Conference report

Advancing policy implementation in Pakistan’s Federally Administered Tribal Areas (FATA)
Sunday 24 – Wednesday 27 October 2010 | WP1048
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With support from the UK’s Conflict Pool, a joined-up government approach to preventing conflict

Summary and key points

Despite significant progress in operations against militants in Pakistan’s Federally Administered Tribal Areas (FATA) since late 2009, insurgency continues, threatening stability in both Pakistan and Afghanistan, while terrorist activity in Europe has been linked to the use of FATA as a safe haven and training ground. There is broad agreement that security and development in FATA need to be tackled in parallel. Few argue for the maintenance of the existing system of governance for FATA, recognising the importance of mainstreaming FATA for Pakistan’s future stability. Among those advocating reform, views differ on the options, scope and pace, although the need to consult with FATA residents to agree these is widely recognised. Action has yet to be taken to implement a partial reform package for FATA announced by the President in August 2009, which is seen as a critical first step. A formal process and clear responsibility should be assigned for taking this forward, including developing a national debate on FATA. Elected representatives and others from FATA, federal and provincial parliamentarians, civil society organisations, policy analysts and UN and international diplomats met to identify measures needed to advance FATA reform.

Among key issues discussed were:

- All measures undertaken in FATA should be based on full consultation with the inhabitants of FATA, and a sustained framework should be established to ascertain and accommodate their views.

- Although there has been encouraging consensus in Pakistan’s national parliament on measures to tackle terrorism and extremism, this has not translated into a full national debate and resolute action.

- While views vary on long-term FATA reform, there is strong agreement that there should be no further delay in implementing the partial reform measures announced in August 2009 for limited amendment to the Frontier Crimes Regulation (FCR) and extending the Political Parties Act to FATA. The national parliament should give legislative effect to the package.

- A FATA committee should be established to have clear ownership for overseeing implementation of the August 2009 proposals and subsequently developing a comprehensive roadmap for future reform, including a widespread consultation process with FATA residents to generate consensus on next steps.

- There should be national debate on the importance of mainstreaming FATA

- The Frontier Corps (FC) should continue to be strengthened and has a primary role to play in law enforcement, while reform of the Levies and Khasadars will contribute to long-term and durable security. Plans for departure of the military from FATA should be made known.
Fast-track development is needed to integrate FATA in the national economy, and there is a need to prioritise development needs. Reform will be needed to help set the conditions to encourage investment and livelihood growth in FATA. Improved access to quality education at all levels, including for girls, is a priority.

The trust deficit that exists between the state and FATA residents helps drive radicalisation. Increasing local community participation in decision-making and improving state transparency and accountability will help reduce this mistrust.

The Post Crisis Needs Assessment (PCNA) for Khyber Pakhtunkhwa and FATA provides a framework for a pragmatic, coherent and sequenced peace-building strategy for the Government of Pakistan (GoP). Implementing these recommendations forthwith is critical.

Developments in FATA during the past 12 months

Recent polling of FATA residents reveals a more optimistic view that developments are moving in the right direction compared to 2009, although almost half still hold a negative opinion. This is despite the failure of the Government of Pakistan (GoP) to implement the partial reform package announced by President Zardari in August 2009 providing, inter alia, for amendments to the Frontier Crimes Regulation (FCR) and extension of the Political Parties Act (PPA) to FATA. The Pakistan Army is understood to have opposed the prevailing consensus to enact the reforms in view of the impending launch of its major offensive against militants in South Waziristan in October 2009 and subsequent follow-on operations. These operations are recognised to have been successful in putting the militants on the back-foot, although the leadership has been displaced rather than neutralised. FATA residents have largely supported these operations, again illustrating a changing climate, notwithstanding the major displacement and related humanitarian suffering these caused. Some express concern, however, at the perceived pervasive military presence in FATA continuing in the long-term. Additionally, the military’s engagement in development and reconstruction, where progress is slow, and other civil activities, such as calling jirgas, undermines the political administration. Media in Pakistan have voiced considerable support for determined action against militants and public opinion generally throughout the country has shifted against militants’ use of violence; the Pakistan Taliban is no longer regarded as a political but criminal group.

Yet there remains a sense that FATA is still treated as a geo-political space, frozen in time, rather than a part of Pakistan where its citizens live. If the people of FATA are not resistant to change, some argue that officialdom is; there is reportedly widespread resentment in FATA against the elite of the area whose primary concern is to preserve their personal power and interests. Others argue that those not resident in FATA are unable to understand the reality of the situation there; positions of authority are occupied by people from outside FATA and tribesmen are not, or rarely, involved in decision-making.

In 2009 the GoP requested multilateral agencies’ support in undertaking a Post Crisis Needs Assessment (PCNA) for Khyber Pakhtunkhwa (KP) and FATA to identify the underlying drivers of conflict in these areas and develop a peace-building strategy to address them. This took 11 months to complete and was published in September 2010. The report was thus nearing completion when Pakistan was hit by the worst floods in the country’s history. Although the report does not therefore focus on the impact of the devastating flood damage, it provides a detailed, pragmatic and coherent peace-building roadmap for the GoP to implement over a 10-year period.

The need for wide-ranging reform in FATA is broadly recognised and accepted, reflected by the significant desire for change indicated in the 2010 opinion polling, even if FATA
residents were less clear on the shape this will take. The critical questions on reform are therefore ‘the what, the when and the how’. Extensive consultation with FATA inhabitants will be a key part of this and should be used to help develop a proper roadmap for reform.

Security and law and order needs in FATA in the short and longer-term

It is generally acknowledged that the GoP’s efforts to re-establish the government’s authority in the tribal areas, eliminate the terrorist leadership and destroy its logistic bases, and restore the public’s confidence in the civil administration and law enforcement agencies have met with relative success over the past year, despite remaining challenges. It has been based on the strategy of clear, hold, build and transfer. In particular, an extensive operation in South Waziristan (SWA) was launched in October 2009, although five of the seven agencies have seen military operations in the past year. While the Pakistan Army is continuing to hold SWA, efforts to re-build the damaged infrastructure are prolonged, reportedly due to inaccessibility and capacity problems, including a lack of funding. However, some quick impact socio-economic development projects such as road-building in SWA are being facilitated by the army. Transfer to civilian authorities is thus not yet on the agenda. Concern is expressed at the degree of military involvement in economic development projects in FATA and the way in which this undermines the political administration. Others deem this to be expedient in the circumstances, with no other organisation apparently able easily to take on this role in the light of lingering insecurity.

Some suggest it would help build confidence among people in FATA that the army is not planning on remaining indefinitely if an exit strategy for the military is agreed and explained through public information initiatives. While accepting this principle, some caution that setting a clear timeline would be unrealistic. While militants have been marginalised, they retain the ability to strike at specific targets, and to disrupt and impede the pace of military operations. The militants’ unstructured and dispersed nature constitutes an inherent survivability. In many cases, the militants’ leadership has eluded capture or killing. A military presence is therefore likely to be required throughout the ‘transition phase’. Some also stress the strong inter-relationship between the security situation in Afghanistan and FATA.

Questions are regularly raised, particularly by representatives of the coalition forces in Afghanistan, about when the Pakistan Army will take action to clear North Waziristan of terrorist bases as it currently provides safe haven for militants of all hues, including those who target Pakistan. The response remains ambiguous. It is argued that the capacity constraints of the army need to be taken into account, and it is therefore for the Pakistan authorities alone to determine the operational necessity and subsequent timing of any military action, based on their own threat assessment and security imperatives. In the past two years, US drone strikes against selected terrorist targets have increased dramatically, primarily focusing on North Waziristan during 2010. Their success in eliminating terrorist operatives is reportedly greater than in previous years and accompanied by lesser civilian casualties, suggesting improved intelligence cooperation with the Pakistani military. Although drone strikes may be a tactical victory, Pakistanis express overwhelming opposition to their use. Perceived as extra-judicial killings, drone strikes are believed to radicalise entire communities. They are also seen to violate Pakistan’s territorial sovereignty. Some suggest they could continue but only under Pakistani control, though there is little likelihood of Pakistan acquiring the technology for this capability.

The Frontier Corps (FC) was the primary security agency in FATA until deployment of the military began in the region several years ago. It is currently seen to be operating beyond its traditional role of securing the borders and the lines of communication in much of the tribal areas by acting as a support to counter-insurgency operations. Efforts to strengthen the FC numerically are currently being undertaken, as well as improved
training, provision of equipment and remuneration. Such initiatives, which should increase the motivation of the force, need to be sustained. The FC will also be required to train and mentor the levies and khassadars, traditional tribal forces that are responsible for securing law and order in FATA. Under the new Levy Force Regulation of 2010, these informal and irregular forces are similarly to be properly recruited, trained and made accountable to the civilian administration. Much work still needs to be done in this respect, including through the provision of external assistance.

There is ultimately a large role for the tribes themselves to play in the maintenance of law and order in the region, and the isolation of militants, and this has been a cornerstone of military strategy in FATA. Some argue that over a lengthy period of time there has been insufficient dialogue with tribal elders to explain the policies being pursued, and that tribal structures themselves have been severely weakened through militant targeting. It is suggested, however, that acceptance by tribal people of the state’s responsibility to provide security would already constitute a significant advance. Local peace committees could be encouraged among the tribes to promote their mutual cooperation, and also provide a mechanism for communication and consultation with the civilian authorities. Some highlighted that relying solely on traditional tribal structures might be an oxymoron in terms of addressing poor social and economic indicators. Improvements to the latter would inevitably involve some changes which might be uncomfortable in a conservative tribal society. There was a need for a proper grassroots discourse to address this.

There is debate over the degree to which reform can be initiated while military operations continue in FATA and there is lingering insecurity. Some argued progressing with reform could further disturb the security environment. Others felt that introducing reforms would help combat militancy by bridging the trust deficit that exists between FATA residents and the GoP, including by avoiding more broken promises. The risk with pursuing a sequential rather than simultaneous paradigm for reform is that it postpones inevitable reforms and becomes an alibi for inaction. It may also be a false choice since it overlooks that the reform process could be designed to reinforce positive effects.

Security in FATA cannot be properly addressed without reference to the Afghanistan-Pakistan border. Strong concern is expressed about inadequate border manning of the Afghan side, and the absence of sufficient border check points. Improved coordination between forces on both sides of the border is needed for better border management.

**Bridging the trust deficit: deradicalisation, counter-radicalisation and rehabilitation**

FATA is not immune from what happens elsewhere in Pakistan. Beginning with the Soviet invasion of Afghanistan, many argue Pakistani society has been drip fed extremist views in an environment which has become increasingly intolerant. In recent years, there has been no sustained government effort to create a national strategy to counter the narrative of extremists, who have become even more radical than their predecessors. There has also been a neglect of the grievances of the teenage boys and young men who form the bulk of suicide bombers. Many are from the tribal belt, where there is a demographic youth bulge. Without employment and living lives of abject poverty, a whole generation has known little more than conflict in the region. They are highly vulnerable to recruitment based on the version of religion provided to them by terrorist groups. There is also the dimension of Afghanistan, with the presence of foreign forces and attendant anti-US sentiment, from which the environment in Pakistan cannot be divorced. Others suggest there is currently insufficient information about and understanding of the motivations, or push and pull factors, involved in militant recruitment for which detailed expert study is needed. The effectiveness of deradicalisation and counter-radicalisation programmes will be limited if these are not based on a correct analysis. Building confidence and countering radicalisation are both long-term, overdue requirements that are not confined just to FATA. Although a high level of trust in government is evidently desirable for implementing successful strategies against extremism, enabling acceptability and receptivity, it is far from essential and cannot justify
Pakistan’s efforts to counter terrorism (CT) have been piecemeal to-date, although a national body, the National Counter Terrorism Authority has recently been revived under executive order to coordinate this work. It needs urgently to be given legislative provision and for a national CT strategy to be developed. The GoP must provide direction and leadership, while maintaining parliamentary engagement and oversight.

Prisons are seen as hotbeds of radicalisation and a deradicalisation plan has to begin with those in detention. There are in essence four aspects that need to be addressed: religious; psychological; social; and vocational. Some suggest that although the focus has traditionally been on the religious component, there is a need to give greater attention to the others. Helping to inculcate critical thinking through psychological interventions is essential, since during the process of radicalisation asking questions is discouraged. Working towards behavioural change will require instituting and illustrating incentive structures, including outlining the gains and possible repercussions if behaviour should change, or fails to do so. Detention facilities also need to be considered: who are the detainees kept with, are the staff at the facility properly trained and is the necessary support infrastructure available? The social aspect will be critical in the FATA context. There must be community engagement and extended family support to help increase prospects for success. The close-knit cultural norm must be used to ensure former detainees are successfully reintegrated into local society. Families of former militants should not be punished or victimised. There should be a clearly articulated plan for the protection of the deradicalised, including to prevent relapses. Earlier there have been persistent reports of arbitrary measures occurring, including execution, and particularly in areas under military control.

Throughout Pakistan, improvements in education are needed to prevent extremism, and external assistance would be useful for this. School curricula should be overhauled to reduce intolerance, emphasise civic duty and tolerance, and make critical thinking compulsory. Proper teacher training is crucial. Determined action should be taken in dealing with schools which encourage extremist views.

The myth that terrorists are holy warriors against non-believers needs to be broken by their conviction and punishment as common criminals, and demonstrating the impact of their actions against fellow Muslims. At present, few captured militants are put on trial, and even less convicted. Courts routinely rule militants’ ‘confessions’ inadmissible because of allegations of police torture. Law enforcement officers should be better trained, and external assistance through capacity building could enable better examination of crime scenes, and collection of forensic evidence. Improved witness protection programmes, and measures to ensure the safety of judges and other officials, involved in terrorist cases should be ensured.

Dissatisfaction with the state and the mistrust between FATA residents and the GoP arising from decades of neglect and broken promises is also thought to play a part in radicalisation. For example, the difference in the treatment of IDPs from Swat and FATA is seen by some to reflect the fact that FATA residents are considered to be second-class citizens. The state needs to be seen to deliver in FATA in order to show itself to be credible and to present an attractive alternative to militants. Lack of trust was seen by some to emanate from the state’s failure to provide security, livelihoods and basic services, including access to justice. A robust strategic communications campaign is needed to publicise all the actions GoP undertakes in combating extremism in order to create public confidence in the government’s sincerity to act. Radio is the prime medium, but use of cellphones or billboards to provide simple messages could also be considered.

For FATA, this starts with delivering commitments on security, socio-economic development and good governance, in a way that benefits all residents of FATA, not just the elite. Political and governance reforms are required so that community participation can be increased to help reduce the trust deficit. Transparency must be improved so that FATA residents are kept fully informed of what is being done, how much money is being committed, how it is used and who it will benefit. What is expected of the tribal people
should also be raised. Senior officials need to visit the area for regular dialogue and consultation with existing tribal structures. Community involvement and ownership is a virtual prerequisite to this work, and elected Agency Development Councils, and community-based councils, would provide this support.

The imperative of socio-economic development in FATA and opportunities for international community support

All agree there is an urgent need to fast-track FATA’s economic development and integration into the national economy, prioritising the development needs. The PCNA provides both an agenda and comprehensive approach to achieve this, including outlining how reform is necessary to set the conditions for economic regeneration. Some of the measures required will be long-term, such as judicial reform to enable the enforcement of contracts, develop a regulatory regime for investment, extend the banking law to FATA, and resolve land settlement issues. Without this framework FATA will not be seen as a legally secure environment and so will struggle to attract investment. In the short-term, there will be a continuing need for income support programmes, providing a social safety net, which some suggest are not currently adequately administered. One recommendation is to extend the Benazir Bhutto Income Support Programme (BISP) to FATA.

Job creation in FATA is essential, and as the largest sector, agriculture is central to economic growth. Continued support is required for existing agricultural projects, including irrigation schemes and flood control. In addition to state intervention, there should be consideration for public-private partnerships in agricultural development. Again reform will be required to help create conditions conducive to encouraging more private investment and entrepreneurs into FATA including reforming the principle of collective territorial responsibility and introducing a legal framework for resolving business disputes.

Work is already underway on improving road transport infrastructure. This will improve connectivity with Afghanistan in particular and is based on the concept of trade corridors, linking with the Indus highway. Public construction, or reconstruction, works will generate employment. Infrastructure development should also focus on energy distribution, and encouraging the establishment of companies and chambers of commerce. Longer-term there is potential to pursue mining and mineral extraction.

Effort is needed to enhance human resource development through vocational and skills training. FATA has long been affected by the movement of labour overseas, and those who have spent time abroad should be encouraged to return so they can contribute to the local economy by sharing and applying knowledge and skills gained elsewhere. A high level of remittances plays a key role in supporting FATA households. There should be encouragement to use remittances for investment and building markets. Tax incentives could perhaps be considered for this, and in other instances to stimulate growth.

Other proposals to promote economic development are seen by some as more contentious. Proposals to institute micro-financing programmes are regarded by some to be useful, while others felt there may be reluctance in tribal society to accept such a system. While in principle there should be action to interdict the illicit economy, especially in the transport sector, questions were raised about the priority this should be afforded and whether there may be unforeseen detrimental consequences. The importance of establishing Reconstruction Opportunity Zones (ROZs), offering additional tariff benefits primarily on a limited number of textile products, was also questioned, particularly in light of the difficulty in gaining US congressional approval for the proposal.

Land settlement is also an important issue to be resolved in order to provide collateral for loans. It was recognised that this would be a long-term process, requiring consultation and education of the tribe, but the example of Parachinar in Kurram Agency demonstrates it is possible.
The principles underlying development in FATA should be full engagement with and empowerment of the local community, including women and youth who face specific marginalisation. Development can then foster and strengthen institutions of local governance and community participation. Some suggest the National Solidarity Programme created in 2003 for Afghan communities to identify, plan, manage and monitor their own development projects may provide some good practice that could be applied.

Women are particularly disadvantaged in FATA: in mobility; economic activity; decision-making and political participation; and in access to education, health services and justice. It is suggested some of these could be overcome through a dedicated transport system for women, together with identifying opportunities for home-based employment for them. Could the social security network payments be made to women as representing the family rather than the male household head?

The KP Governor’s proposal for a programme of Tribal Areas Rural-to-Urban Centres Conversion Initiative (TARUCCI) provides an interesting response to problems of access to public services. It encourages tribal people to move from remote rural areas into more concentrated population centres, or urban hubs, to benefit from improved facilities and services invested there. Some donors have already indicated a willingness to support components of the programme although further technical and feasibility studies are required first.

Better educational provision, for both men and women, is a priority, and can be a major agent for change and empowerment. In FATA, there are currently too few functional schools. The problem of absenteeism, or ‘ghost teachers’, (and indeed medics) has started to be addressed by proposals to change recruitment procedures and make these posts agency-specific and non-transferable to other areas. Education may also be a sector which could benefit significantly from external assistance. Promoting local community involvement in schools can also help foster ownership and help promote security as well as accountability that teachers turn up.

The concept of civil society organisations (CSOs) – for example non-governmental organisations, community groups, political parties, media, business, trade union and religious associations or advocacy networks -- is relatively new in FATA, but is an important development. They face a number of hurdles: there is no formal mechanism for registering CSOs; those which have registered elsewhere in Pakistan to be able to operate in FATA often face capacity and technical constraints; and they must confront misperceptions about the concept of CSOs. This includes resistance from some political or elite structures which regard them as rival centres of power, or as pursuing foreign agendas that might undermine social and cultural norms.

CSOs involve local communities in consultation and decision-making processes. Without their activity, there would be no outlet for the voice of local people in the decisions taken by civilian or military authorities on their needs. This is an area that still requires further development to achieve real participation or accountability. For example, there is often a lack of transparency on the use of government funds. Providing mechanisms to increase civil participation in decision-making would help build the legitimacy of the state amongst FATA residents, and thereby help keep them turned away from the insurgency. No formal structure exists to provide a civic education programme in FATA, a function which can be provided by CSOs.

Although some are highly critical of the role of non-governmental organisations in development activities, seeing them as a sipher for funding, others are convinced of an urgent need to create the conditions in which CSOs can flourish. This should begin with establishing a mechanism for CSOs to register locally. It would also be useful to create a formalised government-civil society interface to encourage information exchange and collaboration, and also promote building capacity. This may help dispel negative perceptions of CSOs and demonstrate that civil society growth is an asset for security and democratisation. CSOs could also contribute to countering the separation of FATA from other areas of Pakistan through the networks they can build with the vibrant CSO
community throughout the country. Notwithstanding security concerns in some areas, access for journalists and other CSOs to travel more widely in FATA, and allowing private media, in particular radio, to function would increase information flow and communications. More external assistance would be helpful in providing training and building capacity of CSOs.

Lack of access to FATA similarly limits the ability of the international community to fully understand the needs, desires and opinions of local people, complicating the implementation, monitoring and evaluation of projects they support. Donors with considerable commitments in the region, like USAID, aim to create consultation processes at both the strategic and field levels, with strong oversight mechanisms. Some argue there is too ready recourse to costly foreign consultants and contractors and insufficient indigenous, especially local FATA, involvement. This may now be gradually changing. Strong sentiments are expressed that projects that bypass mainstream official structures undermine governmental authority. Conversely, governmental structures are criticised for lack of capacity, slow action and the inability to provide sufficient transparency and accountability, especially at provincial level. Potential solutions to these issues include greater facilitation by GoP to enable oversight visits by the international community, greater involvement of local communities in decision-making and accountability of projects, the introduction of Ombudsmen and hotlines to enable feedback on interventions.

Insufficient coordination among donor nations and international organisations, within donor governments, between donors and the GoP and within the GoP itself are constant concerns. The PCNA represents a complex but potentially rewarding vehicle for partnership and coordination: a GoP-led overarching strategy to optimise assistance to the region, while providing the opportunity to demonstrate its own commitment to undertaking all elements identified in the PCNA. These include important (but in some cases challenging) reforms. The World-Bank administered Multi Donor Trust Fund (MTDF) established in 2010, provides a coordinated financing mechanism for the GoP and constitutes an important tool for PCNA resource mobilisation, although it is not the only avenue. Donors are encouraged to contribute towards it, although some are waiting to see how it works before doing so. The GoP is also expected to re-allocate resources from its budget towards financing the recommendations of the PCNA as GoP ownership of the entire process is critical to its success (or failure).

**Drivers of instability between Pakistan and Afghanistan**

Developments in FATA cannot be considered in isolation to the regional context. Some believe relations with Afghanistan may be somewhat improved, although others suggest Pakistan still needs to reorient its policy of seeking strategic depth in Afghanistan to counter fear of Indian strategic encirclement. Both countries must work together to overcome the misperceptions, misunderstandings and mistrust that emanate from past experiences to be able to move forward. This includes reducing unhelpful rhetoric and stopping the public ‘blame game’ in order to focus on constructive discussion on shared objectives and threats. The media in each country has an important role to play in helping achieve this. The insurgency faced by both countries represents a common threat. Border management should be improved and better regulated, while still allowing sufficient freedom of movement to FATA residents to cross frequently in pursuit of their daily lives. Both countries need to make serious efforts to jumpstart economic growth and development on their respective sides of the border, including working jointly on infrastructure projects that benefit all. Each must open up their economies to the other. Confidence and trust could be strengthened through the establishment of institutions designed to promote cultural, educational and scientific interaction. The bilateral *jirga* process should be resumed, parliamentary, media, civil society and commercial exchanges promoted together with increased people to people contact to help increase understanding and build trust.
Reforming governance in FATA: what, when and how?

It is uniformly recognised that FATA has suffered decades of neglect, and many, if not all, believe its traditional structures have deteriorated beyond the point of revival. There is a need to introduce redressal systems to allow the administration's decisions to be reviewed and challenged. Its current constitutional status should be reviewed as part of a process of incrementally mainstreaming FATA; it is however likely to take some time to generate consensus on a chosen solution. The situation in FATA may be critical, but it also provides opportunities for reconsidering governance structures and how FATA should best develop, making the most of the international community's current focus on FATA to receive assistance. Whatever measures are taken, change in FATA cannot be imposed externally and must instead result from a bottom-up process of consultation with FATA inhabitants as the principal stakeholders if it is to be sustainable. This should include discussion on rights versus responsibilities as part of defining a new social contract.

Who best represents the people of FATA – elected members of the National Assembly from FATA, tribal elders or perhaps well-informed and experienced officials responsible for administering the area -- as well as the most appropriate form of consultation remain open questions. It is nevertheless agreed that consultation requires sustained and iterative efforts and could not be a one-off process. Some propose a broad-based jirga system as the most appropriate mechanism; for example one loya jirga across FATA, with women and youth adequately represented in addition to the traditional maliks. Others propose basing consultation around institutions of local governance to foster and strengthen their role in decision-making: agency councils could be established by executive order (or other elected bodies constituted) that would also provide mechanisms to support government accountability and bind FATA residents to the state, separating them in the process from the insurgency. Civil society organisations, such as the Benazir Bhutto Foundation and CAMP, have already demonstrated the benefits of bringing together FATA representatives to help reach consensus on future potential reforms. Encouraging the growth of indigenous civil society organisations in FATA would also provide a much-needed voice for local communities. Likewise the emergence of a vibrant political leadership in FATA would help inform this process. Most importantly, the consultation process should start as soon as possible.

There is strong support for an incremental and evolutionary approach to reform. Since reform brings its own dynamics, some consider it premature to pre-suppose the final outcome of the process – for example the ultimate constitutional status of FATA – until some of the initial steps have been embedded and reviewed. There is a need to build an enabling environment for reform. This should include developing a robust strategic communication and advocacy campaign geared towards generating a national debate among all principal stakeholders on the importance of mainstreaming FATA and the modalities of achieving this. Similarly important is promoting elected local governance institutions in FATA.

Reform should start by implementing what is considered immediately ‘doable’. Immediate enactment of the reform package announced by the President in August 2009 is considered essential. It was also a key recommendation of the PCNA. This would help create conditions for further reform, and give credibility to the GoP’s leadership in FATA. Although there are differing views on the extent of changes necessary to the FCR, or whether it should be abrogated entirely, there is broad agreement that the amendments included in the package are acceptable. Likewise, so is the extension of the Political Parties Act to FATA. Once political parties can operate legally in FATA they will be able to provide local inhabitants with programmes or platforms of reform, and accompanying information, on which further choices can be made. It will also help provide alternative voices and promote accountability. FCR reforms should not be presented as changing the lifestyle of FATA inhabitants, but instead as part of a new social contract with the GoP, bringing new rights and additional opportunities alongside different responsibilities. Responsibility for carrying forward the reform package should be taken up in parliament by the Senate’s National Security Committee – or some other formally-established body.
charged with looking at reforms such as the Constitutional Reform Committee did. A clear timeline should be set for its legislative passage. If there are objections to this from the security establishment, the problems should be clearly identified and resolved through direct discussion. Dispute over some of the proposals should not delay implementation of other elements of the package which have been agreed. Longstanding difficulties in civilian-military relations cannot be transformed overnight, but the President should be prepared to expend political capital on this as it is ultimately Pakistan’s stability that suffers from the current situation in FATA.

In the longer-term, the PCNA which the GoP has endorsed, contains a number of proposals for constitutional and political reform in FATA, although the precise modalities to achieve this need to be agreed. There is already some funding for its implementation. A number of other complementary and contradictory ideas are suggested. To promote women’s participation in political processes, there is significant support for three reserved women’s seats for FATA in the national parliament. Since previously (before the split of East and West Pakistan) FATA had been represented in the KP provincial assembly, some suggest this should be reintroduced. Others caution that such a measure should not pre-judge FATA’s integration with KP. A number of arguments are advanced for integrating FATA with KP: as some adjacent districts have already merged and agencies tend to have more in common with their adjacent settled areas than other agencies, it reflects a pragmatic approach, building on what currently exists; significant numbers of people originally from FATA now live in KP; KP’s ministries currently work in FATA, and it is not practical to replace these with separate institutions; and geographically the agencies can only be connected through KP. On the other hand some fear FATA would be disadvantaged by integration into KP and advocate strengthening FATA’s structures and economy before such a measure could even be considered. FATA residents tend to see a separate province for FATA as the preferred option, although questions remain as to whether this could be made economically viable. One possibility could be to pilot reforms in the Provincially Administered Tribal Areas (PATA) by integrating these with KP where they are adjacent and merging the Frontier Regions (FR) into KP also. It is considered helpful to have consultation with the people of KP too on any future proposals involving KP.

There should be clear owner responsibility for overseeing and driving forward implementation of the August 2009 proposals and developing a comprehensive roadmap for future reform efforts, including a widespread consultation process with FATA residents to generate consensus on future steps. Some suggested that a FATA Reform Committee could be established, chaired by the KP Governor and comprising all key stakeholders. This would include legal and technical expertise alongside civil society representatives. This committee would be responsible, inter alia, for:

- implementing the August 2009 reform proposals;
- leading a consultation process to develop consensus on future incremental reform proposals;
- creating cross-linkages with the PCNA;
- overseeing strategic communications related to the reform process.

A senior peace envoy could also be appointed to facilitate consultations in FATA.

**Conclusion**

There are a number of blocks to moving forward in FATA. These include: differences in myths and perceptions, and the causes of the present situation in FATA; different ‘wish lists’ and expectations among for example the FATA elite, political parties, the military and the international community; FATA’s geopolitical situation as well as the inter-related situation in Afghanistan; the capacity of the GoP to deliver both in terms of resources, expertise and resolve; vested interests that seek to frustrate progress; the difficulty of guaranteeing security and weak capacity within indigenous law enforcement agencies; the substantial, trust deficit that exists between the people of FATA and the GoP; a lack of access and awareness of the situation in FATA; the absence of a genuine national
debate on the future of FATA that involves consulting the residents of FATA. Agreements reached among national parliamentarians on combating terrorism and extremism need to have effect, and support, throughout Pakistan and should be implemented forthwith. Integral to creating a national consensus on FATA’s future is engagement with FATA’s inhabitants, legislators from FATA and, nationally, political parties and all components of the security establishment. To assist in achieving consensus there needs to be additional input, for example from religious leaders and civil society organisations, and expert study and analysis. A robust communications and advocacy strategy needs to accompany such national dialogue. Whilst the PCNA provides a framework to address some of these issues, there needs to be clear ownership and responsibility assigned to taking forward this debate and overseeing implementation of reform. This could be achieved by creating a dedicated FATA Reform Committee comprising key stakeholders, charged with developing a comprehensive roadmap for reform.

**Isobelle Jaques**

Wilton Park | January 2011

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