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**Too Little, Too Late:
The Mainstreaming of
Pakistan's Tribal Regions**

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ABSTRACT

Situated in the northwest part of Pakistan, along the Afghanistan border, the Federally Administrated Tribal Areas or FATA is one of the most dangerous places in the world and has been the home-base for jihad and terrorism in South Asia. Governed by colonial era laws, and damaged by militancy and military operations, FATA residents remain second-class citizens, treated differently from the rest of Pakistan. This paper looks at the government's recent push to mainstream FATA and what it will mean for militancy in the region.

INTRODUCTION

The northwest part of Pakistan that runs along the Afghanistan border is known to be one of the most dangerous places in the world. A victim of great power politics, Islamist militancy and unfortunate geography, the Federally Administrated Tribal Areas (FATA) in Pakistan is the home-base for jihad and terrorism in South Asia. For decades, FATA has been a

breeding ground for radical fundamentalism and home to leaders of groups such as Al-Qaeda and the Taliban.

Since its creation in 1947, Pakistan has governed the tribal region differently than the rest of the country. Colonial-era laws and a judicial and legal system based on tribal customs have deprived FATA's inhabitants of their constitutionally guaranteed rights. The local population has become disillusioned, with a growing resentment against the state, due to a lack of economic development and low levels of education. Post the 9/11 attacks, Pakistan lent its support to the United States in its war against terror in Afghanistan, serving as a conduit for international troops and weapons entering the country. General Pervez Musharraf promised to go after militants on Pakistani soil—mainly FATA—where thousands of radical Islamist militants and leaders of Taliban and Al-Qaeda had set up base. However, Pakistani military operations in the region targeted groups in an unequal manner: combatting foreign fighters, but completely ignoring local indigenous groups or cutting peace deals that served the state's strategic interests.

Over the decades, there have been several calls to bring about reform in FATA. Political and legal reforms are necessary to extend the state's writ, uphold constitutional rights, prevent pro-Taliban sentiments, and mainstream and secure the region in the long run.¹ This paper discusses the historical events that have led to the militarisation of FATA and argues that while the mainstreaming of FATA is an important first step, it will not solve Pakistan's militancy problem. The need to reform FATA is based on the need to guarantee equal political, judicial and economic rights to all Pakistani citizens, irrespective of region. The argument that FATA's integration with the rest of Pakistan is a solution for fixing the country's militancy problem is severely flawed and hypocritical.

HISTORY

FATA shares its western border with Afghanistan and, within Pakistan borders, the provinces of Khyber Pakhtunkhwa (formally NWFP) and Balochistan. The region comprises seven agencies or districts (Bajour, Mohmand, Khyber, Kurram, Orakzai, North Waziristan and South Waziristan) and five frontier regions (FR Peshawar, FR Kohat, FR Bannu, FR Lakki, FR Tank and FR Dikhan). According to the provisional figures of the 2017 Census, the population of FATA stands at five million.²

During colonial rule, there was a fear that the unruliness of the frontier regions would allow Russia to sow political discord within British India. In return for tribal submission to colonial rule, the British granted the region a semi-autonomous status, which involved establishing tribal agencies, enclosed by a chain of military posts and cantonments. The idea was that in return for financial subsidies and incentives, the Pashtun tribes would be deterred from moving east and plundering the fertile plains of Punjab. In 1893, Mortimer Durand, a British diplomat, signed the Durand Agreement with the Amir of Afghanistan, Abdur Rehman, to earmark the extent of Britain's influence, which created what is currently the western border of FATA.³ With the partition of India and the demarcation of boundaries between the two states, the Durand line became the international boundary between Pakistan and Afghanistan, passing through present-day Khyber Pakhtunkhwa, FATA, Balochistan and 10 provinces in Afghanistan.⁴ Pashtun tribes that had inhabited the frontier region for centuries now found themselves divided between two countries.

The British Raj's policy towards the tribal region was a mix of persuasion, pressure, bribery and armed intervention.⁵ The British dealt with local customs and power centres based on three pillars: The Frontier

Crimes Regulation 1901 (or FCR), the political agent and tribal elders or maliks. During Mohammad Ali Jinnah's visit to the frontier in April 1948, he expressed a desire to not interfere with tribal autonomy in FATA and yet be able to integrate the region into Pakistan.⁶ After the creation of Pakistan, the government retained the colonial administrative and legal structures in the region.

The Frontier Crimes Regulation Act (or FCR) is a set of civil and criminal laws first enacted in the FATA region in 1901. It sought to encapsulate elements of Pashtunwali—Pashtun tribal code—including key features such as the Pashtun tribal jirga (council of elders) system and rewaj (custom). The key functions of the FCR was the maintenance of law and order as well as the resolution of conflicts and disputes within a tribe. It allowed the tribes a certain degree of self-governance, accompanied by federal oversight and control.

FCR is, however, not known for being just or fair. Several sections of the regulation contain provisions that infringe upon the rights of the tribal people, denying them equal treatment in matters relating to civil and judicial rights. Under FCR, residents lack the basic rights that other Pakistanis enjoy: appeal, wakeel (lawyer) and daleel (argument), i.e. the right to appeal your conviction, the right to legal representation and the right to present evidence to argue your case.⁷ Section 22-23 allows for collective punishment against a culprit's entire clan, tribe or village, in case of wrongdoing by one individual. The government also has the power to seize any private property according to its own discretion.

The purpose of the Pashtun jirga system is to resolve conflicts and disputes that may arise between members of a tribe or between tribes. Under such a system, the leaders and tribal elders ascertain guilt or innocence of a person accused of committing a crime. The offenders are punished or sentenced based on the findings and recommendations of rewaj.⁸ A jirga's verdict is unanimous and binding.

The FCR allows for a political agent (in agencies) or deputy commissioners (in frontier regions) to head the local administration of each FATA agency or frontier region. The political agent (PA) is a senior bureaucrat who serves as the agency's chief executive, and discharges a mix of executive, judicial and administrative functions.⁹ The PA grants tribal elders the status of a malik and has the power to withdraw, suspend or cancel said status if he/she deems necessary. While the PA is expected to act on the advice and recommendations of the council of elders or the tribal jirga, any final decision rests with the PA and not the jirga.¹⁰ This makes the PA an all-powerful federal agent who is backed by khassadars (guards), tribal militias and paramilitary forces that operate under the control of the army. A PA, therefore, refers cases, appoints the jirga, presides over the trial and awards punishment without the possibility of any review by a court of law.

Tribal maliks serve as reliable local elite for the state. Their special status was codified in treaties that required maliks to keep border passes open for trade and strategic purposes in return for granted allowances and subsidies, which they could distribute amongst their tribe.¹¹ Pakistan retained this system, using maliks as the agent at the tribal level. In return for their loyalty to the state and ensuring that jirgas voted in the interest of the state, they received financial benefits and special status.¹²

The fact that Pakistan has justified FATA's distinctive status by citing Pashtun tribal customs as the reason for differential governance reflects the colonial mindset of treating people of the tribal region as second-class citizens. For years, Pakistan has consistently failed to see the problems that emerged from retaining British legal and administrative structures and depriving its citizens of political and civil rights.

THE MILITARISATION OF FATA

To control and influence the South Asian region against communism and fears of Soviet expansion, United States made Pakistan its ally soon after its creation in 1947. Military aid began flowing into Pakistan after Washington and Islamabad signed a mutual defence assistance agreement in 1954.¹³ The Soviet invasion of Afghanistan brought the US and Pakistan into a closer military and intelligence partnership, as the two countries worked together to arm the Afghan mujahideen against the Soviet army. The withdrawal of the Soviet Union and the cooling of relations with the US led to a vacuum along the Durand Line, as thousands of trained and armed mujahideen no longer had any purpose or funding to fight. In Pakistan, the political vacuum along the border in FATA and the proliferation of modern weapons and radical ideologies created conditions ripe for the rise of extremist groups, militant ideology and radical Islam. It was under these conditions that the Taliban came to power.

Post the 9/11 attacks in 2001 and the subsequent US invasion of Afghanistan, FATA found itself at the centre of the “global war on terror.” The toppling of the Taliban regime in Afghanistan resulted in thousands of militants—including those of the foreign affiliates of Al-Qaeda and the Taliban—streaming into the tribal areas, both to escape the US onslaught and to establish bases to continue the fight against coalition forces. As Pakistan served as the conduit for weapons and equipment for coalition forces entering Afghanistan, FATA was pulled into the war.

General Musharraf, under pressure from the US, promised to reorient his country away from militant proxies and join Washington’s war on terror. The decision to assist the US war against Taliban and Al-Qaeda strained the state’s relations with militant groups.¹⁴ In exchange for Musharraf’s belated support, Pakistan was rewarded with

substantial economic aid and US diplomatic backing.¹⁵ Pakistan's rationale for supporting the US was also influenced by calculations that rejecting President George W. Bush's push for cooperation in Afghanistan would place Pakistan's strategic and economic interests in South Asia at risk.

The army has conducted numerous operations in FATA and SWAT valley post 2001. However, it has also suffered many setbacks and loss of personnel in its operations. According to Pakistani estimates (which are highly conservative), since 2001, approximately 7,000 Pakistani soldiers and policemen have been killed in terrorist attacks across the country.¹⁶ After costly operations in North and South Waziristan, General Musharraf settled for making peace, signing deals with the militants that left them in control of the territory they occupied.¹⁷ A pattern was established where badly planned military incursions into FATA would be followed by peace deals that empowered pro-Taliban Pashtun militants to establish administrative and judicial structures modelled on Taliban rule.¹⁸ Some analysts have speculated that the Musharraf regime was never committed to the military campaigns in FATA and viewed them as a favour to Washington. This would help explain their readiness to make peace with militants.¹⁹

Pakistan military operations have targeted groups that were out of sync with the military's perception of Pakistani national interest. Foreign fighters that came from Arab countries—Uzbekistan, Chechnya—to fight the “holy jihad” in Afghanistan were arrested, killed or handed over to the US.²⁰ Groups that were in Pakistan's “national security interest” and “fought for freedom” in Kashmir, remained untouched. Anticipating that the US would not remain in Afghanistan for too long, and that the Taliban and Al-Qaeda, might prove useful to them vis-à-vis their interests in Afghanistan—and later, India—Pakistan tolerated and supported their presence in FATA and other parts of its territory bordering Afghanistan.²¹

The militarisation of FATA also led to an inversion of power relations between maliks and mullahs (religious leaders). The growing militancy in the region uncut the power and influence of the maliks, who were seen as being loyal to the state. Many were forced to leave the area or remain silent. In FATA, between 2004 and 2013, over a hundred maliks were assassinated on suspicion of spying for the US or for the government.²² With an elimination of the power and status of the malik, mullahs or religious clergymen filled the political vacuum. Mullahs provided religious motivation and purpose for militants to fight and developed independent revenue streams to arm the mujahideen.

While military operations in FATA have been ill planned and poorly implemented, they have helped the Taliban, further alienating the local population. Many Pashtuns living in the region fought for Al-Qaeda and the Taliban in the 1990s and during the US invasion. Now, with the militant groups seeking refuge in Pakistan, the Pashtuns have become hosts, providing safe houses, food and logistical support to their guests.²³ The military operations not only resulted in heavy losses for the military and failed to stop cross-border activity but also failed to dislodge militants.²⁴ The military's incursions in FATA reinforced the perception amongst militants that Pakistan was an extension of the US.²⁵

Research shows that the Pakistan army and the Inter-services Intelligence agency (or ISI) continued to believe that they could manage militant organisations by working through leaders of organisations and local tribes in FATA to control their cadre, eliminating individual "bad apples" when military operations failed. These efforts, collectively, were ad-hoc, poorly coordinated, under-resourced and often reactive.²⁶ It reflects the perverse and warped Pakistani thinking that militants and terrorists can be controlled, bought off or minutely managed.

By going after some groups more vigorously than others and overlooking the close ties and connectivity between militant groups,

Pakistan contributed to the formation of more malevolent splinters and imperilled counterterrorism efforts.²⁷ The militants that dispersed and fled FATA took shelter in parts of Punjab, Khyber-Pakhtunkhwa and Balochistan. The failure of the Pakistan military operations to deal with the root causes of militancy in the tribal areas, the lack of government structures, the endemic problems of poverty, and the lack of education and health facilities helped in the “Talibanisation” of the rest of Pakistan.

NEED FOR REFORM

Unfortunately, Jinnah’s vision for the people of FATA being “self-respected citizens having the opportunity of developing and producing what is best for you and your land” has not borne any progress.²⁸ FATA has consistently remained one of the poorest and least developed regions in Pakistan. The area demonstrates some of the lowest human, social and economic development indicators in the country. According to the FATA development Indicators Household Survey conducted in 2013–14, the overall literary rate is an abysmal 33 percent, with only 7.8 percent of women considered literate, far below the national average. The health indicators for the region paint a similar picture. Only 33 percent of children under two years are fully immunised, while the national figure is 76 percent. There remains a shortage of health facilities, proper equipment, medicines as well as skilled personnel. When it comes to employment, there remains a huge gender gap with 38.6 percent males participating in the workforce, compared to 5.9 percent females. The unemployment rate in FATA also remains much higher than the rest of the country, with 7.1 percent adults and 11.8 percent of the youth remaining unemployed.²⁹ To a certain extent, the absence of representative local and provincial governments and corresponding district administration structures explains the lack of access to public services and the disparity in opportunities faced by the inhabitants of FATA.

The lack of public accountability has made the PA a corrupt puppet in the hands of the government, leading to the erosion of all credibility in governance structures. The PA's office is one of the most lucrative assignments in the civil bureaucracy, with great opportunities for personal enrichment. Residents of FATA have no right to legal representation and are denied the opportunity to appeal their sentence in any court of law in the country. Under section 40 of FCR, the PA has the power to imprison tribesmen pre-emptively if they believe that it will prevent a murder or sedition. It also allows the PA to collectively punish an entire tribe, by detaining them or seizing their property, if they have a "good reason" to believe that members (one or many) are acting in a "hostile or unfriendly" manner.³⁰

Under the Constitution, FATA is included among the territories of Pakistan. While it has representation in the National Assembly and the Senate, it remains under the direct executive authority of the president (according to articles 51, 59 and 247). The tribal region continues to be administered by the governor of KP in his capacity as the president's agent. While FATA currently has 12 seats in the National Assembly, this is meaningless as the federal legislature does not have ordinary law-making power with respect to FATA. This means that the laws framed by the National Assembly do not apply in FATA unless the president orders.³¹

The Afghan civil war, along with poor law enforcement and an unfortunate geography that allows for hundreds of natural mountain passes, made FATA's economy dependent on smuggling and trafficking of weapons and drugs. Decades of militancy, terrorism and failed military operations have led to the destruction of already poor infrastructure facilities and business opportunities. Residents of FATA remain under the thumb of the Pakistani state, facing daily discrimination and harassment by security forces. Inhabitants have

been left to the mercy of political agents, corrupt tribal maliks and draconian laws. By not granting FATA's political and judicial rights that are on par with the rest of the country, Pakistan has chosen to treat FATA's inhabitants in a manner that is discriminatory, unfair and unjust.

IDEAS FOR INTEGRATION

Over the years, there have been many different voices, opinions and political thoughts on what reforming FATA would look like. Amongst the several alternatives, the two options that have been discussed in most detail are the governance of FATA as a separate independent province and a merger of FATA with Khyber-Pakhtunkhwa or KP.

In 2010, in interviews conducted by the American Foundation and Terror Free Tomorrow, when asked how FATA should be governed, 70 percent of FATA residents said it should become a separate province of Pakistan.³² A separate provincial status would make FATA Pakistan's fifth province. The government may even encounter fewer roadblocks if they choose to let FATA residents govern themselves, instead of attempting to merge the tribes into KP. It will give the residents of FATA a sense of ownership in their new province and allow the funds allocated for development to be used for what they need most. However, separate provincial status for FATA will also lead parts of Southern Punjab, Balochistan and Hazara communities to reason that they deserve similar status. It will be challenging, given that a new government in FATA will have to begin from the ground up and learn, create and implement Pakistan's constitutional laws and administrative structures.³³

Given its territorial congruity and social relations with KP, merging FATA with the province seems like the most plausible option. Historically, the administration of KP and FATA have remained interwoven with each other and many people from FATA reside in KP

and speak the same language.³⁴ The governor of KP is already the president's agent for the tribal areas, and many people of FATA now reside in KP and speak the same language. However, a merger of FATA and KP will put an immediate strain on the already overstretched KP government. Integration will require a complete overhaul of the current form of FATA's legal and administrative system, including an abolition of the office of PA and his authority. A transfer to the KP secretariat, and creation of relevant provincial ministers and district-level administration offices, must also be done to ensure that FATA is well represented across agencies in the new legislative assembly. Including the population of FATA in KP will increase KP's seats in the National Assembly, giving the province a larger role on the national stage.

The government will also have to consider what social consequences a merger will bring, given that the social structures of FATA and KP are different. One concern is that a merger might further fuel the existing animosity between tribal Pashtuns and those from settled areas.³⁵ This is in addition to the fact that the KP government will have to deal with Islamist militancy in the region.

At present, KP has a defined legal and administration system under constitutional law. FATA, on the other hand, is ruled under executive powers by the federal government and has its own unique administration system that lacks transparency and remains largely unaccountable. The tribesman of FATA may feel that they are losing their identity should they come under Pakistan's judicial system and can no longer seek justice through tribal jirgas. However, the extension of national and provincial higher courts of jurisdiction to FATA and the establishment of civil and criminal courts at the district level will extend not only legal protections to FATA tribesman but also the state's writ over the region.³⁶

Bringing FATA into the mainstream will require the government to make decisions regarding the integration of police and law enforcement

units. At present, FATA remains policed by levies, tribal militias and khassadars (tribal police) that are to fight and clear areas of militants, and are appointment by the PA, a federal agent. With their role as the government's militant proxy force in FATA, they enjoy a virtual free hand in the region. Integration or accommodation of these proxies in local law enforcement in KP will be a challenge.

THE POLITICS OF MAINSTREAMING

Over the years, both military and civilian governments in Pakistan have called for reforming FATA. The first serious attempt was by Zulfikar Ali Bhutto, who formed a committee to create a framework for the integration of FATA into NWFP. Following Zia ul-Haq's military coup in 1977, the issue was shelved. In 1996, his daughter, Benazir Bhutto, introduced adult franchise in FATA. This allowed representatives from FATA to be elected to the Nation Assembly directly, bypassing the tribal maliks. General Musharraf promised to bring about administrative, political and economic reforms in the tribal areas by extending local government regulation to FATA. In 2006, a special committee resulted in an increased independence for the FATA secretariat and an increase in development funding, earmarking INR 40 billion for development purposes.³⁷ This was done as a political handout, to offset the impact of brutal military operations in the region. In 2008, President Zardari made amendments to FCR that gave residents the right to appeal against decisions made by a political agent and required the accused person to be produced before a judge within 24 hours of arrest.³⁸ He also extended the Political Parties Order (2002) to the tribal areas that allowed provincial parties to campaign in the region. However, in the absence of provincial elections, its impact remained limited.

In the aftermath of the Army Public School tragedy in Peshawar, the government launched the National Action Plan to counter terrorism.

Prime Minister Nawaz Sharif, in 2015, announced the formation of the FATA Reforms Committee under Sartaj Aziz. In March 2017, the cabinet approved the committee's recommendations. The National Implementation Committee on FATA reforms endorsed the merger of the tribal regions with KP and agreed to allow FATA to elect 23 members to the KP assembly for the general elections scheduled in the summer of 2018.³⁹

The federal cabinet last year also approved the extension of the Supreme Court and Islamabad High Court to FATA. However, the NA Standing Committee on Law and Justice changed the Islamabad High Court to Peshawar High Court, based on requests from Members of the National Assembly (MNA) that it would be cumbersome for residents from FATA to travel all the way to Islamabad.⁴⁰ On 18 April 2018, President Mamnoon Hussain signed the bill after both the National Assembly and the Senate passed it. With the president's endorsement, the bill has become law. On 24 May 2018, the National Assembly passed a constitutional amendment for FATA's merger.⁴¹

The other main feature of the reforms package was the scraping of FCR and replacing it with the Rewaj Act. The Rewaj Act allows for parties to ask the agency judge to appoint a jirga to try their case, if they chose to do so, with the jirga's decision being appealable.⁴² The act empowers the judge to form a committee of local elders to resolve disputes among people, thereby extending the jurisdiction of the courts without disturbing the traditional jirga system.⁴³ However, since then, the Rewaj Act has been rejected and sent back to the Ministry of Law. According to members of the National Assembly Standing Committee on States and Frontier Regions (SAFRON), the act can be misused amidst the possibility of violation of human rights. According to some, the act imposes a different type of FCR on the people of FATA.⁴⁴

In a rare expression of political unity, major parties such as Pakistan Tehreek-e-Insaf (PTI) and the Pakistan People's Party (PPP) appear to be on the same page as the PML-N, as far as the proposed merger of FATA and KP is concerned.⁴⁵ Imran Khan has promised that if elected to power in the upcoming general elections, a merger of FATA and KP would be the government's first priority. Former President Asif Ali Zardari of the PPP has also supported the extension of the superior courts to the tribal areas and a merger with KP, with party members supporting the passage of the bill in both the National Assembly and Senate.⁴⁶

The merger of FATA with KP has, however, not been a unanimous decision across the political spectrum. Opposition parties such as Jamiat Ulema-i-Islam Fazl (JUI-F) and Pashtunkhwa Milli Awami Party (PkMAP) have voiced reservations with the FATA reforms bill, regarding the FATA-KP merger.⁴⁷ JUI-F, political allies of the PML-N, has opposed the deal as it believes that it will push FATA into further darkness and destroy tribal customs and traditions.⁴⁸ The party has criticised the campaign for the merger of FATA and KP, and believes that the people of FATA should decide their own fate.⁴⁹ The PkMAP, on the other hand, has expressed apprehension that the merger will marginalise the province's minorities, such as the Hazaras, Chitralis and Saraiki-speaking people.⁵⁰ It has asked for FATA to be declared a separate province, despite the difficulties it may face for some time. Imran Khan has criticised Rehman, stating that the JUI-F chief's opposition to the Fata reform process is because of his fear of PTI's popularity amongst tribesmen.⁵¹ Other groups, such as the Fata Grand Alliance, have accused the government of bulldozing the so-called reforms bill in parliament and have threatened to launch a campaign to halt the merger.⁵²

In May 2018, speaking in the National Assembly, Prime Minister Abbasi promised to carry out the FATA reforms and hold local

government elections in the tribal belt before October 2018. He further promised that a timeframe will be finalised for the elections for the National Assembly and provincial assembly, after consulting all political parties.⁵³

The FATA reforms committee has recommended a 10-year development plan for FATA to bring the tribal region on par with the rest of the country. For this, they recommend that the National Finance Commission (NFC) allocate three percent for the development projects. The NFC award is the annual distribution of financial resources among the provinces by the federal government. Enshrined in Article 160 of the Constitution of Pakistan, which discusses the utilisation of the national income and the issue of economic equality between provinces, the award is calculated according to complex formula that looks at the different taxes raised in each province. Certain taxes—such as income tax, general sales tax and wealth tax—collected in each province are laterally pooled and then redistributed according to the NFC formula. As a constitutional obligation, the NFC is seen as a step towards fiscal federalism as it ensures that the central government redistributes the revenue that it collects among the lower tiers of government.⁵⁴ However, other provinces have been reluctant in sharing the NFC award with FATA as it lowers the percentage share that they will receive from the NFC.

This shows the lack of political will amongst the provinces to finance the development of FATA. While most MNAs and senators have supported the merger and the extension of the Peshawar High Court and Supreme Court to FATA, they have expressed their reservations about sharing the NFC award. This reflects the same mindset with which FATA has been treated for over 70 years: most are interested in symbolic gestures instead of substantive change.

PASHTUN LONG MARCH

While the Islamabad elite have focused on making political promises for reforming FATA, the ground reality in the tribal region is quite different. Since January 2018, there have been widespread protests, demonstrations across the country led by Pashtuns from the region, demanding a change in their relationship with the state. It all started with the abduction and murder of a 27-year-old Naqeebullah Mehsud in Karachi, who was wrongly accused of being a member of the Islamic State. Mehsud's extra-judicial killing launched a movement spearheaded by the Pashtun Mehsud tribe from his hometown in South Waziristan. When an inquiry into Mehsud's death found no ties with extremist group, the movement turned into a national outrage against security forces across the country. In February 2018, thousands of Pashtuns from FATA and other parts of the country marched to Islamabad demanding justice for Naqeeb and an end to extra-judicial arrests and killings. This came to be known as the Pashtun Long March.

Since then, the Long March has evolved into the Pashtun Tahafuz Movement (or PTM) with protests, demonstrations and peaceful sit-ins emerging all across the country. The movement has brought the discrimination against Pashtuns to the forefront, giving credence to the fact that the state has wronged the Pashtuns. It is unique since it is the first time that Pashtuns have been able to mobilise by the thousands under leaders who are not mullahs, i.e. this mobilisation is not based on religion. PTM has mobilised thousands based solely on Pashtun identity, disregarding tribal divisions amongst the Pashtuns.⁵⁵

The PTM's key demands are straightforward and precise: a recovery of all "missing" persons who were picked up by military and intelligence agencies, an end to harassment by security forces at check posts, clearing of unexploded landmines across the tribal belt and justice for

Naqeebullah Mehsud. It is premature to decide whether the PTM has been a successful movement just yet; however, its significance is unprecedented.⁵⁶ As the Pashtun youth and other moderate voices lead the protest, the narrative being issued is very different from the one that has surrounded the Pashtuns for the last two decades. By speaking out against the atrocities committed by the Pakistani state, they have distanced themselves from radicalised, militant Pashtuns. Their peaceful movement and the sharing of their stories and grievances living in Pakistan is in stark contrast to the smaller number of Pashtuns perpetrating violence in the Taliban. By coming together, the Pashtun community has demonstrated a rejection of all forms of terrorism.⁵⁷

PTM has not been politically involved in the ongoing debate in Islamabad around mainstreaming FATA. While leaders of the movement have spoken out about their demands for basic human rights, the PTM has focused simply on immediate gratification: putting an end to arbitrary arrest and harassment and denial of basic rights. For far too long, FATA has lacked the proper facilities such as schools, colleges and hospitals. PTM hopes that their peaceful protests will change the way the state sees them, granting them their basic constitutional rights.

MAINSTREAMING FATA: WILL IT HELP?

The success of reforming FATA is dependent on drafting and executing clear and realistic transition plans. A merger with KP has the potential to provide the residents of FATA better political representation and more civil and judicial rights. However, questions about how the government of KP will deal with militants are yet to be answered. Integrating the tribal belt into the KP provincial government is a complex task and a process that cannot be rushed or forced. It is important that the government implement the correct legislative,

administrative, capacity-building and operational interventions to ensure that the integration of the tribal belt into the provincial government is seamless and does not cause a political or legal vacuum in the tribal region.

While FATA's territory will get new seats and representation in the KP Provincial Assembly, along with representation in the National Assembly, it will lose its distinct senate members. Currently, FATA has 12 seats in the NA, which will be added to KP's 43 seats in the NA. This will increase KP's representation at the centre but leave FATA to be represented only by KP senate members who will be responsible for the larger, merged province. Eventually, FATA will be beneficial only once the new constituencies are drawn and the legal and administrative merger is complete, with the creation of relevant district- and provincial-level offices.⁵⁸

Any improvement in the lives of the citizens of FATA will only happen when there is complete overhaul and removal of FCR in its entirety. The regulation not only violates human rights but also goes against the basic requirements of a sustainable democratic country. While the merger of FATA with KP and the subsequent mainstreaming of the tribal region with the rest of Pakistan is an important *first* step, it is by no means an end to Pakistan's militancy problem. FATA's history over the last two decades has led not only to the destruction of the tribal region but the growth of militancy, radicalism and fundamentalism elsewhere in Pakistan. The disruption of militant infrastructure in FATA has only meant a dispersion of militants to other parts in Balochistan, Punjab and Sindh. Therefore, while the mainstreaming process will help residents of the tribal region get better judicial and political rights, it will have little impact on on-ground radicalisation and militancy.


There is a similarity between the PTM's non-violent protests and India's struggle for independence against the British. Indeed, India

shares historic and cultural ties with the Pashtuns since both countries were once under British occupation. Khan Abdul Gaffar Khan, the Pashtun tribal leader from North West Frontier Province, was vehemently against the Muslim League's demand for the partition of India. As the leader of the Khudai Khidmatgars (Servants of God), Khan who was also known as "Frontier Gandhi," and led the movement for Pashtun independence from the British. He was known for his non-violent and secular principles and demanded an independent state for Pashtuns, instead of having NWFP integrated into Pakistan. His close relationship with Mahatma Gandhi saw them share a vision of an independent, undivided and secular India.⁵⁹ The PTM's adherence to non-violent principles (and fight for Pashtun justice) is reminiscent of Bacha Khan's legacy of combining Islam, non-violence and Pashtun pride.

For decades, Pakistan has strived for 'strategic depth' in Afghanistan. As it struggles to define the basis of its nationalism beyond its opposition to India, it has looked at Kabul from an anti-India perspective. The security establishment has hoped to have influence over the Afghan government to use it as Pakistan's 'backyard' in case of a military confrontation with India. As a result, FATA has been treated as a strategic playground, leaving Pashtuns to pay the heavy price.

Given its historic ties with the Pashtun community, India should voice its support for the PTM on humanitarian grounds. In 2016, Prime Minister Narendra Modi, as well as India's representative at the United Nations, both criticised Pakistan's violation of human rights in Balochistan. This was the first time India had raised the Baloch issue at the UN. It is unfortunate, therefore, that the Indian government has not made any statement with regards to the brutality committed against the Pashtuns. Its insistence on maintaining a soft-power approach in Afghanistan is based on India's bandwidth to do so, as well the fear of

provoking Pakistan's security establishment. However, given the injustices committed against the Pashtuns, the impact of the militarisation of FATA on Indian interests in Afghanistan, and international terrorism, it is time India step up its diplomatic efforts. It is important for the government to engage with important Pashtun leaders from Afghanistan and Pakistan and support their struggle towards obtaining basic human rights.⁶⁰

Irrespective of the level of Indian or international support that the PTM receives, the movement has initiated a turning of the metaphorical wheel. With political and administrative reforms, FATA can be on equal footing with other provinces in the country. Its residents can constitutionally demand access to opportunities that help them fulfil their fundamental rights. While the military may have planned to ensure FATA's regulation, the pressure generated by PTM has only expedited the process of mainstreaming FATA.⁶¹ 

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