

Integration of FATA in Khyber Pukhtunkhwa (KP): Impact on China-Pakistan Economic Corridor (CPEC)

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Federally Administered Tribal Areas (FATA) remained as 'no men's land' since the times of the British rule and was governed under the Frontier Crime Regulation (FCR), a draconian law based on collective responsibility of the tribesman. The non-integration of FATA has kept it backward and deprived it from the fruits of a civilized life on one hand while on the other hand; it remained open for the intruders from the outside world. For instance, the Taliban and terrorists found a safe haven in FATA after the American attack on Afghanistan because of the absence of direct administrative system there. Their cadres included not only the tribal madrassa students but also the Afghans, Arabs and Uzbeks who have not only hijacked FATA but also posed a potential threat to the rest of the country. In order to counter the menace of the Taliban and terrorists, Pakistan's army launched various operations and proclaimed successes but such claims were usually followed by a fresh wave of terrorist and suicide attacks in the country. For a permanent solution to the problem and for the security of the road project which is being constructed from Xinxiang in the north-west China to Gwadar port in Baluchistan under the newly signed CPEC agreement with China, integration and mainstreaming of FATA with KP is indispensable which automatically will help in closing the nurseries of such unwelcomed Taliban and terrorist outfits.

Keywords: FATA, CPEC, integration, security, Tribal, Taliban, terrorism

For administrative convenience, the then British Indian government separated the Federally Administered Tribal Areas (FATA) from the province of present Khyber Pukhtunkhwa (KP) on 9 November 1901. Lord Curzon who came to India as the newly appointed British Viceroy in January 1899, not only convinced the British for the establishment of the new province comprising the four trans-Indus districts of Peshawar, Kohat, Bannu and Dera Ismail Khan; cis-Indus district of Hazara; the five political agencies of Khyber, Kurram, North Waziristan, South Waziristan and Dir, Swat and Chitral; and the Frontier Regions (FR) overlooked by the deputy commissioners of the settle districts. The new province was headed by the chief commissioner, an appointee of the government of India and agent and subordinate of the governor-general. However, the agencies were run by the political agents who were answerable to the chief commissioner and through him to the governor-general. Curzon also elaborated the whole lot of officials, subordinate staff, the headquarter of the province, the provincial public service commission, the status of the officials from the Punjab in the new province, the appointment of the officials, so on and so forth (Sultan-i-Rome, 2013).

The inclusion of KP into the mainstream administration helped it to gain the status of a governor province through reforms; at least after thirty years in 1932 while on the other hand, the British introduced the system of an indirect administration in the tribal area through the draconian law of FCR as Punjab Crime Regulation at first in 1872. It was a totally different kind of administration from the rest of India because the British thought it awkward and absurd to apply the same kind of administration in the tribal belt which will be despised by the tribesmen themselves, thus making the prospects of reforms and mainstreaming meager. Therefore, the British formulated a new set of administration, addressing British concerns for security and embodying Pukhtun sense of justice. The Pukhtuns whose lives are regulated and ruled by the *Pukhtunwali* Code; a code containing well-defined and well-known customs, traditions and norms (Sultan-i-Rome, 2013) but the British used all those parts which only dealt with punishment for wrong acts and deeds. The British who sought direct or an indirect control over the tribal area and had shown no concern for political reforms in the frontier but they saw the new Punjab Frontier Crimes Regulation as a respect for Pukhtun customs and traditions (Spain, 1963). Despite the fact that it brought many criminals to justice but was a failure because it was a supplementary to the min law of the land rather than a sole law (Barton, 1939).

After 1901, the FCR was promulgated both in the tribal areas and the settle districts of the present province of KP because the primary objective of the British in occupying the tribal area was the security concern rather than the development of the area (Spain, 1963). It was consisted of seven chapters, sixty four clauses and three schedules. The trans-Frontier clause of FCR 3 allows the commissioner, deputy commissioners and political agents to seize the property of a hostile tribe, detain the persons, debar all or any member from all access into British India and prohibit inter-course and communication with such tribe or any section or any member (Government B. P., 1901).

One of the major drawbacks of the introduction of this strange regulation in the tribal area caused the development of a different kind of culture and mindset. They believed on an arm resistance to the British, for instance, The Mehsud tribe in Waziristan started its arms revolt against the British since 1897 (Baha, 1978). The Zaka Khel Afridis and Mohmands also roused in an arm resistance in 1908, to which the British responded and sent expedition against them under General Sir Willcock. The British expedition proved successful in quelling them (Baha, 1978). However, the most notorious arms struggle against the British was led by Haji Mirza Ali Khan, famously known as the *Faqir* of Ipi of *Tori Khel* tribe over the verdict of an Indian court, returning the converted girl to her Hindu parents (Haroon, 2007). Haji Mirza Ali Khan at this moment was the *Imam* (leader of the prayers) of the mosque in the village of *Ipi*. When the British marched towards his hideout in Khaisor on 25 November 1936, the tribesmen stood by the side of the *Ipi Faqir*. They kept the British puzzled until their withdrawal from India in 1947 (Tripodi, 2013).

On the other hand their brethren in the settle districts particularly in the Peshawar Valley had developed a sense for a civilized life and strived for the uplift of their life through education and political consciousness. They under the leadership of people like Haji Fazl-i-Wahid (popularly known as Haji of Turangzai) and Khan Abdul Ghaffar Khan (affectionately known as Bacha Khan) turned towards education and the establishment of the various organizations, such as *Anjuman-i-Islah-u'l-Afaghina* (Society for the Reformation of Afghans) in April 1921, *Zalmo Jirga* (Youth League) in September 1929 on the advice of Mian Akbar Shah who was a student of the Islamia College, Peshawar who went as far as the Soviet Union for the liberation of the motherland after migration to Afghanistan during the *Khilafat* (Caliphate) and *Hijrat* (Migration) movements of 1920. *Zalmo Jirga* was set on the pattern of Young Turks, Young Afghans and Young Khivans, and the non-violent movement of the *Khudai Khedmatgars* (God's Servants) in November 1929 (Shah, 2007).

After the emergence of Pakistan as a British dominion, the province of KP along with the tribal areas (both FATA and FRs) through a referendum became its integral parts under the Indian Independence Act of 1947 (Mahmood, 1975). Jinnah as the new Governor-General of Pakistan ordered the immediate withdrawal of troops from Waziristan and assured the tribesmen the maintaining of treaties they entered with the British in the pre and post-partition days (Sultan-i-Rome, 2013).

Unfortunately, Pakistan after 1947 maintained the essence of the British FCR and retained their legacy in the tribal area, thus depriving them of the rights of equal citizenship. The President was vested with the power to decide the fate of the tribal area whenever he considers it appropriate by knowing the consent of the people of the area. Pakistan even created three more agencies of Mohmand in 1951, Bajaur in 1973 and Orakzai in 1973 (Shinwari, 2010). Article 246 provided for 13 agencies and frontier regions that comprise FATA while article 247 of the constitution of 1973 deals with the method and manner of administering the tribal areas. It was in through this constitution that the name from Centrally Administered Tribal Areas was changed into the Federally Administered Tribal Areas (FATA) (Sultan-i-Rome, 2013).

Though several amendments were introduced in the FCR in pre and post-partitioned times but they were only minor amendments, however, the major amendment but short of a merger was introduced by President Asif Ali Zardari in 2011. However, it was still a little attempt because no civilized person in the world would ever wish to be governed through such a draconian law. Key feature of this amendment were the extension of political parties order 2002 allowing them to campaign freely FATA, fixation of time for the disposal of cases, provision for independent appeal process, appellate authority to review and revise orders and decisions, strengthening FATA Tribunal, transfer of cases to Assistant Political Agent, concept of bail, reference to council of elders, acceptance of local customs and traditions, arrest by authorities other than the Political Agent, check on arbitrary power to arrest, no deprivation of property rights and audit of the Political Agent by the Auditor General of Pakistan (Government o. P., Exective Order of the President of Pakistan, 2011).

FATA Tribunal was first included through an amendment in the FCR in 1997 (Government o. P., Report of the Committee on FATA Reforms, The Frontier Crimes Regulation 1901, Regulation III as amended Frontier Crimes Regulation, 1977). However, the 2011 amendment refined and improved the structure of the Tribunal and provided a chance to the tribesmen to appeal against the punishment meted out by the political administration in FATA (Government o. P., Exective Order of the President of Pakistan, 2011). It was a kind of relief for the tribesmen and they were for the first time seen as human beings by those who were in authority to change their fate.

Another attempt to amend the constitution was made by the government when the Prime Minister of Pakistan set up a Committee on FATA Reforms, the job of which was to put forward recommendations and proposals for the mainstreaming of the tribal areas. It consisted of six member with Sartaj Aziz, the Advisor to the Prime Minister on Foreign Affairs as its chairman. The Committee after consultation with various stakeholders proposed the merger of FATA with KP in August 1916 because both has good, social, cultural, economic and administrative linkages. The committee asserted that the influential tribesmen support the merger which is of foundational significance for the whole country and international community. The reforms will ensure peace and bright future for the tribesmen being ravaged by war and turmoil since the last forty years (Government o. P., Report of the Committee on FATA Reforms, 2016).

The objectionable part of the Report of Committee of FATA Reforms 2016 is, however, the safeguards for the success of reforms because it is that part which is a hurdle and delaying tactic for FATA to be fully merged with the province of KP. The safeguards of the Committee provides for a 5 year transition period, during which the Political Administration will facilitate and enable the tribes to interact positively in the reform process by continuing to function under their own *Riwaj* and *Jirga* system. For the acceptability of the Reforms, the Committee suggested to take the Parliament into confidence (Government o. P., Report of the Committee on FATA Reforms, 2016).

The high-powered National Implementation Committee (NIC) meeting chaired by the Prime Minister Shahid Khaqan Abbasi endorsed the merger of FATA with KP. Besides the Prime Minister, the meeting was attended by the Chief of Army Staff, General Qamar Bajwa; Federal Minister for States and Frontier Regions, Lt. General Retired Abdul Qadir Baloch; KP Governor, Iqbal Zafar Jahagra; Chief Minister, Pervez Khattak; Chairman of the FATA Reforms Committee, Sartaj Aziz; and Federal Law Secretary, Barrister Zafarullah Khan (Khan, 2007).

Subsequently, the National Assembly passed a bill on 12 January 2018 and extended the jurisdiction of the Supreme Court (SC) and Peshawar High Court (PHC) to the tribal area. The bills was moved by the government when the house was in order and get it passed while the only vote against it came from the political ally of the government, the *Jami'at-e-Ulama Islam*, Fazlur Rehman (JUIF) (Haq, 2018).

FATA remained backward, underdeveloped, and war-torn since the times of the British colonial rule. The conflicts which Pakistan inherited from the British turned worse due to a bad governance, geo-political considerations and partisan economic interests of the national elite after gaining independence (Wolf, 2016). Nevertheless the decision of merger of FATA with KP on the part of Pakistan is a good gesture for the people of FATA because it will help in bringing the peace to the area and will establish friendly relations between Pakistan and Afghanistan on one hand while on the other hand will increase the number of FATA and KP representatives in the national and provincial assemblies (Khan S. A., 2017) and most importantly peace in FATA and the security of the China-Pakistan Economic Corridor (CPEC) will be ensured which is seen as a 'game changer' for Pakistan economy and regional cooperation (Wolf, 2016) because this mega project of two parts, Eastern and Western alignments includes road, railway lines, pipeline and fiber optic cables which connects Pakistan and China. However, Pakistan and China started working on the Eastern route at first as the Chinese wanted its building on priority basis due to the fact that it was secure for transfer and transportation (Hussain, 2017).

The Western route of CPEC was seen as problematic because it was passing through the parts of KP and Baluchistan which is adjacent to the tribal territory whose status from no men's land has been changed into the safe havens of the Taliban and terrorists. The Western route will be connected to the Eastern alignment route which will run from Kashgar to Gwadar through a coastal highway in to Khanjrab, Gilgit, Abbotabad, Islamabad, Punjab and interior Sindh. The Western route besides its connection with Eastern alignment route will cover the areas of Islamabad, Peshawar, D. I. Khan, D. G. Khan (Punjab), Dera Bugti (Baluchistan), Khuzdar and Gwadar. Nevertheless, Afghanistan will also be made part of the corridor by providing it link through Quetta and Taftan (Iran) (Hussain, 2017).

In order keep the game changer route safe from the miscreants; the merger of FATA should be made on priority basis because the unmerged FATA will be a safe haven for all such groups and movements that wants to destabilize Pakistan and the region. The merger of FATA with KP will not only be a game changer for the tribesmen but for Pakistan and the region as a whole. It will

undoubtedly fulfill the long cherished dream of the tribesman to be reunited with their brethren in KP but it will also help in the peace and prosperity of the country. Merger will change the life-style of the tribesman also as their area will no more be a 'no men's land' or a safe haven for the radical religious forces. Government schools and hospital instead of the personified schools and hospitals owned by the government paid maliks who uses them as their private properties, will be opened in order to equip the tribesmen with advance modern education. They will either get rid or will at least have government supervision over those religious *madrassas* (seminaries) which spread hatred and prepare the ground for militancy. Political parties will compete for election and the tribesmen will elect their own representatives. It will be open for media coverage and no unpleasant act will remain unnoticed. Besides, new jobs and avenues will be created where the tribesmen will serve their own province and their own country (Wolf, 2016).

As FATA remained a safe haven for the transnational terrorists and militants including the local tribesmen, Afghans, Arabs and Uzbeks, the need of the time is to merge it completely with KP as soon as possible in order to avoid the problem of militancy and terrorism in future. Though Pakistan succeeded in responding to the terrorists effectively who came from across the border in Afghanistan after the fall of Taliban regime in 2001 as a result of the American war on terror. It launched various combat operations in different parts of FATA and restored peace to a great extent, facing great losses in men and money. However, in case of delayed reforms and integration of FATA, the challenge of militancy and terrorism would persist and this time it will fell to the hands of not only the Taliban but also the Islamic State of Iraq and Sham (ISIS) forces which are already operating in Afghanistan and are fighting with each other for gaining ground and influence (Kugelman, 2018).

The recent initiative by the Afghan government of President Ashraf Ghani to reach a peace with the Taliban in order to stabilize Afghanistan (Staff, 2018) can also turn into a menace for Pakistan because in a stable Afghanistan, Taliban and terrorists will have no other choice rather than to focus on the tribal area and on Pakistan. The Taliban and also the ISIS terrorists will not only threaten Pakistan but will also become a menace for the billion-dollars CPEC project which China has started as a result of understandings and agreements with President Asif Ali Zardari (Co-Chairman Pakistan People Party, PPP) in 2013 and Prime Minister Mian Muhammad Nawaz Sharif (President Pakistan Muslim League) needed the security of the 'One Belt One Road' (Wolf, 2016). Though the CPEC project was initially worth of \$46 billion but with the passage of time it has reached to \$62 billion and it is under this project that a long road network of 3,218 kilometer will be built from the China's province of Xinjiang to the Gwardar Port in Pakistan and will be completed by 2030 (Siddiqui, 2017).

In the light of terrorist and ISIS threat to CPEC, the reforms in FATA will not only bring political transformation in the post-conflict period or reconstruction to FATA and improvement to the socio-economic and religio-political conditions of the people but will also make it 'fit for CPEC,' as a security guarantee which will ensure the effective implementation of the project (Wolf, 2016). Thus, the merger of FATA into KP on one hand is necessary for FATA itself while on the other hand for the security of CPEC which itself will help in the reconstruction and rehabilitation of the area (Wolf, 2016) and the peace and security in the country.

Conclusion

To sum up the debate it can be summarized that FATA is a guarantee to the peace in Pakistan. Only the reforms and integration of FATA will bring peace and security to Pakistan through the peace and security in FATA. It will help in ensuig the well-being of the tribesmen, people of KP, those of Pakistan and even of the region because the people of FATA will have greater say and

participation in the affairs of the state and therefore, will avoid to take arms against their own country, Pakistan. FATA will become a strong area as a result of economic development and revenue generation not only from the trade across the border but also from the natural resources. The war economy will give way to a permanent economic boom and the area will be transformed from the geo-strategic into a geo-economic zone.

KP will have to manage greater population and area, and will enjoy increased seats in the provincial and national assemblies besides the peace and tranquility that will prevail after the mainstreaming of FATA. Pakistan will have an opportunity to enjoy a 'game changer' flow of income through CPEC in the post-merger peaceful atmosphere and road safety. And finally, China will have a more secured uninterrupted economic trade route to Middle Eastern and European countries and will enjoy greater influence in the world affairs. In short, the merger of FATA with KP is in the best interest of all the stake holders.

References

- Baha, L. (1978). N. W. F. P.: Administration under British Rule, 1901-1919. Islamabad: *National Commission on Historical and Cultural Research*.
- Barton, S. W. (1939). *India's North-West Frontier*. London: John Murray.
- Government, B. P. (1901). *Frontier Crimes Regulation III, Section 21, 'Blockade of Hostile or Unfriendly Tribe'*. 'Blockade of Hostile or Unfriendly Tribe'. Government, British Punjab, 9.
- Government, o. P. (1977). *Report of the Committee on FATA Reforms, The Frontier Crimes Regulation 1901, Regulation III as amended Frontier Crimes Regulation*.
- Government, o. P. (2011, August 27). Executive Order of the President of Pakistan. *Frontier Crimes Regulation, 1901, Regulation III as amended on 27 August 2011*.
- Government, o. P. (2016). *Report of the Committee on FATA Reforms*.
- Haq, R. (2018, 01 12). *National Assembly Passes Bill to Bring Fata under SC, PHC*. Retrieved from The Express Tribune: <https://tribune.com.pk/story/1606445/1-national-assembly-passes-bill-bring-fata-sc-phc-jurisdiction/>
- Haroon, S. (2007). *Frontier of Faith: Islam in the Indo-Afghan Borderland*. London: *Hurst and Company*.
- Hussain, S. a. (2017). CPEC: A Roadmap of Region's Development. *FWU Journal of Social Sciences*, 11(2), 51-59.
- Khan, I. (2007, 12 26). *Historic Decision on FATA-KP Merger Taken*. Retrieved from Dawn: <http://www.dawn.com/news/1378852>
- Khan, S. A. (2017, 12 29). *Understanding Realpolitik of KPK, FATA*. Retrieved from The Nation: <https://nation.com.pk/29-Dec-2017/understanding-realpolitik-of-kpk-fata>
- Kugelman, M. (2018, 02 25). *The Taliban and ISIS are still powerful forces in Afghanistan*. Retrieved from The Hill: <http://thehill.com/opinion/international/370881-the-taliban-and-isis-remain->
- Mahmood, S. (1975). *Constitutional Foundation of Pakistan*. Lahore: United Publishers Ltd.
- Shah, S. W. (2007). *North-West Frontier Province: History and Politics*. Islamabad: National Institute of Historical and Cultural Research, Centre of Excellence, Quaid-i-Azam .
- Siddiqui, S. (2017, 04 12). *CPEC Investment Pushed from \$55b to \$62b*. Retrieved from Express Tribune: <https://tribune.com.pk/story/1381733/cpec-investment-pushed-55b-62b/>
- Spain, J. W. (1963). *The Pathan Borderland*. Hague: Mouton & Co.
- Staff, R. (2018, 03 01). *Taliban Pour Cold Water on Invitation to Afghan Peace Talks*. Retrieved from Reuters: <https://www.reuters.com/article/us-afghanistan-taliban/taliban-pour->
- Sultan-i-Rome. (2013). *The North-West Frontier (Khyber Pakhtunkhwa): Essays on History*. London: Oxford University Press.
- Tripodi, C. (2013). *Edge of Empire: The British Political Officers and Political Administration on the North-West Frontier, 1877-1947*. Burlington: Ashgate Publishing Company.
- Wolf, S. O. (2016, 10 01). *Betwixt and Between: The FATA Reform Process and the China-Pakistan Economic Corridor*. Retrieved from South Asian Democratic Forum/Focus: crossasia-repository.ub.uni-heidelberg.de/3957/1/FOCUS.N.21.SOW_.pdf