[Mona Naseer](https://www.thenews.com.pk/writer/mona-naseer)

March 20, 2021

**Reforms for Fata**

It is a fact that two decades of militancy have devastated the country's erstwhile tribal areas. If they are continued to be poorly governed, they can again easily fall into the vicious cycle of violence and anarchy, even though in North Waziristan, a very high-profile military operation was carried out against militants. Besides the operation, military forces and police are present and active in the area.

It has been nearly two years to the 25th Amendment under which Fata reforms were initiated; however, it has yet to see any tangible results. The implementation of reforms in the former tribal districts is either being carried out in a very unprofessional manner or by incompetent people. Like the old system of political agents, merit in the appointment of local administration has been trampled upon, and the old practice of bribes and manipulation is in practice.

Those deputed in these areas consider themselves de-facto political agents with no social responsibility and beyond any accountability. They usually also have no knowledge of how to distribute land or deal with land distribution; most of them rely on the lower staff (legacy of the old corrupt structure) such as tehsildars, patwaris and girdawars. And poor people have to bribe the lower staff even for distribution of property and land among families.

Blue-eyed officers have no knowledge of collective land (shamilaat) and land disputes, and are thus unable to carry out the job. Therefore, due to this incompetence, we are witnessing land disputes developing into skirmishes between tribes in almost every tribal district. During these clashes over land, there is a display of ammunition despite claims of mass deweaponization in the region.

The newly-merged tribal areas need competent officers and administration that can understand the Shamilaat system and can address the thorny land issues. Otherwise, these skirmishes can escalate into larger disputes and culminate into a kind of civil war. And let us not forget that this could have a trickledown effect on Islamabad and Karachi too, which have the largest Pashtun tribal settlements. It is important to form a revenue and land record, which continues to be missing from the former tribal districts. For that, competent officers are needed with a better understanding of the revenue and land system. Deliberately ignoring the persistent complex issues is also a form of structural violence. Moreover, the state's inability to mediate between competing interests is hurting the people of the tribal areas too.

Many people fail to realise that conflict-hit areas need to be prioritised in terms of developing just governance structures, a viable legal apparatus and accessible justice system. If that doesn't happen, peace will remain an elusive goal not just for the border areas but for the rest of Pakistan too. Developmental intervention and progress provides a foundation for sustainable peace, but it depends on how institutional capacity and line departments are established and built in the merged tribal districts.

The justice system is the mainstay of any state contract with its citizens; however, it is lagging in a most unfortunate manner in the former tribal districts, where it looks as if the extension of the judiciary to the newly-merged tribal districts is nominal. In many areas, the judicial setup is in the adjacent settled areas and inaccessible to local people – thus, forcing many people to go back to the outdated jirga system. In many areas, the number of courts and its benches are insufficient and without support, and also lack the infrastructure and logistics needed.

Economic policies and developmental work are important means of building peace, but are effective only in the longer term. Therefore, they need to be complemented by other policies such as strengthening of line departments and the police department for the merged districts and can be instrumental in maintaining the peace. The absorption of existing Levy and kKasaddar forces into the police department is a commendable effort in the reforms, however it also needs trained officials who have the capacity of writing an FIR (first information report properly). The capacity building of the existing institutions needs to be updated on an urgent basis.

Post-conflict societies face an alarmingly high risk of reversion to conflict. And for peace, the economy is most important. The promised three percent from the NFC Award is yet to be delivered, and unfortunately the collection of taxes from the merged districts is contrary to the government’s commitment towards development of erstwhile Fata. The border areas facilitate two billion rupees trade annually so it deserves to be treated better than what is currently accorded to the region and its people.

The contract which was offered by the state seems to be failing the inhabitants of the tribal areas, particularly the young who were more than ready to embrace the change in shape of constitutional reforms and citizenship of the Pakistani state.

This region has been brewing with so much discontent for the last two decades. If it continues, we could see another sub-conflict between the state and the people of the tribes. The peace and prosperity of Pakistan lies in the successful implementation of reforms, and in the social contract deliverance by the state to the former tribal areas.

Security concerns are slowly and gradually being replaced by economic concerns in the international system, so the Pakistani state should start thinking about transforming the border areas into a trade and commercial hub with the idea of a duty-free zone.

The writer is from Fata and has a degree in human rights from the University of London. Twitter: @mo2005