

Social, Political and Economic Implications of Frontier Crimes Regulation 1901, in FATA, Pakistan

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ABSTRACT

This paper aims to analyze the violation of social, political and economic rights of the people of Federally Administered Tribal Areas (FATA) recognized by International Human rights law with special reference to Frontier Crimes Regulation 1901, with a view to make suitable recommendations. The paper briefly discusses the Social, Political and Economic Implications of FCR and provides a short overview of the administrative, judicial, social, political and economic aspects of FATA. In assessing the underlying causes of the FATA problem, this paper suggests significant changes to the FCR as an essential and effective measure. This paper also leads to the study of the objectives of the FCR repugnant to the essence of law. The implications of FCR provisions have briefly analyzed in the context of modern International human rights law. Short analyses of the newly introduced law Action in Aid Civil Power Regulation, 2011 has been taken. Frontier Crimes Regulation being a codified law mostly based on the traditional values of the residing tribes of FATA, has various implications on the social, political and economic aspects of the society living at large have been discussed.

Guarantying human rights to the individuals irrespective of sex, age, race, religion and nationality is a global issue. International human rights laws and domestic laws provides for the fundamental human rights while FCR lacks provisions regarding the human rights which are globally recognized for individuals. There is a want of strong legal regime which must be established for the protection of social, political and economic rights as to improve the life standards of the individual of FATA. This study recommends the social, political and economic reforms to the existing laws in FATA as to meet the international human rights law.

Keywords: Political, Social, Economical, Rights, FATA, Pakistan

INTRODUCTION

The Frontier Crimes Regulation 1901 provides such an administrative and legal framework for FATA that deprives the tribes of Social, Political and Economic rights recognized under the International Human Rights laws and the protection of courts. FCR being a codified supreme law for the FATA has no more places without amending it as to change its objectives. Because its objectives are not clear in a sense, that whether it is a law for the welfare of the people/protection of fundamental rights or just a law of governing the subjects either rightfully or arbitrarily. The law must have some legal and positive characteristics, which covers both the governmental procedure and too have the provisions of rights and duties. While FCR puts only obligations on the people and lacking all fundamental human rights that must be guaranteed to the citizens in the civilized world. Here the implications of

FCR provisions over the social, political and economic life of the people of the FATA will be discussed.

SOCIAL IMPLICATIONS

The provisions of FCR have various impacts on the social life of the people of FATA. As there is no legal mechanism for the protection of social rights of the people of FATA therefore the social rights of the people have been severely curtailed. For such a purpose a short analysis of the social scenario of the FATA must be taken into consideration.

FATA has been a victim for the last 65 years in health services which is the primary responsibility of the government to provide it without any discrimination. The people are facing so many problems regarding health facilities. A survey conducted by the NGO 'Community Appraisal & Motivation Program' regarding the health in which 52.1% were the foremost governmental services required in FATA, identified by more than a half of respondents.ⁱ There is a lack of legal protection against the violation of the right to safety and health. The right to health and safety is the compulsory and essential right without which a person life remains in threat.

The current situation of the health services in FATA is very poor and was severely affected by militancy or military operations. "In June 2009, the United Nations Population Fund (UNFPA) reported that 69,000 pregnant women were also among the people displaced as a result of the military operations against the insurgents in FATA and PATA and were living in camps in extremely bad conditions due to the non-availability of health facilities".ⁱⁱ The right to health and safety of the person needs an immediate legal solution. Like health, education in the development of human life and behavior is an essential component. The current situation of education in FATA is very poor because of the non-protection of the right to education. "FATA is of course the poorest and least developed part of Pakistan with a literacy rate of only 17% (3% among women)".ⁱⁱⁱ

Hundreds of schools have been blown up in FATA, depriving a large number of school-going kids of their basic right to education. A rough estimate put the figure at 458, with more than a hundred only in Bajaur Agency.^{iv} According to a report issued by Human Rights Commission of Pakistan (HRCP) titled as "State of Human Rights in 2011"^v, about 650 schools remained dysfunctional in FATA due to threats from militant organizations. Educational institutions in general and girl's schools in particular were attacked bombed and destroyed by insurgents.^{vi} And the remaining educational institutes are functioning with a limited number of facilities. Education plays a vital role in the building up of a society. Henceforth, the right to education needs a strong legal protection because the right to education is not established yet as right for the people of FATA.

ⁱ. Shinwari, N. A. Understanding FATA, Volume V, Community Appraisal & Motivation Programme (CAMP) publications, Islamabad, 2011, p.3.

ⁱⁱ. Dawn, June 5, 2009, (<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/national/ocha-says-running-short-of-funds-for-idps-569>).

ⁱⁱⁱ. "World Development Indicators Database." World Bank: July 1, 2009.

^{iv}. Ali, A. (2012). "The FATA Situation", Article in Daily 'The News', July 31, 2012, The writer is the head of FATA research centre, Islamabad.

^v. Human Rights Commission of Pakistan.

^{vi}. Chandran, S. (2008). *Violence against Women in Swat Why Blame only Taliban?* In IPCS Issue Brief, No. 97, April 2008.

Same is the situation of right to organize and to bargain collectivity which is severely affected by the provisions of FCR and at the disposal of political agent. The right to organize and bargain collectivity is traditionally inherited in the Pashtoon tribal social structure, which the tribes of FATA were exercising from a long time ago without any legal protection. But under the rule of Political Agent these rights are severely curtailed and having no legal protection in FCR. The military operations by the Pakistan Army have resulted in strong dislike among many people against the army and the Pakistani government.

“According to a survey conducted by the Pakistan Institute of Peace Studies (PIPS), about 18 per cent of Pakistani Madrassas have affiliations with Jihadi and sectarian organizations; about 80 per cent of the people are against military operations in tribal areas; and the 20 per cent of them consider the existing militancy a direct reaction to Pakistan’s role in the War on Terror”.^{vii} The military operations in FATA are perceived by the inhabitants of the region as a threat to their ethnicity and identity. “Moreover, the military intervention into FATA is being viewed by tribal leaders as a threat to their authority and traditional tribal values”.^{viii}

In October, 2009 the operation launched by the military in South Waziristan resulted in the displacement of nearly 293,000 peoples, and by the end of 2009, the total number of Internally Displaced Persons from the South Waziristan area had reached around 428,000.^{ix} Another gigantic challenge is the return of IDPs to their homes. The fear of the militant groups and the poor economic conditions made the IDPs unwilling to return to their homes.

The above mentioned social impacts on the people of FATA can be linked with the non-existence of an accurate legal framework under which the fundamental human rights must be in a legal protection. FCR is just a law for its subjects to be governed under a strict legal regime which creates no legal opportunities for its subjects. FCR needs such reforms which can make the people able to live their lives in a healthy social environment.

POLITICAL IMPLICATIONS

Political rights determine the principles of self-determination which bears no question at all. “Self-determination may be defined as; the right of all peoples to determine their political future and freely to pursue their economic, social and cultural development”^x. In the modern legal world the right to self-determination is established and cannot be defeated. Article 1 clause 2 of the UN charter states that;

“To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace”.^{xi}

In the above clause the right to self-determination of the people is established as to promote the International peace and security. “The United Nations Charter recognizes the principle of equal rights and self-determination but the subsequent growth of International Law has been

^{vii}. Amir, R. M. (2009) “Mapping the Madrassa Mindset: Political Attitude of Pakistani Madaris”, *Conflict and Peace Studies*, 2(1), 2009, pp.31-35.

^{viii}. Mazari, S. (2004). “*Rethinking the National Security of Pakistan, Margalla Papers*”, National Defence University Islamabad 2004.

^{ix}. Khan, Z. A. (2012). “Military Operations in FATA and PATA: Implications for Pakistan”, Institute of Strategic Studies, 2012.P. 137.<http://www.issi.org.pk/publication-files/>

^x. Article 1 of “The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights”

^{xi}. United Nation Organization Charter.<http://www.un.org>

such that self-determination is now acknowledged as a right under customary International Law”.^{xii} “In the present world order, the right of self-determination has assumed a subject of serious concern to all freedom-loving societies”.^{xiii}

“This right is said to have evolved and developed during different periods of decolonization, and the scope of the right to self-determination during post-colonialisation has been the subject of considerable discussion and controversy”.^{xiv} Under the United Nation Charter it is the duty of the states to promote the right to self-determination of the people.

In case of FATA the right to self-governance of the people is completely curtailed. In view of the fact that the people in Fata have been deprived of their rights to participate in the policymaking process and governance of the area for too long and outsiders are making decisions for them. The area has been deprived of development despite claims to the contrary.^{xv} The people of FATA have been completely deprived of the right to self rule since the colonial period of British Government and after the partition the same policies are extended towards FATA. Under Article 247 of the constitution, the President extended the Political Parties Act, 2002, to FATA as for the promotion of political process in the region. The political activities are subjected to the consent of the PA and the people cannot assemble on their own will.

It seems that the people of FATA are not able in the contemporary situation to participate in political activities. By the extension of the Political Parties Act, 2002 limited opportunities are created and have no concern with the political freedom of the people of FATA. Neither the constitution of Islamic Republic of Pakistan nor FCR has recognized the right to self governance of the people of FATA. The right to self-determination is the primary principle of International law for the granting of political freedom to the people in the present world.

In current scenario administrative system in FATA has been paralyzed, as an institutional structure. A Political Agent (civil servant) governs an agency of FATA, and is accountable to the governor of Khyber Pakhtunkhwa. Political Agent establishes links with influential tribal elders known as Maliks^{xvi}. The Taliban (insurgents) have now made this administrative system ineffective and weak by killing several Maliks and incessantly intimidating the agency administrators.^{xvii}

The armed forces operations in FATA have, however, raised many questions concerning the significance of ensuring the traditional judicial system for the civilian population. The people of FATA have continuously demanded the safety of their lives and properties. The government has, though, failed to protect the lives and properties of the people in FATA, and to provide for appropriate justice. At the same time, many criminal and terrorist groups have emerged in the region who indulges in crimes like theft, looting, robbing, plundering, kidnapping, bombing, suicide attacks, attacks on schools, mosque, markets and killing of

^{xii} . See for example, the Namibia Case, (1971) ICJ, Report, 16.

^{xiii} . Idowu, A.A. (2008). “*Revisiting the Right to Self-Determination in Modern International Law: Implications for African States*”, European Journal of Social Sciences – Volume 6, Number 4, Department of Public Law, Faculty of Law Obafemi Awolowo University, Ile-Ife, Nigeria publications, 2008, p.43.

^{xiv} . Ibid. same page, Para, 2.

^{xv} . Wazir, A.(2012). “Which system for FATA?”, Article in Daily “The News”, Newspaper, Islamabad Edition, Published on June 05, 2012.

^{xvi} . Maliks for Tribal Elders recognized by the Government.

^{xvii} . Khan, Z. A. (2012). “*Military Operations in FATA and PATA: Implications for Pakistan*”, Institute of Strategic Studies, 2012.P. 139. <http://www.issi.org.pk/publication-files/>

innocent people. FCR cannot provide proper justice to the people in such an uncertain situation. The people of FATA are completely isolated and they have no right to directly participate in the legislation for FATA.

FATA is facing an uncertain state of law and order. The FATA is a safe haven for foreign militants and the militancy took place as a result of uncertain political situation. The people are politically subjugated by the current political administration in different ways. Without acknowledging the right to self rule of the people of FATA, peace and prosperity cannot be restored. The basic political rights must be guaranteed in FCR as to bring it in conformity with the International human rights law.

ECONOMIC IMPLICATIONS

Economic rights in the civilized world are guaranteed to the people by the international and regional human rights instruments. Article 22 of the UDHR, 1948 states as;

“Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality”.^{xviii}

Article 22 recognizes the fundamental economic rights of human beings. Every human as a member of society has the right to social security and is entitled to realize his/her economic interest, and such rights can be fulfilled through national efforts of a state and international mutual cooperation. Such rights are indispensable for his dignity and free development of his/her personality. Economic rights are non-derogable. Article 1 of the International covenant on Economic, Social and Cultural Rights, 1966 states;

- “1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”^{xix}

Clause 1 of the article 1 provides for the right to self-determination. And further states that by the virtue of such rights the people can freely determine their future political status and without any hindrance can decide their economic development and future. It is an exclusive right available to all human beings.

2. “All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.”^{xx}

Clause 2 of the article 1 of the covenant provides for the control of natural resources by the people. In the article it is clearly laid down that the people living in a territory have the right on their natural wealth. In no case this right cannot be denied which caters to their survival.

3. “The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect

^{xviii} . Universal Declaration on Human Rights, 1948.

^{xix} . International covenant on Economic, Social and Cultural rights, 1966.

^{xx} . Ibid.

that right, in conformity with the provisions of the Charter of the United Nations”.^{xxi}

Clause 3 puts obligations on the state parties for the realization of the right to self-determination. The state parties shall make necessary efforts for the protection, fulfillment, and promotion of the right.

It is obvious that economic rights of the people cannot be deprived in any case. In case of FATA, the situation is somewhat different. FCR lacks provisions regarding the guarantying of economic rights. Currently, the tribal administration is known for rampant corruption as there is no proviso for auditing its accounts and expenditures.^{xxii} Since 1947 there are no provisions for the proper audit of the accounts and expenditures of the FATA. ‘FATA Development Authority’ is an administrative body for carrying on the developmental projects in the region but the funds used for development projects are at the disposal of the political administration. According to FATA official sources reported by ‘Daily Dawn’ newspaper that now the Army has become a permanent stakeholder in the FATA’ development sector as its recommended development projects are executed every year with FATA’s development funds.^{xxiii} It is further stated as that, ‘FATA members of the Parliament both in Senate and National Assembly complain that they use their political influence to obtain fund released from the federal government for development projects in their respective constituencies, but at the end a considerable amount of those funds are spent on the developmental works run by military’.^{xxiv}

The people of FATA have been deprived of their basic right to self governance including economic rights either by political administration or army. There is no auditing system for the annual expenditures in FATA in various sectors. A large portion of the FATA economy has been destroyed in the terrorist activities launched by Taliban, its allied militant groups and in the military operations. For Instance, educational institutes, markets, roads, hospitals, public places, houses and business places, these all are destroyed in bomb blast or suicide attacks. FCR is lacking all such characteristics by the virtue of which such terrorist activities can be countered.

The FATA mostly consists of barren, rugged and inaccessible land.^{xxv} There is barely any agricultural activity. It has only 190 thousand hectares of cultivated land which produces only 100 tons of wheat per annum for a population of 3.7 million people.^{xxvi} These are the figures of 2004 and now in 2012 these figures are reduced due to the military operations and terrorists activities. The area has almost no industry, apart from a handful of privately run enterprises producing small weapons. Small industries, even cottage industries, would be just right to get better the economy of the region and provide job opportunities to the people of FATA. The current administrative system and security situation have discouraged investment in the FATA, and no one has still bothered to convert FATA into industrial zones.

^{xxi} . Ibid.

^{xxii} . Khan, H. (2012). “*Self Rule for FATA*”, Article in ‘Daily Dawn’ Newspaper, Islamabad Edition, August 02, 2012.

^{xxiii} . Report by Intikhab Amir, in ‘Daily Dawn’ newspaper, August 08, 2012.

^{xxiv} . Ibid.

^{xxv} . Mateen A. M. (2012). “*Taming The ‘Wild West’ – Integrating The Federally Administered Tribal Areas Of Pakistan*”, Master Thesis, Dudley Knox Library, Naval Postgraduate School, California, U.S.A., 2005, P.33, www.nps.edu/library/ accessed on 14th July, 2012.

^{xxvi} . Rahimullah.(2004).“*Backyard to the Fore*”. Article in ‘Daily Jang’ Newspaper, Peshawar Edition, March 14, 2004.

For cultivation purposes FATA comprises of few canals which are mostly dependent on the rainfall. The lack of electricity in most of the tribal areas also hinders agriculture productivity. And those people who can afford use generator-power tube wells which are very expensive. The people of the land have been deprived of their basic human rights. In comparison to other areas, there is a general sense of deficiency. The absences of economic opportunities, as well as the lacks of infrastructure and social services, have made the FATA a safe place for disruptive elements and their illegal activities. The tribal areas thus became a haven for militants and the narcotics business.

IMPACTS OF TERRORISM ON FATA

“After the April 1978 Revolution in Afghanistan, following the Soviet invasion in December 1979 and the resulting Afghan resistance against Red Army, the militants (Mujahideen) were armed to the teeth by so-called free world”.^{xxvii} “FATA were used as a medium for illegal supplies of men and war material to wage *jihad* against Soviet invaders, the network of religious seminaries (*madrassa*) was created using matching petro dollars from the Middle East, by the U.S., European democracies and Japan”.^{xxviii} “These *madrassa* propagated a more radical version of Islam and provided military and ideological training to militants not only from Afghanistan and FATA but also volunteers and fighters from the Muslim and Western world”.^{xxix}

“Millions of peoples became refugees, killed or disabled during the war and the power struggles between Mujahideen groups after the fall of the Najibullah government, and the emergence of new breed of terrorists took place in territories in and around Afghanistan”.^{xxx} “FATA became the center of all these activities, drug and gun running became the order of the day”.^{xxxi}

“Illegal activities such as possession and use of complicated, heavy weapons, provision of shelter, arms and training of militants, mostly criminals, fugitives of law in their own countries, launching an undeclared war against the Soviet invaders and their allied Afghan government (fellow Pashtoon, Muslims) were promoted that eulogized traditional Pashtoon chivalry, Muslim holy war, hospitality and revenge”.^{xxxii} This promoted bloodshed within FATA and also in neighboring Afghanistan and settled areas of Pakistan.

Hence, the FATA remained a safe haven for the illegal activities of foreign militants who were deeply involved in illegal activities like murder, kidnapping, illegal smuggling of arms and drugs. The people of FATA, on the other hand remained undeveloped and deprived of their basic human rights. These practices sustained until the events of September 11, 2001 in United States. After the events of 9/11, Pakistan had to join the “War on Terror.” The

^{xxvii} . Khan, S. (2012). *Special Status of Tribal Areas (FATA): An Artificial Imperial Construct Bleeding Asia*, Eurasia Border Review Part II, Hokkaido University, Japan, 2012, P.72.

^{xxviii} . Ibid.

^{xxix} . Hussain, R. (2005). *Pakistan and the Emergence of Islamic Militancy in Afghanistan*, Ashgate Publishing Company, Burlington, U.S.A., 2005, p. 117.

^{xxx} . Khan, S. (2012). *Special Status of Tribal Areas (FATA): An Artificial Imperial Construct Bleeding Asia*, Eurasia Border Review Part II, Hokkaido University, Japan, 2012, P.72

^{xxxi} . Hussain, R. (2005). *Pakistan and the Emergence of Islamic Militancy in Afghanistan*, Ashgate Publishing Company, Burlington, U.S.A., 2005, p. 127.

^{xxxii} . Khan, S. (2012). *Special Status of Tribal Areas (FATA): An Artificial Imperial Construct Bleeding Asia*, Eurasia Border Review Part II, Hokkaido University, Japan, 2012, P.72.

international coalition launched attacks against Al Qaida and its allied militant's organization in Afghanistan. The fugitive rushed towards the FATA for their safety and to get prepared for the attacks on NATO forces in Afghanistan. These militants include foreign and local peoples. Thus the FATA became a safe hub for the militants groups.

The people in FATA are severely affected by terrorism because hundreds of schools, business places, mosques, houses and markets are destroyed in the terrorist attacks like bombing, suicide bombing, etc.,. Approximately thirteen hundred elders were murdered in different ways by the militant organizations.^{xxxiii} The targeted killing of influential tribal elders and maliks forced many more either to submit or escape the region for safe places. This provided sufficient opportunity to the militants to administer rough justice dictated by their whims. The institution of the Jirga was replaced with the shura, a council made up of militants and the clergy who decide cases according to their own interpretation of the Islam.

The terrorism took place in FATA as a result of uncertain legal scenario. The FCR has no proviso for the life and safety of the people while lacking the legal procedure which should be adopted for the security of the citizens. However, the political administration has completely failed in the protection of the people in FATA while the people are facing an uncertain security situation. Now it is the need of the time that the right to self-rule must be ensured to the tribal people that they should be able to decide their better future. The people are no more able to afford a situation like that which brings uncertainty rather than to provide a safe and peaceful environment.

THE ACTION IN AID CIVIL POWER REGULATION 2011

A new piece of legislation was brought last year that gave sweeping powers to the military in FATA. This regulation comprises of eight chapters, twenty six sections and three schedules. This regulation gave extra powers to the military for the internment of any person guilty of terrorist activities. Under the regulation internment authorities and internment centers have created for the examination and investigation of offenders.^{xxxiv} It is notable here that this new regulation provides extra-judicial powers to the military.

Here the main problem is that the new regulation is over ruling the existing laws which contains criminal procedure. The action in aid civil power regulation is the new type of law for violating the basic human rights of the people. The interning authorities have the power to internment of any person on the reason of doubt under the regulation. The extra-judicial detention of the people is against the law and human rights. It negates the basic spirit of the justice and also those reforms which are brought into the FCR after long time.^{xxxv}

^{xxxiii}. Ali, A.(2012). "The FATA Situation", Article in Daily 'The News', July 31, 2012, The writer is the head of FATA research centre, Islamabad.

^{xxxiv}. "Internment is the imprisonment or confinement of people, commonly in large groups, without trial. The [Oxford English Dictionary](#) (1989) gives the meaning as: The action of 'interning'; confinement within the limits of a country or place." Most modern usage is about individuals, and there is a distinction between internment, which is being confined usually for preventive or political reasons, and imprisonment, which is being closely confined as a punishment for crime. Internment also refers to the practice of [neutral countries](#) in time of war in detaining belligerent armed forces and equipment in their territories under the [Second Hague Convention](#). Early civilizations such as [Assyria](#) used [forced resettlement](#) of populations as a means of controlling territory, but it was not until much later in the late 19th and 20th centuries that records exist of groups of civilian non-combatants being concentrated into large prison camps. The [Universal Declaration of Human Rights](#) restricts the use of internment. Article 9 states that "No one shall be subjected to [arbitrary arrest](#), [detention](#) or exile."

^{xxxv}. www.riport.org/update/RIPORT-FORUM, last visited on 5th, June 2012. At 4.00pm.

CONCLUSION

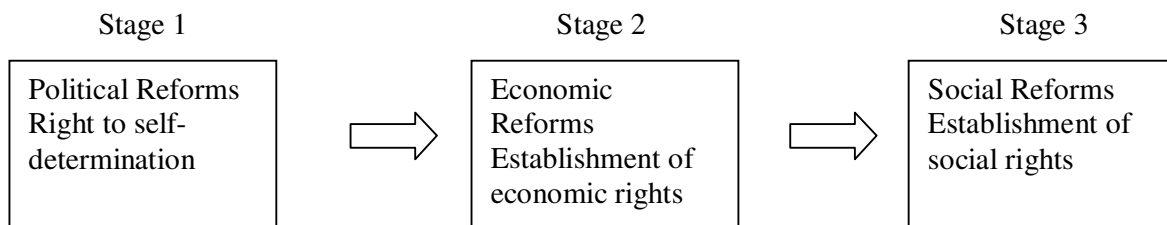
It is reached upon that FCR provisions, which are incompatible with the international human rights norms, have diverse implications over the social, political and economic life of the people in FATA. FCR is a codified law which puts obligations over the subjects, while lacking itself the basic human rights that must be guaranteed under it. The accommodation of social, political and economic rights guaranteed under the International and regional human rights instruments into the FCR are significant now, as to provide opportunity to the people of FATA for the building up of their better future. Therefore a strong legal regime must be established to improve the life standards of the individuals in FATA.

RECOMMENDATIONS

Obviously the time has come to bring immediate and necessary changes into the FATA, as to improve the life standard of the individuals of the region. The problems of FATA are not easily soluble without serious efforts. There is a want of a strong legal regime which must be established there for the protection of the people from the human rights violations. Social, political and economic reforms are needed there in a legal set of principles. As we have discussed earlier that FATA is enjoying a semi-autonomous status since a century. Some groups established their view point on different forums for the merger of FATA into Khyber Pakhtunkhwa. It can be compare to the elimination of the autonomous status of the FATA which the people are enjoying there for a long time.

For the improvement of the life standard of the individuals of any society according to my observation of study a society must be passed to three stages. Firstly the political reforms stage, secondly economic reforms and finally the social reforms stage. These three stages are deeply inter-connected with each other.

Figure 1



In the above figure three stages of reforms are mentioned in a sequence. And the maintenance of sequence in the bringing up of reforms is quite necessary. We can explain the above stages in a manner that political reforms here means the political rights which must be established, likewise the right to self-determination of the people. Whenever a community has granted the right to self-determination or self rule, it makes the community able to decide its own future. The right to self determination as a political right is a gateway to resolve all the problems of the socio-political and socio-economic nature.

The people of FATA are governed under FCR, while under the FCR Political Agent has given the unlimited powers and that powers are misused under the umbrella of FCR. The people of FATA have no direct participation in the policy making for their future. FCR doesn't provide for the self rule of the people of FATA. The political rights recognized by the United Nation Organization Charter, Universal Declaration on Human Rights, 1948, and International Covenant on Civil and Political rights, 1966 must be accommodated into the Frontier Crimes Regulation, 1901. It is recommended as that more reforms must be bringing

into the FCR under which an elected council must be established in FATA. Women should also be given representation in the council. The elected council must have the Judicial, Executive and Legislative authorities. At first stage the administration should be strongly accountable to the representative council. All the powers regarding the administrative setup of the FATA must be transferred to the elected council. As a second stage of reforms the economic rights recognized under the International human rights law have to establish in the FCR as fundamental rights. All the economic opportunity must be created there for the improvement of the life standard of the people of FATA. Economic reforms must be brought in the collaboration with representative tribal elders of the FATA. The FATA is the main concern of the international community reconstruction opportunity zone in the economic development.^{xxxvi} Such opportunity must be availed keeping in view the economic development of the region. Small dams for power generation, canals for agriculture purpose, the utilization of marbles, chromites, forests, wild life and livestock are the necessary efforts for the economic development of the region.

Wana, Miranshah, Bara and Torkham are to be declared as a major transit centers. Most of the people in FATA are trading with neighboring countries on these stations. Small industries must be established there as to create opportunity for labors. Dara Adam khel privately owned weapon industries must be established as a major industry in FATA under the legal cover. The economic rights recognized by the Universal Declaration on Human Rights, 1948, and International Covenant on Economic, Social and cultural rights, 1966 must be accommodated into the Frontier Crimes Regulation, 1901.

At the third stage all the social rights along with the traditional values of the tribal area should be accommodated in the FCR. "Social rights recognized under International human rights law the right to work, the right to just, safe and healthy working conditions, the right to fair remuneration, the right to organize, the right to bargain collectively, the right of children and young person's to protection, the right of employed women to protection, the right to vocational guidance and training, the right to protection of health, the right to social security, the right to social and medical assistance and to benefit from social welfare services, the right of disabled persons to vocational training and integration, the right of the family to protection, the right to education, the right of mothers and children protection, and rights relating to the freedom of movement, combined with the right to protection and assistance must be established as basic human rights"^{xxxvii}. The right to education and health should be the primary focus of the reforms.

The current scenario in FATA regarding the terrorism is questionable. For the peace and stability of the region it is necessary to hold the following steps;

1. For the peace and stability in FATA it can be effective in a manner that the people and leaders of the seven agencies must be recognized as the true owners of the area and to seek their help in bringing about peace and stability. The peace talks should be held with real owners of the FATA, not with militants groups as it was done in past.

^{xxxvi}. Status Report: Afghanistan And Pakistan Civilian Engagement, Office of the Special Representative for Afghanistan and Pakistan November 2011.

^{xxxvii}. Stuart, W.(2000). "Review Article: Social Rights and the Social Contract – Political Theory and the New Welfare Politics", British Journal of Political Science, Cambridge University Pressmark, U.K., 2000, p.512.

2. The foreigner militants residing in the FATA must be eliminated from the region as they are creating violence in the region and are indulged in the terrorist and criminal activities.
3. The immediate withdrawal of Army from the FATA is the need of the time.
4. It is necessary to compensate the affected people by the Army action in the tribal agencies and adjacent areas.

It is notable here that these all reforms which are recommended should be done along with the traditional values of the Tribal area. The FCR should not be completely abolished as the people of FATA are habitual in the current system. The abolition of FCR and other steps like merger of FATA into Khyber Pakhtunkhwa would lead the region to a new phase of violence and instability. Because the people of the region are adjust in the current administrative setup and they cannot afford any new scheme of administration.

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