

## The Status of FATA in the 1973 Constitution of Pakistan and the 2016 Report: An Explanatory and Analytical Study

**Zahid Anwar and Muhammad Quraish Khan**  
Department of Political Science University of Peshawar

The 1973 constitution of Pakistan was framed in the light of experiences of 1956 and 1962 constitutions and implemented with consensus of all major political parties. The federal constitution of 1973 gave special status to Federally Administered Tribal Areas of Pakistan (FATA). The colonial rulers framed the system of governance in FATA in the light of broader interests of the empire. After independence, the system was kept intact despite regional political cataclysms. The political struggle in Afghanistan from Saur Revolution in April 1978 till the withdrawal of the Soviet troops from Afghanistan in the wake of Geneva Accords (1988) affected FATA very much. After 9/11 when Pakistan became the frontline state in war against global terrorism FATA turned into a battleground. The violent conflict in FATA turned the attention of the decision makers at the helm of affairs to introduce reforms. The reforms committee report 2016 reveals the nature and features of reforms expected to be introduced in FATA. The paper is based on primary and secondary data and explores the reforms and its likely impact on healing the trauma of FATA's people.

**Keywords:** Pakistan, FATA, Reforms, Terrorism, Peace

This paper is divided into two parts. The first section is showcasing the constitutional context, governance, rule of law mechanisms and conflict dynamics in Federally Administered Tribal Area (FATA). The second part of the write-up analyses the recently published FATA reforms committee report and its implications. To begin with, the Federally Administered Tribal Areas of Pakistan is a territory of 27,220 sq. km located in the Pakhtun belt connecting Pakistan with Afghanistan. This territory is dominating by the rugged mountains of *Koh-e-Suleman* and *Koh-e-Sufaid*. The tribal belt is referred as the land of unruly, land of the free, land of the rebels and land of insolvent. (Bangash 2016). Since 9/11 the situation in FATA has gradually deteriorated after the fall of Taliban government in Afghanistan. The United States troops came to Afghanistan and the military operations trickled down effects also reached FATA (Nawaz 2009). The US used drone technology to target the high valued target; however, the collateral damages in FATA has further deteriorated the security situation (Alexander 2013) and influx of internally displaced persons in the settled areas of Khyber Pakhtunkhwa and rest of the country (Amir 2013). The US-NATO led war on terror has regional and international implications (Dugan 2013). This impact can be viewed in the back drop of Afghanistan, China, Saudi Arabia and Iran. In the first place, Pakistan-Afghan relationship always remained fragile and there are accusations of interference in the domestic affairs (Aziz 2008). Secondly, China is worried about the growing insurgency in Pakistan as the Uighur separatists from Xingjian province may find a safe haven in FATA. Thirdly, Saudi Arabia influences in Pakistan are growing that worries Iran. There are accusations of a proxy war between Saudi Arabia and Iran in some Shia dominated FATA agencies.

From cultural and social perspectives, the vast majority is FATA people live in rural areas; they are generally conservative. The code of life is called Pashtunwali that is the pre-Islamic ethical code passed down to the posterity and applying to individual and community conduct. However, the current insurgency, the militants have made a dent in the Pashtunwali code and FATA people are forced and emotionally exploited into eulogizing Jihad and adept to warrior identity. Authorities continued to take advantage of centuries old Frontier Crimes Regulations (FCR) to achieve political ends (Nichols 2013).

FATA people main professions are farming, trading ( *sic* smuggling) and mining. They are famous for their fierce independence, resilience, ever-changing tribal alliances, tribal factions and feuds. Economically, FATA areas are the least developed areas in the country: for 2.4% of the country's population, FATA contributes 1.5% to the economy, making it the smallest Pakistani economy in terms of GDP. Per capita annual income in FATA is \$ 663 (FATA Secretariat 2014). Major portion of the population work as semi-skilled labour in the middle and Karachi who send remittances (Nicholas 2008). The assets (land) is communal there is a lack of legal tenure. The main income sources used to be smuggling of Japanese made items but now owing to china made things and trade through KKH, the smuggling economy is low.

The rule of law mechanisms are also peculiar. The authority of the Supreme Court does not extend to FATA. In 1973 Constitution, the President of Pakistan, acting through his agent, the Governor of Khyber Pakhtunkhwa directly administers FATA. General laws have no application to FATA unless specifically extended to FATA by the President. The courts have no jurisdiction and there is no formal police service. The Frontier Crimes Regulation 1901 (FCR) is the framework of criminal and civil law applicable to FATA. The FCR codified a middle ground that established a system of indirect control, through Political Agent, local elders and Jirgas. It is characterized by minimum state penetration and was aimed only at ensuring security for roads, government posts and frontier areas and the imposition of collective responsibility and punishment for breaches of law and order within those areas. (Shinwari 2011)

The Jirga is a dispute resolution mechanism that incorporates the prevalent local customary law and some rituals. Geographically the area is divided into protected ( government related ) and non-protected ( owned and related to tribes). In unprotected areas, it is called the *Ulesi Jirga* and formed of village elders whose collective decision about the resolution of a dispute is socially and morally binding on the parties involved. Decisions are in accordance with accepted local traditions and values. Jirgas play a quasi-judicial role primarily to settle disputes peacefully (*Teega*) and promote reconciliation (*Rogha*) rather than to adjudicate or pass a sentence. Proceedings, however, do not include women and minorities, even when they are subject to the jirga's decision. The jirga has been adopted in Protected Areas as well, with Political Agent (PA) or his staff representation. These kinds of Jirgas are called FCR jirgas and are appointed and overseen by the PA. Individuals in Unprotected Areas can ask for their cases to be heard in formal FCR Jirgas if they so chose; the PA can also demand that a case in an Unprotected Area appear before an FCR Jirga. Tribes people in Unprotected Areas have various dispute settlement choices: they can take their disputes to the Political Agent or can settle by *Rewaj* (tradition) through recourse to the community *Ulesi Jirga*, or submit themselves to the authority of *Shariat* . Over recent years, militants have carried out a sustained offensive on traditional dispute resolution mechanisms, and the old system of conflict resolution has been considerably weakened (White 2008). The Malikis who sat on the jirga have been intimidated, driven away or simply killed, leading to a reduction in the number of Jirgas, number of Jirgas members and the quality of Jirga decisions which increasingly echo political and ideological pressure and the influence of militant groups over the application of customary law. In some areas Jirga have been disbanded by the militants and replaced by militant-backed Islamic courts. The militants have also monopolized the *Shariat* option and established their own courts (Shafaq 2012). This is coupled with another phenomenon of referring the cases of one tribal Agency to the central Taliban leadership in Waziristan. However, this practice is reportedly the exception and very unpopular, leading to some evidence of a roll back to the old system of tribal autonomy. The militancy has made it difficult and even dangerous to approach the office of PA as the person can be immediately branded as a government sympathizer. The presence and power of the multi-ethnic Taliban in an area that has never accepted direct interference in tribal affairs is having a seemingly detrimental effect, and likely irrevocable one, on the Pashtunwali code and its mechanisms, that has guided the people of FATA for centuries (Shinwari 2010)

1973 Constitution envisages that the President of Pakistan is in charge of the administration of FATA and takes all high-level decisions related to FATA. The Governor of Khyber Pakhtunkhwa is the representative of the President in FATA, answering to him directly and implementing his decisions. The Governor is a key stakeholder therefore in terms of policy decisions in FATA; all PAs and the Assistant Chief Secretary of FATA report to him. As a bridge between the FATA Secretariat and the federal authorities, the Governor also provides feedback to the President and furnishes advice as and when required

The Apex Committee is another phenomenon for FATA strategic oversight and governance, chaired by the Governor of Khyber Pakhtunkhwa, is the highest sub-national forum that brings together all law enforcement agencies and provides a platform for strategic and law and order issues. KP Chief Minister, Corps Commander 11 Corps, Chief Secretary, Home Secretary, Inspector General Police, the IG Frontier Constabulary are members of the committee.

At the federal level, the president office works closely with Ministry of States and Frontier Regions (SAFRON), which is the administrative division that executes the President's orders at the federal level as laid down in the Government of Pakistan's official Rules of Business. SAFRON has five key wings: States and Tribal Areas, Administration, Afghan Refugees, Merged and Acceded States and Federal Levies. It does not have direct control over the FATA Secretariat. SAFRON's operational role has decreased since the creation of the FATA Secretariat. SAFRON also handles the legislative matters and queries from Parliament, cases in the Supreme Court, any high-level decision-making and coordination that is required, including backstopping, for example approvals and inter-Ministerial coordination, for federal development projects, and granting scholarships and reserved seats to students from FATA.

At the provincial level, the FATA affairs used to be looked after by the Home and Tribal Affairs Department at Peshawar, however, in 2002 the FATA Secretariat was set up by the Governor of KP to administer FATA( Kakakhel 2010). It is headed by an Additional Chief Secretary (ACS) who reports to the Governor of KP and acts as the administrative head of FATA. He is supported by four secretaries and several directors reporting to him. The Administration and Coordination Department deals with general administrative affairs of FATA, including security of the headquarters, maintenance of offices and vehicles. It also acts as a coordinating body between the Agencies, the departments and the Secretariat. The Finance Department manages FATA's current and developmental budget, as well as preparing accounts for the Federal Government, and managing compliance reporting to the Departmental Accounts Committee (DAC) and the Provincial Accounts Committee (PAC).The Law and Order Department is tasked with overseeing security in FATA, as well as dealing with emergencies/natural calamities, and ensuring that law enforcement agencies are equipped and trained. The Department also deals with the application of laws in FATA and matters relating to *Mawajib, Maliki and Lungi* allowances. The Planning and Development Department is responsible for planning, implementation, monitoring and evaluation of all development-related activities in FATA, facilitating the formulation of development policies and plans in consultation with other line departments and directorates, and negotiating foreign assistance with donors. The FATA Disaster Management Agency (FDMA) is also affiliated with FATA Secretariat. FATA Secretariat sets social policies, is the central hub for local government, coordinates and supervises service delivery and also supports the PA offices.

The Political Agent is the main political, administrative and judicial officer of the Agency, as well as the main revenue collection officer and is the authorized agent of the Governor of KP at Agency level. The PA role is prescribed through an administrative order. It is the responsibility of the PA to administratively and judicially govern the tribal Agency through the FCR, overseeing the line departments and service provider functions in the Agency and dealing with inter-tribal disputes. To this end, he has the ability to exercise both appointing and appellate power over the jirgas. The PA also plays a pivotal role in the allocation and use of resources in the Agency, where he regulates the use of natural resources and trade with other Agencies and settled areas, and chairs the Agency development sub-committees that recommend and approve development projects. The PA office is heavily criticized for having excessive power without sufficient checks and balances presenting a high risk of corruption. The President acts through his agent, the Governor of Khyber Pakhtunkhwa (KP) and he through the PA. The Ministry of State and Frontier Region (SAFRON) advises and assists the President in this task while the Governor is assisted by FATA Secretariat. As a result, both the Political Agent and FATA Secretariat are answerable to the Governor of KP, and in addition FATA Secretariat and its line departments provide assistance and support to the Political Agent in carrying out governance functions in the Agencies. The overall effect, and reporting lines between the Political Agents in the Agencies and FATA Secretariat and its line departments is fairly hazy. The PA is assisted by Assistant Political Agents, Tehsildars and Naib Tehsildars, as well as by a network of local intermediaries who receive patronage from the PA. The Political Agent determines the role of the Assistant Political Agent (APA). Tehsildars are supervisors appointed by the PA who exercise police, civil and

revenue powers on the PA's behalf, and Naib Tehsildars are assistant supervisors with the same powers and functions. The FCR does not stipulate any explicit duties for the APA, Tehsildar or Naib tehsildar.

Maliks are hereditary tribal leadership positions held by the land-owning class. They are appointed by the state as intermediaries between the tribes and the government. The PA can arbitrarily suspend this status; however, the title is hereditary. Maliks are financially rewarded by the state if their tribe cooperates in suppressing crime, maintains the peace and generally supports the government. They have become representatives of the state, whereas before they strengthened the state, endorsing its rule and oversight, and easing its relationship with the tribes, rather than the paid-up state operatives that they are today. The Taliban has targeted pro-government maliks; many hundreds have been killed since 2002.

The second tier of tribal authority are called *Masharaan*, *Spingrieh* or *Sufaidresh* with lungi status. The Lungi status is given to representatives of sub-tribes by the PA based on their status and influence, and with the consent of the KP Governor. For their cooperation, lungi holders receive benefits such as a share in developmental construction contracts, decision-making power in the appointment of *Khassadars*, *Jirga Kharcha* (expenses), as well as a monthly stipend from the PA. Unlike Maliks these titles and awards are state conferred to build state support at the community level.

### Three Zones of Conflict in FATA

From the prevailing conflict analysis perspective, FATA may be divided into three zones: Bajaur-Mohmand Zone, Kurram-Aurakzai-Khyber Zone and North-South Waziristan Zone (Kerr 2010)

The first zone lie along the main road from Peshawar. They share very similar cultural traditions, language, links to the Afghan side of the border, topography and economy. This region was one of the first to experience of Taliban insurgency and was the first to be declared clear after peace operations. Bajaur (and Swat) were prime recruiting grounds for Taliban and *Tehrek-e-Nifaz-e-Sharia-e-Muhammad* (TNSM) that first crossed the border to fight in Afghanistan.

The second zone consists of Kurram, Orakzai and Khyber agencies. Kurram and Orakzai are the only agencies with Shia populations, and the nature of the conflict is more sectarian in these two agencies. They are both directly affected by events in the adjacent and volatile Khyber Agency and vice versa. Parts of Kurram, Orakzai and Khyber Agencies are active conflict zones. In one inter Agency border area, the Tirah valley in Khyber Agency: the strategic valley is held entirely by warring militant factions.

The third zone is South and North Waziristan that are populated by different factions of the Mehsud and Wazir tribes. Inhabitants mostly speak the same Pashto dialect. After the successful military operations in 2009, South Waziristan came under military control. However, in North Waziristan Agency (NWA), the traditional leaders (Dawar and Wazir) and the local Taliban group led by Hafiz Gul Bahadur, have jointly warned *Fasadi* (miscreants) of retaliation for any attacks against security forces, or kidnappings in the NWA (Dawn 2012). The Islamic movement of Uzbekistan, East Turkistan Islamic Movement of Uighurs, Turkish Jamaat, Abdullah Azzam brigade, Hafiz Gulbahadur group, The TTP, the Punjabi Taliban and LeJ, Al-Qaeda were operating from NWA. (Joscelyn & Roggio 2012)

In 2015, Pakistan Army started counter insurgency operation called *Zarb e Asb* (named after the sacred sword of prophet Muhammad) in North Waziristan Agency. In February 2017, a new military operation codenamed as *Radul Fassad* was initiated in all Pakistan level. The military command is implementing most development projects in this region with the US and Saudi government funding.

### FATA Reform Committee Report 2016: An analysis

On November 8, 2015, Nawaz Sharif appointed a five-member FATA reforms committee headed by Sartaj Aziz, adviser on foreign affairs. Other committee members include Minister for States and Frontier Regions Abdul Qadir Baloch, National Security Adviser Nasir Khan Janjua, Minister for Climate Change Zahid Hamid and KP former Governor Sardar Mehtab Khan. In August 2016, the committee submitted its report. Constitutionally speaking, FATA falls under the purview of the president of Pakistan. However, the reforms were steps initiated by the prime minister. On the committee representation of the KP government on the committee have been ignored.

The consultation methodology was followed and members of Parliament from FATA, Tribal Maliks and Elders from all seven Agencies and six FRs, Civil society members including representatives of the political parties, traders, journalist, youth and civil society organizations from FATA were consulted. The report carries signatures of FATA MNAs who endorsed the report.

The report is consisting of five chapters and eight annexures. Chapter one delineates brief history and culture of FATA. Chapter two narrates the chronology of reforms efforts. It lists mainly General Naseer Ullah Baber Report (1976), Sahibzada Imtiaz Report (2006), Justice (Rtd) Mian Ajmal Report (2008), SAFRON Report (2015). Chapter three describes the methodology and consultations process. Chapter four gives recommendations. While the last chapter six chalks out implementation strategy. The report borrows heavily from earlier reports. The crux of the report is the recommendation part where it suggests merger of FATA with KP. The report mentions the following merits of merger with KP (adapted from the report)

1. FATA already has well developed infrastructure linkages with Khyber Pakhtunkhwa. Social, cultural and ethnic cohesion with adjoining districts is much stronger than among different FATA Agencies.
2. With Khyber Pakhtunkhwa's well established administrative structures, it will be easier to extend these structures to FATA and fulfil one of the most important element of administrative mainstreaming.
3. A large segment of Khyber Pakhtunkhwa supports integration of FATA with Khyber Pakhtunkhwa.
4. All major political parties in FATA, the growing middle class and youth also support integration.
5. FATA population will come at par with the rest of Pakistan in terms of fundamental and ethical mainstreaming with KP

The main demerits of the integration option are as follows: (adapted from the report)

1. The tribal mindset committed to tribalism, Rewaj and Jirga system, may not readily accept the integration option.
2. Tribal Maliks who have many privileges and benefits from the existing semi governed system, may oppose the integration option.
3. Khyber Pakhtunkhwa Government may not be able to spare adequate financial resources for the speedy socio-economic development of FATA.
4. A large portion of the population, especially in North and South Waziristan and Orakzai, want the rehabilitation and reconstruction of their houses, shops and infrastructures before any major political reforms are initiated.

The report unjustly criticizes the colonial masters for not developing the tribal areas. The report shuns the question of the rise of militancy in FATA. The report does not mention the 267 drone attacks that occurred there since 2004. The report keeps mum on the recent upheavals in the region that shattered the Pashtunwali and culture.

The committee recommends the repeal of the FCR and suggest its replacement with the proposed Tribal Areas Riway Act. This retains the jirga system to decide on all criminal and civil cases according to Riway. The only difference is that the jirga will be appointed by a judge and not the political agent, which is not likely to make any difference. The old system is maintained in a different manner. The report recommends the abolition of collective responsibility. But after ending the concept of collective responsibility how riway can be maintained? The report vaguely recommends that riway be washed off all human rights violations. The committee that riway would be codified. The committee proposes extension of Supreme Court and high courts' jurisdiction to FATA.

On the positive side the report offers good recommendation is for IDPs' rehabilitation for which the report recommends funding with three per cent of resources of the divisible pool of PKR 90 billion on an annual basis, in addition to existing resources, for the 10-year plan.

The biggest political stir caused by the report as it recommends that FATA should be merged with Khyber Pakhtunkhwa in five years. Before coming to the conclusion, the committee explored the following four options for the political mainstreaming of FATA:

1. Maintain status quo with regard to main elements of the present system in FATA but introduce judicial reforms and increase focus on development activities.
2. Grant Special Status to FATA on the pattern of Gilgit Baltistan Council.
3. Create separate Province of FATA comprising of seven Tribal Agencies.
4. Integrate FATA with Khyber Pakhtunkhwa province with each Agency becoming a separate district.

#### **Views of key political parties on FATA merger with KP**

Awami National Party (ANP) maintains that the division of Pashtuns into tribal and settled districts was game of the colonial masters to keep Pakhtun divided and as there are no differences between the people of FATA and KP. Pakistan Peoples Party and Muslim League are supporting the merger. Jamiat e Ulama e Islam (JUI-F) openly opposed the merger with KP. The elders of the seven agencies have also rejected the FATA reforms package and warned that the reforms will endanger the political future FATA. (Express Tribune 2016) .JUI(F) demands that instead to merge the area with KP, FATA should be declared a separate province. JUI -F chief, Maulana Fazal ur Rehman suggested that a referendum on the status of FATA should be held. It is not irrelevant to mention here that universal adult franchise in FATA was introduced in 1997 but there is absence of normal political activities and a genuine political culture. When the new political space is created after merger it may captured by the religious elements. In the same vein, Pakhtunkhwa Milli Awami Party (PAKMAP) is also eyeing on gaining a political space and thus also opposed the merger idea. The PKMAP suggests that changes should be made only to those articles of the FCR which violated basic human rights, instead of its wholesale repeal. PAKMP further suggests that an independent FATA Council should be established to decide the future of the tribal areas.(Pakistan Defense 2016). However, Awami National Party (ANP), Qami Watan Party(QWP) ,Jumat e Islami (JI) and Pakistan People Party(PPP) and Pakistan Tehrik e Insaf (PTI) have welcomed FATA merger with KP. Khyber Pakhtunkhwa Provincial Assembly had already passed a resolution to merge FATA to KP.

In the wake of dissenting political views on the merging of FATA with Khyber Pakhtunkhwa, the Prime Minister of Pakistan has hinted for holding a referendum on the FATA status. Albeit, before the referendum, an exhaustive awareness campaign should be undertaken first, to explain what each option would mean to an ordinary tribal man and woman. Without such an exercise uneducated tribal people are liable to make mistakes in their decision. Since the publication of the report in September 2016, now louder voices are heard amid the political turmoil and uncertainty. Apart from different groups of tribal people and political parties, the Pakhtun think-tanks also support FATA merger with KP as well.(The News 2016).

On 2<sup>nd</sup> March 2017 the Federal Cabinet meeting was chaired by Prime Minister of Pakistan and it approved the recommendations of the FATA Reforms Committee. However, the immediate merger of FATA with KP was postponed for the next five years until the process of mainstreaming is completed. Some of the recommendations put before the cabinet were the following:

1. Integration of FATA with KP within a period of five years
2. Constitutional amendment to enable people of FATA to elect their reps to the KP assembly in 2018 elections
3. Repatriation TDP to FATA and reconstruction be completed by end of 2018
4. Special committee of experts should be formed under the Governor KP to prioritize 10 year socio economic plan
5. NFC should be requested to make allocation of 3% on annual bases for 10 years for FATA
6. New wing at Frontier Corps may be created
7. Connectively of FATA with CPEC should be ensured
8. Land settlement should be planned using modern GIS technology
9. A directorate of transition should be set up for coordinating and monitoring the reforms
10. Permits systems /Rahadari system should be abolished

11. FCR should be repealed and new Tribal Rewaj Act be submitted in parliament for enactment
12. A modified Jirga system will be retained for both civil and criminal matters where judge will appoint council of elders to decide factual issues
13. Jurisdiction of Supreme Court and Peshawar High Court should be extended to FATA
14. Additional twenty thousands Levies may be stationed for performing agency police functions and destroyed levies post should be rebuilt.

### Conclusion

FATA reform process is a commendable initiative started by the present regime. However, it would be in fitness of things if before going to reform FATA, certain pertinent questions need to be answered. Have the counter insurgency operations completed in FATA? Have we reached the 'holding', 'rebuilding' and 'transferring' of areas after the end of military operations in a classical sense of peace building continuum? If the answers to these questions are "yes" then we may certainly go for bring reforms with the speed of light; but if the answers to these questions are "nos" then we may pause for a little while and rethink that whether or not reforms are made amid wars, insurgencies, curfews and large scale mass displacements (Malik 2010). Moreover, the enactment of Rewaj Act is also a cumbersome process as Rewaj is not codified (except in Kurram Agency called *Torizona*) and codification of Rewaj would take some time and to evolve consensus of all different tribes to agree on one unified Rewaj. Moreover, due diligence needs to be undertaken to purge the Rewaj of those aspects that are inconsistent with human rights or in conflict with Constitution of Pakistan. Moreover, the extension of Peshawar High Court and Supreme Court jurisdictions may cause teething troubles as the lower courts are yet to be established and formal investigation and prosecution systems are not in place yet.

On the pro merger side, we need to study history of successful mergers and unifications in South Asian context. FATA appears to be closer to KP as compared to its present status under Islamabad where it has always been a neglected subject. The Pakhtun united in one province will be the strength of the country and not its weakness. The people of FATA have always looked towards Kabul and Islamabad in time of crises; the merger may end this confusion and they would start looking towards Peshawar. Peshawar will be more aware and responsive to the needs, aspirations and developments of its kinsmen. However, it is also need of the time that Islamabad should not abandon it and the National Finance Commission and will take cognizance that the Khyber Pakhtunkhwa should not suffer because of an added burden on her shoulders (Haider 2009).

Speaking from anti-merger camp perspective, we need to assess that whether or not the merger is the only available best option. Khyber Pakhtunkhwa is already buffeted by the war on terror since 2001. And small scale counter terror strike and search operations are still going in some pockets of the province; in Malakand region, Pakistan army is still operating under 'in aid of civil powers' since 2009 and the whole area is in a general hold up condition. Khyber Pakhtunkhwa sapping economy and revenue may not be able to sustain the burden of FATA. We have a bad example of Provincially Administered Tribal Areas (PATA) where the mainland laws are still not extended and time and again special compensation are made for enduring peace and stability in the region or fight insurgencies with variety of legal instruments ie *Sharia Nizam-e-Adl Regulations* of 1996,1998 and 2010. PATA contribution to KP economy is nominal. PATA people have yet to accept themselves as taxpayers. The same is true of the Frontier Regions (FR) which are administered, funded by Khyber Pakhtunkhwa government and those areas comes under the dual control of the Deputy Commissioner and FATA secretariat; however, since its inception in 1973, the FRs could not be brought in the Khyber Pakhtunkhwa fold and the dual legal system has made FRs the hotspots from crime and terror.

The spoilers of the reform process should be dealt with tact and diplomacy. The spoilers are the beneficiaries of the FCR, smuggling, trade and rout permits, Maliki entitlements, private-ethnic militia (Khasadars) and of course the cynic civil servants who consider Political Agent as the best ever institution established by the colonial masters and according this group doing away with Political Agent office is bringing another insurgency in FATA.

## References

- Alexander, D. (2013). Retired General Cautions Against Overuse of “hated” drones. Reuters. <http://www.reuters.com/article/2013/01/07/us-usa-afghanistan-mcchrysal-idUSBRE90608O20130107>
- Amir, I. (2013). Poor Governance Political Instability Responsible for Terrorism. Dawn <http://dawn.com/2013/01/21/poor-governance-political-instability-responsible-for-terrorism-2/>
- Aziz, K. (2008). Proposals for FATA Reforms. Islamabad: PILDAT
- Bangash, S (2016) The Frontier Tribal Belt: Genesis and Purpose under the Raj, Karachi: Oxford University Press
- Benazir Democracy Institute. (2009). Mainstreaming FATA. Peshawar: Shaheed Bhutto Foundation [file://localhost/http://www.sbf.org.pk:sbf-latest.php](http://localhost/http://www.sbf.org.pk:sbf-latest.php)
- Dawn. (2012). Taliban, Elders Join Hands Against “Criminals” in N. Waziristan. Dawn <http://dawn.com/2012/11/23/taliban-elders-join-hands-against-criminals-in-n-waziristan-2/>
- Defense Council (2016). “Why do JUI and PKMAP think that we, the people of FATA, are not ready to get our constitutional right.” <http://defence.pk/threads/why-do-jui-and-pkmap-think-that-we-the-people-of-fata-are-not-ready-to-get-our-constitutional-right.455791/>
- Dugan, A., & Younis, M. (2013). Pakistani Disapproval of U.S. Leadership Soars in 2012. Gallup World. [http://www.gallup.com/poll/160439/2012-pakistani-disapproval-leadershipsoars.aspx?utm\\_source=alert&utm\\_medium=email&utm\\_campaign=syndication&utm\\_content=morelink&utm\\_term=All Gallup Headlines – USA](http://www.gallup.com/poll/160439/2012-pakistani-disapproval-leadershipsoars.aspx?utm_source=alert&utm_medium=email&utm_campaign=syndication&utm_content=morelink&utm_term=All%20Gallup%20Headlines%20-%20USA)
- Express Tribune (2016). Jirga Mandates Fazal to hold talks with PM Nawaz, <http://tribune.com.pk/story/1213864/fata-fate-jirga-mandates-fazl-hold-talks-pm-nawaz/>
- Fair, C., Howenstein, N. and Their, J. (2006). Trouble on the Pakistan-Afghanistan Border, Washington DC: US Institute of Peace. [http://www.usip.org/files/resources/Fair\\_Howenstein\\_Thier\\_PB\\_Pakistan-Afghanistan\\_Border.pdf](http://www.usip.org/files/resources/Fair_Howenstein_Thier_PB_Pakistan-Afghanistan_Border.pdf)
- FATA Secretariat. (2014). Tribal Areas Rural-Urban Centers Conversion Initiative (TARUCCI). Peshawar. [http://fata.gov.pk/downloads/tarucci final.pdf](http://fata.gov.pk/downloads/tarucci%20final.pdf)
- Government of Pakistan, Pakistan Post-Crisis Needs Assessment (2010) [http://www.pdma.gov.pk/PaRRSA/PCNA\\_Report.php](http://www.pdma.gov.pk/PaRRSA/PCNA_Report.php)
- Haider, Z. (2009). Mainstreaming Pakistan’s Tribal Belt: A Human Rights and Security Imperative (Discussion Paper # 09-01). Harvard: Belfer Center for Science and International Affairs, Harvard Kennedy School. [http://belfercenter.ksg.harvard.edu/publication/18790/mainstreaming\\_pakistans\\_bribal\\_belt.html](http://belfercenter.ksg.harvard.edu/publication/18790/mainstreaming_pakistans_bribal_belt.html)
- Joscelyn, T., & Roggio, B. (2012). Analysis: The Taliban’s “momentum” has not been broken. The Long War Journal. Retrieved November 20, 2012, [http://www.longwarjournal.org/archives/2012/09/analysis\\_the\\_taliban.php-ixzz2Dajtch00](http://www.longwarjournal.org/archives/2012/09/analysis_the_taliban.php-ixzz2Dajtch00)
- The News (2016). Academicians Names Factors for FATA Merger with KP, <https://www.thenews.com.pk/print/156745-Academician-names-factors-for-Fatas-merger-with-KP>
- Kakakhel, S (2010). Integration of FATA into NWFP, The Forum of Federations project in Pakistan is funded by the German Ministry of Foreign Affairs
- Kerr, B. R. (2010). A Progressive Understanding of Pukhtun Social Structures amidst Current Conflict, Pakistan Institute for Peace Studies Islamabad.
- Malik, S. (2010). FATA Reforms to be Implemented When Situation Improves. Lahore: Daily Times. [http://www.dailytimes.com.pk/default.asp?page=2010%5C01%5C28%5Cstory\\_28-1-2010\\_pg7\\_16](http://www.dailytimes.com.pk/default.asp?page=2010%5C01%5C28%5Cstory_28-1-2010_pg7_16).
- Nawaz, S (2009). FATA -A most dangerous place, Centre for Strategic and International Studies [https://csisprod.s3.amazonaws.com/s3fspublic/legacy\\_files/files/media/csis/pubs/081218\\_nawaz\\_fata\\_we\\_b.pdf](https://csisprod.s3.amazonaws.com/s3fspublic/legacy_files/files/media/csis/pubs/081218_nawaz_fata_we_b.pdf)
- Nichols, R (2013). The Frontier Crimes Regulations: A History in Documents, Karachi: Oxford University Press
- Nichols, R. (2008). A History of Pashtun Migration-1775-2006. Karachi: Oxford University Press
- SAFRON (2016). FATA Reforms Committee Report. <http://www.safron.gov.pk/>
- Shafaq, S. (2012). From Custom to Shariat in Mohmand Agency. Pact News. Retrieved from <http://www.pactradio.com/en/news/from-custom-to-shariat-in-mohmand-agency.php>
- Shinwari N. (2011). Understanding Jirga: Legality and Legitimacy in Pakistan’s Federally Administered Tribal Areas. Islamabad. <http://www.camp.org.pk/files/Understanding-Jirga-07-2011.pdf>
- Shinwari, N. (2012). Understanding FATA: Attitudes Towards Governance, Religion & Society in Pakistan’s Federally Administered Tribal Areas Volume IV. Office (Vol. IV). Islamabad.
- White, J.T (2008). Pakistan Islamist Frontier, Center on Faith and International Affairs, <http://www.pakistansocietyofcriminology.com/articles/IslamistFrontier.pdf>