



Voices from FATA

Editorial

Monthly Newsletter October 2009-Issue No.3

Naveed Ahmad Shinwari

Chief Executive, CAMP

naveed@camp.org.pk

Whither rights of the tribesmen?

The freedom loving tribesmen living along the Durand Line have never been ruled by anyone who understood their nature. Since time immemorial, the tribesmen have resolved their issues through the *jirga*, which has its roots in the Pashtun society and is an accepted way of resolving conflict and administering justice. It was only during the British rule when a set of laws was introduced to regulate the unruly tribesmen in the mid 19th century, giving them some freedom to practice their tribal customs such as the *jirga*.

After some amendments, the Frontier Crimes Regulation (FCR) was finally implemented in 1901. However, what the tribes did not recognize was that the FCR was neither sensitive to gender, nor human rights. The reason that the FCR focuses only on security needs of the people is that it was extremely difficult for the British government to control the hostile tribes, who would engage the British army in small skirmishes. History shows that around 58 different army campaigns were sent by the British India to the tribal areas between 1849-1939, but the local tribes never surrendered.

The introduction of the FCR in FATA in 1901 is a significant event in the history of FATA, which affected the lives of the local people. Unaware of this fact, the tribesmen never enjoyed any basic human rights under the FCR during the colonial period.

After Pakistan inherited the tribal areas in August 1947, it continued with the legacy of the British system. The government under Mohammad Ali Jinnah continued with the FCR, as only 200 Maliks and elders representing FATA had given their consent favoring FCR system. Later, under the 1956 and 1962 constitutions, FATA was given the same constitutional and administrative status. Even the 1973 Constitution, which was unanimously passed by the political parties and considered as the most popular and practical constitution of Pakistan's history had similar arrangements for FATA.

The oddest part of this arrangement is that although fundamental rights apply to all citizens of Pakistan including FATA, the superior judiciary is barred from protecting the rights of the tribesmen. On the other hand, FATA is given representation in the parliament, both in the Senate and National Assembly. Ironically, FATA parliamentarians take part in law making for the country, but they cannot make any law for their own constituencies.

The FCR bars all fundamental rights, which one can imagine when living in a civilized society. There is no freedom of expression allowing the locals to speak up for their rights, nor is there a provision for the right to associate, for people to assemble and lobby for their rights. Under the 'collective arrest' clause of the FCR, the political administration can arrest the entire clan or family, including the elderly, women and children, once again abusing basic human rights. The local administration can keep the accused without presenting him/her to any court of law for three years. Under collective responsibility, the property of a person or a family can be confiscated or demolished for a crime of any of the family or tribe member. How can we then expect people who have never had any rights to act civilized?

Why the government has not taken steps to change the status quo in FATA remains a mystery. Accepted that bringing about a change in this volatile region will not be easy, yet it is the government's responsibility to ensure the security and constitutional rights of the people of FATA. Failing to do so, the government will never be in a position to stop the international community from using its soil for terrorist acts. The recent amendments in the FCR announced on August 14 2009 have brought some hope for the tribesmen. Welcomed by everyone, it is yet to be seen whether these amendments will be implemented in their true spirit, and whether human rights will then come to FATA.

This newsletter is an activity of the 'Communities for Change' Project funded by the Embassy of the Federal Republic of Germany, Islamabad.

The content of this newsletter may be reproduced or cited provided the source is acknowledged. The views expressed in this publication are not necessarily of CAMP.

To subscribe or send your feedback, write to us at:

Email: camp@camp.org.pk

web site: www.camp.org.pk

www.understandingfata.org

COMMUNITIES FOR CHANGE:

Laying the Grassroots Foundation for Political Reform in FATA

News from the field

Selection of CBOs

In its fifth month, the 'Communities for Change' Project continued to build on its existing network and the field teams selected 75 small community based organizations.

In Mohmand agency, 25 CBOs were selected through village meetings in tehsil Ghallani, Ekka ghund, Prang Ghar and Khweza Beza.

The team in Khyber agency identified and selected 27 CBOs in tehsil Landikotal, Jamrud and Bara. Although Bara tehsil was inaccessible due to the recent military operation, a detailed meeting with CBOs from Bara was held in Peshawar.

In Kurram agency, the field team selected only eight CBOs but formed 15 new CBOs, bringing the total to 23. The main reason for forming new CBOs was that several existing organizations did not fit the selection criteria. Some had very limited outreach while others were loosely structured and had no past records. The Kurram team held follow up meetings with these CBOs and facilitated them in widening their outreach and strengthening their structure.

Village and Agency Profiles

While the field teams continue to work closely with communities and CBOs, they have also started collecting information for documenting village and agency profiles. The profile information will include the number of major tribes, expected population, socio-economic conditions,



education and health facilities in the area. This information will not only help identify immediate needs of the villages, but also support the CBOs in advocating for services and facilities in the future.

Challenges in the field

The military operation in Bara caused some delays and changes for the field team in Khyber agency. The team rescheduled some of its meetings in Bara tehsil and moved these meetings to Peshawar.

The route from Kurram to Peshawar (via Afghanistan) remained closed for several days because of security incidents at the border area. The team from Kurram was not able to attend the monthly planning and review meeting, however regular updates were shared through email.

Perceptions on Security in FATA

In response to a question on achieving security in the FATA, 979 out of 1050 respondents, which constitutes an overwhelming majority, responded that the existing tribal customs and traditions provide security to the people of the FATA. 267 respondents believed that the possession of weapons provide security, which in their understanding is the best option, because it means they can defend themselves in the tribal environment. Only 30 respondents favored the existing status of the FATA (under FCR) and believed in maintaining the status quo. This trend shows that people in the FATA are desperate to see a change in their circumstances, while they still want to continue with their old customs and traditions.



CBO profile

Community Development Organization

This month we feature the profile of a Community Based Organization (CBO) that is making a difference in the lives of a local community in Mohmand Agency:

Community Development Organization (CDO) was established on April 1, 1998 in Musa Kor village of tehsil Ghallanai in Mohmand Agency. The major tribe in this area is Halimzai. The CBO was registered with the FATA Rural Development Programme in 2008 and initiated welfare activities on self-help basis in the area. The executive body has a *hujra* type office.

According to the president of CDO, the organization was set up by a group of college students who were enthusiastic about helping their communities in any way possible. This group of three young friends felt a real need of a collective effort in the area because majority of the population is very poor, and there are hardly any employment opportunities in the area. Most of the parents can not even afford to send their children to school.

The Community Development Organization members explored available resources in the area and developed linkages with government and non-government organizations that could support their efforts. CDO started by referring several deserving children of the village to the National Education Foundation, which was working in the area. The Foundation gave children free education along with free books and uniforms.

CDO also made arrangements for religious education of children in the same school where a *madrassa* was set up, educating children in the evening.

In addition to this, CDO's executive body has also been working actively to increase girls enrollment in schools. One of the reasons for not sending girls to school, according to



CDO's findings, was that many young girls would spend most day bringing drinking water from streams or dug wells for their families, which is a common practice in FATA and Pakistan's rural areas. CDO wanted to help more girls go to school without interrupting the families' routine. They made efforts to provide water sources in the village, which meant girls and women would not have to travel far and still have time to go to school! CDO received a grant from 'The Humanitarian' a local NGO, and constructed a water tank in the middle of the village. More girls are able to attend school now due to this initiative taken by CDO and the community is grateful for that support.

CDO has also established a vocational training center, set up a free eye camp and facilitated various donors in development projects. The organization continues to make efforts to help the village community move towards sustainable development, by taking small steps that make a big difference.



Public Opinion on the FCR

In response to a question about what the FCR means to you, over half of the respondents (850 out of 1050) replied that the FCR is the unchecked power of the Political Agent, while 101 participants supported the anti FCR slogan and replied that it condones human rights violations. 277 people did not know the answer, or did not want to comment on this. There were 71 respondents that supported the FCR and said it preserved tribal customs and traditions, while 41 participants believed it meant non-intervention in tribal affairs. In this case the majority of the responses of participants support the statement that people of FATA are aware of the negative implications of the FCR.

Let the people of FATA participate

Haroon Shinwari

hkshinwari2000@yahoo.com

Media Coordinator, FRDP, FATA Secretariat

As history tells us, the FATA region and its people have had their share of troubles. Today, the tribal areas are going through one of the most challenging times as instability continues to harm the region and the fabric of society, which may take years to recover from.

Looking at FATA closely it is distressing to know that the area still lacks basic facilities. Socio-economic indicators in comparison to the rest of the country are appalling with overall literacy level at 18%. Health indicators are not any better: **one in ten** children die before their fifth birthday. Although there are several reasons for these indicators being



shamefully low, including the government's lack of commitment to the region, it is worth looking at the role of the tribal people in their own development.

Traditionally, one particular class has benefited from most of the development projects in FATA, while the common tribal has been left out of the development agenda. Now, it is about time that the tribals become self sufficient and independent. The need of the day is that the government should include all tribals in development projects. Those responsible for formulating strategies must also remove the lacunae and blend it with tribal temperament for effectiveness. It is obvious that those nations which are not aware of their problems, and do not have solid solutions for them, cannot become developed nations. We need to create awareness among the people of FATA to understand their problems; otherwise there is no hope of getting better results in the future.



The traditional justice system or *jirga* at the village level, under the supervision of village elders, should be taken into confidence by involving them in the development projects so that common tribesmen can benefit. Public participation is the cry of the day and the time has come to hear this cry and do something about it. Otherwise as one of our poets of the old times said:

“We will not even be mentioned in the tales and stories”

What I have learnt through observation is quite distressing - when I went to many villages in my area, I found that in most of them there had not been a single development project implemented since the creation of Pakistan. It also came as a fact that no development agency had ever bothered to see these areas.

It has been observed that projects that are following the principle of public participation in FATA are celebrated by the people. The basic reason is that the view of the common tribesman is changing because he has understood that the projects are for the benefit of the community. He has realized that they are equal partners in all the development projects. Therefore, it is highly recommended that men, women and youth of tribal areas are given the opportunity to get involved and make their own decisions. We have to take them into confidence before initiating development work in their areas, because nobody better understands the local culture and issues of the area more than they do. As Sheikh

Saadi the great thinker says:

Dil Baddast aur Ke Hajj-e-Akber Ast

“Winning the heart is like doing Haj-e-Akbar.”