

A historical overview of reforms in the erstwhile Federally Administered Tribal Areas (FATA), Pakistan

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Abstract

The erstwhile Federally Administered Tribal Areas (FATA), recently merged with Khyber Pakhtunkhwa (KP), are one of the less developed areas of Pakistan. The erstwhile FATA included seven agencies and six frontier regions. Under the Frontier Crimes Regulations (FCR), popularly known as a black law, the legal and administrative structure of these tribal areas was formulated by the British colonial power. These regulations were the cornerstone of FATA's administration after 1947. These areas remained semi-governed under the executive and did not fall under the sphere of influence of the national and provincial legislatures. Due to the region's internal and external dynamics, Pakistan's governments failed to introduce reforms or merge the FATA with their adjoining districts or the province. The regulations empowered the political administration to adjudicate civil and criminal cases through Jirgas and take measures for peace and security. The head of the state constitutionally governed these areas through the governor of KP. The study focuses on the historical evolution of the reforms in erstwhile FATA. The findings show that after the May 2018 merger of erstwhile FATA, it is essential to change the system to integrate these merged districts into the country's mainstream politics and governance structure.

Keywords: FCR, Frontier Crimes Regulations, FATA reforms, constitutional reforms, merger of FATA, erstwhile FATA, tribal areas of Pakistan, merged districts.

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1. Introduction

The Federally Administered Tribal Areas are the collective name for the 27,220 km² region that makes up Pakistan's northwest frontier. It consists of seven administrative agencies (now tribal districts) and six border regions. (FATA). The Pakhtun people used to reside in significant numbers in this hilly area, according to the demographic data from FATA (IPRI 2008). Khyber Pakhtunkhwa Province, Balochistan Province, Punjab Province, and Afghanistan were its neighbours to the north, east, south, and west, respectively. Two groups—"protected areas" and "unprotected areas"—are used to categorise the federally managed tribal territory. While the latter were indirectly governed by regional tribes, the former were directly governed by the federal government (Tayyab, 2005). The PA's major duty was to combat crime and unlawful activities, and it also had executive, judicial, and fiscal authority in addition to keeping public order. All of these roles have been maintained with assistance from levies (tribal militias), paramilitary forces operating under militia forces, and Khasadars (an irregular force deployed under the overall command of a political Agent to protect roads and other government infrastructure and perform surveillance functions). (Rakisits, 2008). Additionally, it was evident from the administrative structure that officials in charge of a particular division of the government and deputy political officials aided the elected officials. Administrative duties were performed at the local level by the political tehsildar, naib tehsildar, and political moharir.

The deputy commissioners of the relevant districts were in charge of managing the administrative matters in the FATA's border territories. The Governor's Secretariat's broad administrative oversight over all of these officials' performance of their tasks was provided by them (Safraz, 2008). In addition, each tribe was allowed to conduct its own business in accordance with its own (unwritten) set of rules, conventions, and practises. As a result, the president effectively wielded power (Maqbool, 2007). The FATA Secretariat, which is headquartered in the provincial capital of Peshawar, is where the Khyber Pakhtunkhwa province's governor, who serves as the president's envoy, performs his duties for the federal government (Tayyab, 2005).

The idea of "One Pakistan, One System" is now more important than ever. Geographically speaking, the seven districts are now a part of the KP area, together with its five million inhabitants. As a result, temporary rules will be put into effect, increasing the amount of policing required. The guiding concepts would include building on the successes of the Pakistan Army, maintaining the current state of peace and order, establishing a strong, competent, and well-equipped police force, and introducing a community-based style of policing alongside locals.

To bring about a gradual paradigm shift in law and policy, a new constitutional package should be introduced that secures a limited special status for FATA on the model of the ex-PATA. Customary rules should be incorporated into FATA's legal framework as long as they abide by the Pakistani Constitution and global human rights norms. The government should provide data on those interned in accordance with the Action in Aid of Civil Power Regulation (AACPR) 2011 and establish a mechanism to ensure a fair trial for all those imprisoned. In order to regain the trust of the people of FATA in their government about worries about missing persons and detention, this is important. As the interim Governance rule framework is essentially a terminological change with no procedural value, it should be abolished in favour

of a Jirga rule, which should then be put into effect. After conversation with lawmakers and FATA elders, the merger plan that was hastily proposed by the outgoing parliament needs to be changed.

The government should establish law schools in FATA to produce lawyers who are native to the area and are familiar with its social and cultural nuances. This would deal with the issue of established lawyers from developed areas not wanting to practise in the FATA zone. To ensure that teachings of hate and extremism are not disseminated through such venues, the government must exert more effort to regulate sermons delivered in mosques. Instead of relying on the traditional system for land records, digitising land records should be a primary goal to prevent property disputes. A method is required to close the communication gap between citizens and government officials. Priority should be given to integrating existing paramilitary and law enforcement forces, such as Khasadars and levies, when establishing a police force in FATA.

It is also crucial to reorganise the senior command and police regions. KP now has 26 districts, and 29 are most likely to be added. Additionally, 7 agencies and 6 FRs will be added, and the police needs will be evaluated in order to satisfy the demands. The delimitation of police regions must be done right away. The current levies force and the current sanctioned postings also need to be integrated. The integration of the police and levy forces needs to be sustainable. After the merger is complete, positions should be filled in accordance with the standards established by the KP Police. Only locals with a valid address should be hired, and from now on, capacity building will be accomplished through rigorous training. It would also be a good idea to integrate the current Khasadar force, but sadly there is no centralised database of them at the moment. Since the merger was announced, the transition period has been in effect. The locals will have the authority to handle their own money and income problems during this time under more open conditions. The tribes will administer the police force until the full unification.

The government should immediately put in place a workable legal framework that takes into account social, cultural, and religious concerns in lieu of the FCR that was abolished. On the implementation of the new system, local elders from the police, courts, land management, and revenue should be consulted. It is necessary to inform FATA's general populace of the implications of the new legal framework's introduction in their region, as well as their associated rights and obligations.

Until the position of the people of FATA is equal to that of those from KPK, the quota given to them in educational institutions, employment opportunities, and competitive tests prior to the merger should be kept in place for a long period of time (10 to 15 years). All financial misappropriation by ex-FATA personnel should be investigated, and the National Accountability Bureau's jurisdiction should be expanded to include FATA. To oversee and guarantee a transparent transition to the new system, the government should set up an impartial monitoring body.

For government personnel and project staff members working in FATA, the government should implement a special salary package or hard areas allowances. It is necessary to improve or bring the death benefits provided by the government to families whose members were killed in FATA insurgency and terrorism-related occurrences to parity with those provided to the rest

of the nation. Reviewing repair money and compensation for property damage sustained during military operations is necessary.

For the benefit of the local economy, Afghan refugees in FATA should be relocated to refugee communities in populated areas. A complaint cell and a quick response team should be established by the government as part of the transition process to handle the filed complaints. In order to promote social cohesiveness, the government should set up radio stations and media hubs in FATA that are dedicated to creating and disseminating positive narratives. The government should also make sure that all FATA citizens have access to all basic utilities, such as power, gas, clean drinking water, communication, and healthcare.

The government should provide and encourage alternate sources of money to replace dependence on the transit of drugs and weapons for revenue generation before expanding the arm and anti-narcotics laws to FATA. To promote the mainstreaming of women in FATA society, the government should assist women in the marketing of domestic cultural goods created by them. The government ought to support a campaign to explore FATA's natural riches and then use those resources to finance development.

For a long time (i.e., 10–15 years), the residents of FATA should be granted immunity from the enforcement of income tax and customs duty. To encourage rehabilitation and the creation of livelihood for the people, the government should establish tax-free industrial zones in FATA. Trade with Afghanistan should be promoted, and unnecessary checkpoints should be taken down. The previous census of 2017 did not adequately reflect the number; thus, the government should perform a new one in FATA to better calculate funding distribution for the region.

A bigger emphasis needs to be placed on water conservation and irrigation of dry land. To encourage the promotion of olive orchards for the production of olives, special programmes should be established. It is necessary to urbanise the district headquarters of the erstwhile FATA districts. To educate the rest of the country, foster social cohesiveness, and promote integration, a nationwide campaign should be launched to promote a positive picture of FATA and its people. Tourism promotion by the government is needed in FATA.

The small-scale financing from the government should be made available for the growth of small businesses, agriculture, and entrepreneurship. It is important to make it easier for IDPs to go home. In the public sector, there should be a significant rise in the FATA youth employment quota. The media should take a more active part in campaigns to improve FATA's reputation.

To appropriately allocate seats for representation of its citizens in national parliaments and the provincial assembly of KP, the government should undertake a new population census in FATA. At least 12 seats should be set aside for FATA in the National Assembly. Local governments in KP and the Provincial Assembly seats should hold elections right away. To ensure interfaith harmony and create a shared narrative, a "National Tribal Youth Engagement Programme" to advance peace building among various civil society segments, including ulema, should be launched. The introduction of capacity building programmes aimed at FATA's youth is necessary to complement the new legal framework that is being established.

In FATA, new colleges for medicine, engineering, and research should be constructed. To encourage social integration, scholarships and special seats should be set aside for residents of FATA at all universities and colleges across Pakistan. It is conceivable that the Army expand its educational programmes, such as Army schools and cadet colleges, to all the tribal regions in light of its presence in the Ex-FATA territory. The Constitution's Article 25A, which guarantees the right to a free education, should be upheld.

Government action is needed to promote extracurricular activities in FATA. The government ought to set up operational, community-based legal incubators with paralegal employees. The government should give education top priority in the forthcoming annual development plans, and all already operating educational institutions should be completely transformed into fiction. The government should prioritise health in the forthcoming annual development plans, and all currently operating medical facilities should be rendered fully operational. For the next 10 to 15 years, under an appropriate monitoring system, special funds in aid should be given to Fata in order to repair and upgrade the city's fundamental civic and communication infrastructure. Immediate and crucial emphasis should be given to giving the Fata delegates more say in the formulation of policies pertaining to the tribal territories. In addition to all of this, the planned reforms should be carried out gradually and openly.

2. Literature review

Zetterlund (2015) discusses the key drivers behind the rise of Taliban and the subsequent Talibanization of the erstwhile FATA. It particularly focuses on the security dynamics of Pakistan's border areas. The validity of FCR is also questioned by the author and he has recommended the need for massive transformation in the social, judicial, political and administrative aspects of FATA.

Malik (2015) in special report of 2015 sees Pakistan specially the erstwhile FATA in the light of worst security situation. She lays special emphasis on Peshawar attacks as a tripping point in the breakdown against the Taliban and appreciates Operation Zarb-e-Azab, the establishment of Military Courts, internal political interactions and strategy towards Afghanistan and erstwhile FATA.

Ross and Vassefi (2016) have focused Pakistan's support for the jihadi group that has caused a paradigm shift in the policy of both the countries in the post-9/11 scenario. Attention has been focused on the issue of Pashtunistan and the border dispute that has been started by Afghanistan and not Pakistan.

Mostly James Spain in 'The Pathan Border land' describes people and places encountered on his own visits to different areas along the Pakistan frontier and to Kabul, but he also includes traditional stories and elements of history. Its first third covers the land, people, social organisation and culture of the area in the manner of a traditional ethnography. The remainder narrates history and politics of the area, from coming of the British, through "Great Game", the Afghan wars, and ongoing frontier unrest, down to Partition and the early history of Pakistan. It ends with a chapter on the role of the area in 1960s geopolitics (Hussain et al, 2022).

Religion and Politics in Muslim Society, Order and Conflict in Pakistan by Akbar Ahmed. The book focuses on the emergence of a mullah in Waziristan who challenges the state. A religious

leader's challenge of the state is not new but contemporary Muslim society's widespread concern over these conflicts reveals that the influence of religion in a traditional society undergoing modernization is greater than many scholars have assumed. The author also identifies three types of leaders: traditional leaders, usually elders; representatives of the established state authority and religious functionaries.

3. Theoretical framework and methodology

The historical institutionalism can provide a solid base to analyze the trajectory of erstwhile FATA reforms. This theory emphasizes the role of historical events and path dependency, meaning that the decisions made at critical junctures in the history have lasting effects and shape the future course of development. This can help explain why certain reforms were undertaken and how they have shaped the current situation in FATA. This study is a review of the reforms which were implemented in Erstwhile-FATA. It is based on the content analysis of the reforms of the previous governments. Moreover, books, reports and research articles consulted that provided a background. On the basis of all these methods and materials, the researchers systematically analyzed the contents of the data.

4. A brief history of reforms in erstwhile FATA

FATA have always faced opposition and succeeding governments have given the region little attention while putting changes into place. There has been a widespread assumption that FATA is not covered by all standard and common state legislation and that previous administrations have not made any effort to bring reforms in these areas. The lack of integration of these sectors into national policies as a result of all these initiatives. It cannot be disputed, however, that these incremental actions prepared the way for the recent union of Khyber Pakhtunkhwa province and FATA. First, several laws, including the Passports Act of 1913, the Trademarks Act of 1940, the National Debt Act of 1940, and the National Debt Act of 1944 on public debt, have been expanded to tribal areas since Pakistan's establishment. In the second instance, numerous governments made deliberate steps in the early 2000s to significantly alter the legal, governmental, and political framework of FATA.

FATA is included in the 2001 Local Government Ordinance. 2006 Report on FATA's Administrative Rationalisation and Strengthening, FATA's Sustainable Development Plan, 2006–2015, FCR Reform Commission 2008 Report, Regulation 2002 (2011), the 2011 Border Crime Amendments, the 2012 FATA Local Government Regulation, the 2015 and 2016 FATA Reform Commission Reports, and the May 2018 modification to the Parliamentary Constitution that most recently extended the rights of political parties to the FATA region. (Altaf and Hassan, 2018; GOP, 2016).

However, over the course of the 20th century, many governments in Pakistan made an attempt to gradually bring about good improvements in the FATA's political, administrative, and legal systems. Many of these attempts at reform in these areas have failed because of inescapable circumstances in the nation generally and in the region specifically. to better comprehend the situation, a quick recap of these significant FATA revisions may be helpful. For the first time, the FATA under Prime Minister Zulfikar Ali Bhutto underwent legal, administrative, political, and economic changes.

Under the leadership of General (Rtd) Naseerullah Khan Babar, who was the Khyber Pakhtunkhwa Province's governor at the time, he established an official commission. Hafeez Pirzada, Rafi Raza, and Dr. Mubashar Hassan were notable committee members (Sadia and Adnan, 2016; GOP, 2016). The committee's major goal was to create a system of connections between these regions and the neighbouring province of Khyber Pakhtunkhwa prior to the 1977 elections. Unfortunately, a military coup that same year not only blocked this plan but also made it fail for many years.

Each and every individual has the right to vote in contemporary democracies. However, in the FATA, only maliks (tribal elders) had the right to vote; they were permitted to participate in national elections but were denied the right to vote by members of well-liked tribes. As a result, a method of selective voting was used in the FATA elections. Benazir Bhutto expanded the Adult Franchise Rights Act to FATA, which includes tribal peoples governed by Parliament, during her first term as prime minister. As a result, the tribe's adult members were all given the ability to cast ballots and choose who would represent them in the National Assembly. (GOP, 2016; Sadia and Adnan, 2016). The statute was promptly put into effect, and the FATA tribes were added to the updated election records. The choice to grant the ability to vote was a landmark one for the tribal community in particular. These tribes gradually began to feel a sense of belonging to Pakistan as a result. In actuality, the 1996 Adult Franchise Act's expansion directly contributed to the majority of indigenous communities' participation in the 1997 presidential election.

The FATA have been in the spotlight, especially from the start of British control on the subcontinent. Particularly British authors referred to it as a "black hole" and "no man's land". On the one hand, it was purposefully withheld from the enlightenment of new cultures prior to the split for the covert agenda of the colonial masters. On the other hand, it was maintained in isolation from the outside world and regarded as a distinct area or section of the country even throughout the post-partition era. However, before to the turn of the twenty-first century, numerous attempts were made by various governments to compare these locations to other parts of the world. The results of their efforts, however, were not particularly impressive. The legal, administrative, and political realms of the tribal lands have undergone reform measures since the turn of the twenty-first century, all of which have in some way proven effective.

The Musharraf administration made an effort in the 2000s to start a reformation process in the RCF. Khalilur Rahman founded the RCF Reform Committee in April 2005, with Judge (Rtd) Mian Muhammad Ajmal serving as its chairman. After much consideration and discussion, the FCR Reform Committee came to the conclusion that while some beneficiaries wanted the FCR to remain as it was, the majority of stakeholders felt that it needed to be significantly improved in order to become a humanitarian rule (Rahimullah, 2011). Despite the committee having provided its recommendations to the government, it appears that the new governor of Khyber Pakhtunkhwa, Gen. (retired) Ali Muhammad Jan Aurakzai, has not given the committee's suggestions enough consideration because of the reportedly unstable security situation in FATA. Once more, a legislation that was more than a century old cast a shadow over the reform initiative (Shakil, 2006).

Two important responsibilities have been assigned: one is to create a comprehensive plan for the development of the entire region, and the other is to significantly strengthen the FATA's administrative structure (Sadia and Adnan, 2016). The paper presents a thorough overview of

the state of affairs in these areas based on administrative changes, and then makes certain recommendations. The tribal System Security or Traditions and Customs, FATA Development Authority shall be established and the removal of any ambiguity between the secretariats for the federal, provincial, and FATA levels and establish a structured network for coordinated action between them. The return of tribal customs, habits, and practises in a spirit unique to the people of these territories while maintaining public order (Sadia & Adnan, 2016).

When President Asif Ali Zardari extended the regulation of political parties to FATA on August 12, 2011 (Amendment of the Law, 2011), the PPP government made considerable improvements to the legal, administrative, and political systems of FATA in addition to the efforts already described. It was the first extensive reform programme the government has put into place in 110 years, according to the FCR's records. During the FCR's 100-year existence, the government introduced the package. Significant modifications were made to the previous version of this law by the Presidential Decree, including updates, additions, insertions, and deletions (Hamid, 2012). Given the success of the Presidential Decree in helping us comprehend this phenomenon, certain of its remarkable qualities appear to be highlighted. This results in a little expansion of key components of the Border Offences (Amendment) Regulations 2011.

Former Khyber Pakhtunkhwa governor Sardar Mahtab Ahmad Khan established the FATA Reform Commission in May 2014 (GOKP, notice SOI/1/GS/2014 dated May 16, 2014). The commission consists of five members. The group has been given the vital duty of developing strategic goals, policies, and plans to modernise the tribal territories' integrated political systems through socioeconomic, political, and legal-administrative development.

The Commission's pertinent mandate was: a) establish a clear strategic objective that is in line with people's desires Previously FEE; b) review and reshape the connection between the government and the people; c) identify crucial areas for reform to strengthen existing institutions and FATA continued previous good governance; and d) a discussion of how well the FCR has changed the outdated FATA paradigm of governance. However, because of the deteriorating legal and regulatory environment, the Commission's recommendations could not be put into action (Sadia & Adnan, 2016, p. 28).

5. Report of the Committee on FATA Reforms, 2016

When the Committee on FATA Reforms' report was released in August of that year (Altaf & Shehbaz, 2017; SAFRON, 2016), it was another watershed moment. According to the GOP the committee's principal goal was to "recommend a clear path for the political unification of FATA. However, it was stated that after nine months of extensive discussions and engagements with various stakeholders, FATA would be fully merged into the neighbouring Khyber Pakhtunkhwa province within five years.

The Frontier Crimes Law would be replaced by the Rewaj Law, and the Council of Elders (Jirga) would thereafter make decisions about tribal matters. The formation of such seats would technically be made possible by a constitutional amendment. The citizens of these neighbourhoods will elect their elected representatives to the National Assembly and the Provincial Assembly in the 2018 general election. It relates to the High Courts' and Supreme Courts' interpretations of the FATA.

To create ten-year socioeconomic and growth strategies for these regions, a high-level committee will be established. To guarantee that these reforms are carried out correctly, a compliance department will be set up. Three percent of the NFC price would be guaranteed for the FATA. The provincial administration will be able to decide whether to reinstate conscription into the police force or keep it in its current form after recruiting 20,000 local candidates (Altaf & Hassan, 2018; GOP, 2016).

The National Assembly's passage of this amendment, which allowed FATA and Khyber Pakhtunkhwa Province to unite, was the most recent step in this regard, and it happened on May 24, 2018. Only one person opposed the modification, which received 229 votes in total in favour of it. The political parties that support the law are the Pakistan Muslim League (N), Pakistan Peoples Party, Pakistan Tehrik-i-Insaf, Jamat-i-Islami, and Muttahid Qaumi Movement-Pakistan (MQM-P), while those that oppose it by staging a walk of the assemblies are Jamiat Ulema-i-Islam (Fazal) and the Pakhtunkhwa Milli Awami party (Dawn, 2018).

Abdul Ghafoor Haidri of JUI-F stated his worry that the FATA was not consulted before the key decision to change his status and that logic and the facts on the ground were not taken into account. He asserted that the FATA were forcibly joined to the CP and questioned the lack of a distinct province for the tribespeople. The same amendment, though, received the Senate's backing and was approved the next day. It then needed to receive a majority of 2 out of 3 votes from the relevant state parliament to pass. The law was then successfully enacted by the Khyber Pakhtunkhwa Assembly during its formal session on May 27, 2018.

Jamiat-i-Ulema-i-Islam (Fazal), the sole significant political group opposed to the union of FATA with Khyber Pakhtunkhwa province, demanded a referendum to obtain the consent of the local populace. Nevertheless, 92 members voted in favour of the resolution, while 7 members abstained (Daily Mashriq, 2021, 29 May).

6. Erstwhile FATA after 25th Amendment

It is undeniable that two decades of militancy have wreaked havoc on erstwhile, FATA. Even if a high-profile military operation against militants was carried out in North Waziristan, they can easily slide back into the vicious cycle of violence and chaos if they continue to be poorly administered. Military and police units are present and active in the region in addition to the operation (Rahimullah, 2011; Ullah et al., 2022; Khan et al., 2022). The 25th Amendment, which launched FATA reforms, has been in effect for nearly two years, yet no real benefits have been seen. Reforms in the erstwhile tribal areas of Pakistan are either carried out in a very unprofessional manner. Merit in the selection of the local administration has been stomped on, much like the previous system of the political agents, and the old practice of bribery and manipulation is still in place (Tayyab, 2005).

Those assigned to these areas regard themselves as de facto political agents who bear no societal obligation and are unaccountable. They frequently lack expertise of how to distribute land or deal with land distribution; instead, they rely on lower-level employees such as tehsildars, patwaris, and Girdawars. Even for the transfer of property and land among families, poor individuals must pay bribe to the lower staff. Officers with blue eyes lack knowledge of collective land (shamilaat) and land disputes, making them unfit for the job.

As a result of this incompetence, seeing land conflicts have been seen to turn into tribal violence practically in every tribal district. Despite claims of extensive de-weaponization in the region, there is a display of ammunition throughout these field battles (Rahman, 2012). The newly merged tribal regions require competent officers and administration who are familiar with the Shamilaat system and are capable of dealing with the complex land issues. Otherwise, little squabbles might turn into major conflicts, culminating in a civil war.

Let us not forget that Islamabad and Karachi, which have the greatest Pashtun tribal settlements, could be affected as well. It is critical to establish a revenue and land record, which is still lacking in the old tribal areas. Competent officers with a deeper understanding of the revenue and land systems are required for this. Ignoring persisting complex issues on purpose is also a type of structural violence. Furthermore, the state's incapacity to mediate between opposing interests is harming tribal residents (Sadia and Adnan, 2016).

Many individuals are unaware that creating just governance institutions, a functioning legal apparatus, and an accessible judicial system should be prior in conflict-affected communities. If that does not happen, peace would remain elusive not only in the border areas, but throughout Pakistan. Developmental intervention and progress lay the groundwork for long-term peace, but it all depends on how the amalgamated tribal districts' institutional capabilities and line departments are developed and built (Tayyab, 2005). The legal system is the bedrock of any state's relationship with its residents; unfortunately, it is lagging in a most unpleasant way in the former tribal districts, where it appears that the judiciary's expansion to the newly merged tribal districts is merely symbolic.

In many places' legal systems are located in nearby populated areas, making them inaccessible to locals, leading many people to revert to the antiquated jirga system. The number of courts and benches is insufficient and unsupported in many regions, as is the infrastructure and logistics required. Economic policies and developmental activities are key tools for promoting peace, but they are only effective over time. As a result, they must be supplemented by other policies, such as the strengthening of line departments and the police department for the amalgamated districts, which can help to keep the peace. The integration of current Levy and Khasadar units into the police department is a great reform initiative, but it also necessitates the training of employees capable of filing a FIR. Existing institutions' capacity building needs to be updated as soon as possible (Sadia & Adnan, 2016). The risk of post-conflict nations reverting to conflict is shockingly high. And the economy is the most essential factor in maintaining peace. The promised 3% from the NFC Award has yet to be provided, and the collection of taxes from the amalgamated districts runs counter to the government's commitment to the development of the former FATA. Border areas provide two billion rupees trade annually; thus, they deserve better treatment to promote further.

The state's contract appears to be failing the people of the tribal areas, particularly the youth, who were eager to embrace the changes in the shape of constitutional reforms and citizenship in the Pakistani state. For the past two decades, this region has been seething with unrest. If this trend continues, a new sub-conflict between the state and the tribes' people could emerge. Pakistan's stability and prosperity are dependent on the successful execution of reforms and the state's delivery of the social contract to the former tribal territories. In the international system, security worries are rapidly being replaced by economic ones, thus the Pakistani

government should consider changing the border areas into a trade and commercial hub by establishing a duty-free zone.

7. Conclusion

From the past to the present, the evaluation of reform processes in erstwhile, FATA showed that FCR offered the only theoretical basis that administered the legal and administrative structure of erstwhile FATA since its formulation during the 19th century by the British Imperial power. The FCR gave the political administration in FATA more discretionary rights, so the proverbial notion that "money corrupts and absolute power completely corrupts" is also applicable here. Particularly in the latter half of the 20th century, the government of Pakistan was unable to change the obsolete legal-administrative framework of FATA. However, successive governments in Pakistan intensified their respective FATA reform efforts at the beginning of the 21st Century. The revisions to the century-old FCR and the extension in August 2011 of the Political Parties Order 2002 to FATA is the first ever comprehensive reform package to significantly alter the current legal-administrative framework and FATA policy. This was accompanied by numerous reform initiatives, such as the April 2015 report of the FATA Reforms Commission, the August 2016 recommendations of the FATA Reforms Committee, and then the more recent constitutional amendment in May 2018 that paved the way for the required merger of FATA with Khyber Pakhtunkhwa province.

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