to undermine the state's coercive measures and build a society where everyone has equal access to opportunities and legal rights. The CSOs are sadly portrayed in Pakistan as bettered socio-political weaklings who can protest but cannot significantly alter the system while being the victims of both governmental repression and other violent organizations. The activities of CSOs in Ex-FATA are admirable in these critical circumstances. Personnel who are from the area and are employed by CSOs have significant responsibilities.

The sovereign authority that could be the finest way for these CSOs to demonstrate their loyalty to this paralyzed region is "morality," not a controlled entity. If given the chance to pursue an education and find employment, the youth will contribute significantly to peace, development, and state construction. Governmental agencies and



CSOs must take their respective projects seriously in these dire circumstances. The purpose of CSOs should not to earn but to show work on the grounds for the betterment of citizens. Peace building through adopting soft tools in Ex-FATA will be healthier for the people of entire region. For example, it is essential to generate desire among the people for development which can automatically leads towards peace building.

Secondly, government with the support of civil society should launch development movement, which will provide them opportunities of employment and income, conflict transformation, education and grant them freedom from uncertainties and worries and encourage the native people and they will contribute in the development wonderfully, because according to Ralph Waldo Emerson, 'peace cannot be achieved through violence; it can only be attained through understanding'. It will also be important to establish certain indicators to measure the role of civil society in different sectors, so that progress can be measured and further improvements brought into the effect to meet the challenges resulting in uncertainty in the region.

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