

Constitutional Spaces for Leadership in FATA: Analysis of Leadership Crisis and Conflict Management

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Abstract

The prevailing conflict in FATA requires sophisticated mechanism of conflict management provided by the socially established local leadership. But unfortunately many of the social and traditional leaders [*masharaan* or elders] have become victims of target killing since the advent of militancy in FATA. The killing of *masharaan* has created a leadership crisis that has negatively impacted conflict management process in the region. Reviving and re-establishing the institute of *masharaan* in a tribal society is a lengthy process where the nominated elder has to prove his wisdom over many years. Therefore, the prevailing violent conflict requires as an immediate response a leadership institution to provide an indigenous pattern of conflict management to end the crisis. The electoral politics has provided opinion makers and leaders who articulate people's interests. The constitution of the country gives the role of creating leadership on electioneering process. Though Article 247 (3) of the constitution restricts the national parliament from legislating directly for FATA, but the society in FATA has evolved through election process over the years. This study bring forth all the aspects of local leadership in the current discourse of violence in FATA. It strives to find answers to questions like: can the new-institution of electioneering bring forth genuine leadership in FATA? or while searching for solutions what possible role can the state play in the process? This research will analyze the capability of new leadership that has evolved through electoral politics to manage conflict in the northwestern region of Pakistan. It adopts a conflict management approach to provide sociological perspective on the war on terror affected areas of FATA.

Introduction

The prevailing violent conflict between state and non-state actors in Pakistan's Federally Administered Tribal Areas (FATA) has been

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countered through various strategies adopted in different times by the Government of Pakistan. At the time when Pakistan took a U-turn on the issue of Pakistan based fighters, commonly known as Taliban, the government actually decided to take action against these actors.¹ In the beginning the Security Forces (SFs) were deployed and offensively engaged military operations were taken without any consultation with the local leadership in FATA. This became one of the reasons of complex violence in FATA. The second major reason was the brutal killing of the local leadership across the Pak-Afghan border region by unknown people. This kind of killing created distrust between state and society later on, because the public at large counted these killings of elders as government [SFs] responsibility. In any case, two kinds of public opinions emerged: elders having been killed by the militants because government [SFs] left them to die; they have been killed by the SFs to avoid the expected resistance to SFs' deployment and the military action in the region. In any case, one thing was very clear that the local elders were considered as a source of resistance against violence in FATA.

The wisdom of the elders in Pashtun tribal society is essential in any novel situation. The sources of their wisdom include years' long experience in maintaining social certainty and dealing with various crises. Elders' wisdom, in Pashtun tribal society, is the source of traditional codes' interpretation and their decisions often provide customs and precedents for social institutions. To understand the aforementioned role of the elders one should compare it with the English system of law making. The concept of case-law in English legal system is very close to the decision process of *jarga*'s² elders.

In the above context the Pashtun society in FATA is not feudal or warlord type in nature. The elders guide the folk in crisis which makes their role imperative. The elders [*masharaan*] can influence situation(s) while the warlords or feudals manipulate situation(s) for their narrow interests.³

The death of these elders in tribal society left a leadership vacuum [broadly called as power vacuum] which was filled by violent

¹ N. Ahmed, 'General Musharraf's Taliban Policy 1999-2008' *The Dialogue*, vol.2 (2010), pp.96-124.

² *Jarga*: the spelling is indigenous, although it is written in legal documents with the spelling as '*Jirga*' which does not exist in any of the dialects of Pashto.

³ 'Elders' is a loose translation of *masharaan*, in fact it is an institution of leadership in Pashtun society.

elements.⁴ That was the time of shift in social leadership in FATA when the armed groups started to act like leaders among the tribesmen in FATA. In most of the cases tribal *jarga* functioned as a community meeting session while addressing a conflict in FATA – same as the Athens’ parliament of direct democracy. The traditional style of the *jarga* or council of elders was more suitable for peace-building rather than peace-making.⁵ Therefore, in the traditional social institutions conflict management has always been seen as a Process. In the post 9/11 developments there has occurred a shift in traditional social leadership [elders], the *jarga* has been regulated by armed violent groups in a very authoritative way. Their [militants’] way of conflict management has been different than that of elders. The armed groups have never been able to resolve or manage a conflict among people rather they have just suppressed the conflict and disputes. The point will be further elaborated later on in this paper.

The killing of the elders has not only been a human loss, rather it has appeared as the disruption of a social institution. The elders have been killed after being declared as spies and traitors by the militants. The target killing of the local civilians [both elder and common folk] can be divided into two major categories: First, the elders who have been killed due to the alleged espionage.

This trend of labeling as traitor or as agent for foreign aggressor’s espionage led to distrust between the people and leadership institution(s) in FATA and the Pashtun region. As mentioned earlier these target killings, because of depicting elders as traitors and spies, brought confusion among the people regarding the institution of traditional leadership.

The second category of these killings is of the peace committee or *lashkar*⁶ members, those who have been declared pro-government⁷ or pro-military tribal elders, who participated in the counter – militancy operations. The security forces compelled the rest of the leadership to fight against the militants in the area, which caused the death of the many of these leaders either during the fight or in target killing. The leadership was meant to carry forward the process of conflict

⁴ R.R. Khan, ‘FATA Political Regime: Changing Legal-Administrative status of Tribal Areas’, *TIGAH: A Journal of Peace and Development*, Vol.1 (2012), pp.115-32.

⁵ Peace building prefers political approach than military options while peace making demands military hardcore option(s) for conflict management.

⁶ Peace committee, *Amn lashkar*, *Qaumi lashkar*, these are different names of the anti-militant committees consisting of civilians.

⁷ The concept is being elaborated later in this paper.

management and peace-building in the area but they were compelled to be involved in the conflict resolution and peacemaking in FATA. This is one of the major reason of security forces failure in curbing Talibanization in the region because indigenous way of understanding things and indigenous wisdom has been over looked while strategizing for conflict management in FATA.

The prevailing violent conflict can be managed by well-established and socially accepted institutions in FATA but, unfortunately, with the destruction of the societal structure the social institutions also got disrupted in the region. In this context the revival of the traditional leadership may require a prolonged process, which must be upheld but the opportunity provided by electoral politics would also help in the emergence of a new leadership. For this purpose there must be transparent elections system to build trust between the system and masses in FATA. Election is the symbol and prerequisite of democracy while democracy is compulsory for creating a sense of participation and responsibility among the masses. In the words of Samuel P. Huntington, 'Democracy means two consecutive transparent elections'.⁸ Collective thinking is the core requirement of peace building, which comes through participatory system. This system can only be provided by democracy.

Contextualization

The code of *Pashtunwali* has been providing the guiding principles for social conduct among the Pashtuns since the folk started calling them as *qaum* (nation).⁹ The nation went through different stages of historical journey and the codes of conduct also under went change and got the present shape. With the passage of time the Pashtun got divided into different geographic and administrative parts of Pakistan and Afghanistan. Political and administrative division of the Pashtun *qaum* could not divide them in the real sense as the *Pashtunwali* has been obeyed by all the Pashtuns no matter what is their country or administrative management.¹⁰ Some of the universally shared characteristics of *Pashtunwali* are *melmastia* (hospitality), *nanawati* (pleading for or appeal for forgiveness), *badal* (retribution), *rishitia*

⁸ B. Lewis, 'Islam and Liberal Democracy: A Historical Overview', *Journal of Democracy*, 7:2 (1996), pp.52-63.

⁹ Author's personal interaction with the locals in FATA and Khyber Pakhtunkhwa (KP) regarding the research in hand.

¹⁰ N.L. Wazir, 'Pashtun Qaumi [national] values: Historical journey of the Pashtuns' Code' interviewer in Wana, South Waziristan Agency, 6 March 2015.

(truth) and *mrasta* (cooperation). These codes provide guiding principles for running the social institutions among Pashtuns. The institutions regulated by *Pashtunwali* are *jarga* (lose translation: council of elders), *hujra* (lose translation: a community center or conference hall), *lashkar* (lose translation: militia), *salwesti* (lose translation: committee of 40 men), and the institution of leadership i.e *masharaan* (lose translation: elders) etc.¹¹ Like the codes of *Pashtunwali* the traditional institutions have had their own historical journey. The institutions of leadership will be focused to contextualize the whole discourse of this research.

The leadership in the Pashtun tribal society has always been a trusted and important institution, reserved for high calibre elders of the society (tribe). Even when power and iron were necessary to gain power, the Pashtun society used to give respect to persons who not only had calibre to fight but also possess ethical and moral superiority among others. The institution of leadership in Pashtun society has evolved over the centuries. The leadership role demanded certain personal traits which could bring sustainability to decision making with a strong knowledge about the tribal code.¹²

With the British came into power, new dimensions came to Pashtun society which included codification of the local norms and traditions. The code of *Pashtunwali* was codified by British from 1850 to 1900. According to Robert Nicholas, the Punjab Frontier Crimes Regulation (FCR) and the Indian Penal Codes were not enough to convict the crimes of local people attacking the British authority.¹³ The idea of Frontier Crimes Regulation came for the conviction of criminals, thus interfering with the local codes to leave it only dealing with crimes and not the broader issues. The situation seemed more inclined to criminalization of the *Pashtunwali*. This was the first ever codification of *Pashtun* laws or codes. The same regulation created special incentives for tribal leaders called ‘malaks’¹⁴ or ‘khans’ in some cases. The institutional leadership of *malaks* or khans was actually based on the traditional tribal

¹¹ D.B. Gul, *The Constitution of British Political Administration in Middle Pashtun Khwa (FATA) And Destruction of Pashtun Nationalism, Language and Culture By Pakistani Government's Propaganda through Islam Since 1947, as one of the Main Causes of Terrorism in Pakistan*, London, 2011.

¹² B. Glatzer, ‘The Pashtun Tribal System’, *Contemporary Society: Tribal Studies*, Vol. 5, 2002, pp.65-282.

¹³ R. Nicholas, *Settling the Frontier: Land, Law, and Society in the Peshawar Valley, 1500-1900* (New York: Oxford University Press, 2001).

¹⁴ The world *Malak* is commonly spells as ‘*Malik*’ which is not the indigenous Pashto pronunciation.

leadership style. At the time, *Pashtuns* were the only people, whom the British *sarkar* (government) was paying amounts instead of getting any taxes from them. This payment of financial and other incentives was based on a system called '*Lungi*'. All those tribal elders or *malaks* were paid in cash who could pose any threat to British imperial government.¹⁵ The tribal leaders were given the responsibility of protecting their own tribal territories, due to the fact that the British were not able to govern these areas smoothly. This responsibility was codified as collective responsibility of the tribe to keep peace in their respective tribal areas.¹⁶

The *malaks* have played a vital role in keeping the situation under control and peaceful in the tribal areas of Pakistan for which they enjoyed incentives and appeasement.¹⁷ The *malaks* or leaders of the tribal area helped sustain the occupation of Pakistan government in FATA, despite frequent attempts from neighboring Afghan governments to buy loyalties of local *Malaks* in early years after the independence in 1947.¹⁸ When the *jihad* of Afghanistan was proclaimed in the aftermath of the Soviet invasion, the state of Pakistan expected local *malaks* to host training centers for the *mujahideen* and provide logistical support to this *jihad*. The role of *mullahs* was somewhat brighter, they proved their worth in the war to help defeat USSR in Afghanistan. This shifted the power to *mullah* instead of the traditional local tribal leadership. The shift resulted in a clear demarcation which proved that the *mullah* with *madrassah* as his base holds greater importance in the war and the subsequent power struggle in Afghanistan.¹⁹ The rise of Taliban was purely religiously led activity of the Taliban (a younger form of *mullah*).

¹⁵ D.A. Mohyuddin, 'Role of Malik in Pukhtoon Tribal Areas', *Journal of Studies in Social Sciences*, November 2013, pp.239-53.

¹⁶ G.M. Chaudhry, *The Frontier Crimes Regulation, Summary of Amendments 2011 and Complete Regulation Text* (Islamabad: Government of Pakistan, 2011).

¹⁷ *Pakistan's Tribal Areas: Appeasing the Militants*, N°125, 2006. www.crisisgroup.org: Crisis Group Asia Report.

¹⁸ B.R. Siddique, *Resolving the Pakistan- Afghanistan Stalemate, Special Report 176* (Washington DC: United States Institute of Peace [USIP], 2006).

¹⁹ S. Yamane, 'The Rise of the New Madarasa and the Decline of Tribal Leadership within the Federal Administered Tribal Areas (FATA), Pakistan'. in S. K. AdelKhah, *The Moral Economy of Madrasa* (New York: Routledge, 2011), pp.11-31.

Literature review

Ibn-e-Khaldun has discussed the tribal formation cycle in detail. He describes the surplus extracting structure leading to wealthy and resourceful Khans attracted towards cities. This power leads the Khans to immediate power, allowing them to create a type of tribal state.²⁰

F. Barth has observed the tribal society as highly segmented society in the Swat area of Pakistan. He argues further that the tribal structure is egalitarian where the leaders, *malaks* or khans required the consent of tribal councils (*jarga*) for any big decision making.²¹

Ahmad has discussed chances of existent social differentiation within Pashtun tribes in the context of Pakistan. He has described two types of social organizations existing within Pashtuns of Pakistan. He termed the first as *Nang*, based upon the earlier egalitarian models. He elaborated this model as the honor-based Pashtuns who still follow the tribal code (*Pashtunwali*). With this model, he also explained a second model of tribal organization called *Qalang*. This model is driven by a hierarchical social structure, where *Pashtunwali* is relatively in a modest role and the patron-client relations are dominant.²²

Katkov introduced the concept of feudalization in the tribal societies of Pashtun belt. He constructed this model on the basis of geographical symmetry of tribes in the bordering range of some monarchies like that of Durrani's in Afghanistan. He suggests that the small tribal leaders behave like the monarchs, though with limited resources and power in comparison to monarchies. This trend was mainly developed due to tribal leaders' appointment as local representatives of the monarchs.²³ The powerful *malaks* and khans, empowered by British imperialists and the political agents in FATA, fit into this model. Katkov distinguishes three types of Pashtun tribes:²⁴

1. *Qaumi* - egalitarian, where the leader does not have real power and has to depend on the *jarga*.

²⁰ I. Khaldun, *The Muqaddima: An Introduction to History*, 1377 trans. Princeton, Princeton University.

²¹ F. Barth, *Political Leadership among Swat Pathans* (London: University of London, Athlone Press, 1959).

²² A.S. Ahmad, 'Tribes and States in Waziristan', Tapper (ed.), *The Conflict of Tribe and State in Iran and Afghanistan* (London: Croom Helm, 1983), pp.196-97.

²³ N.U. Giustozzi, *Tribes and Warlords in Southern Afghanistan: 1980-2005* (London: Crisis States Research Centre, 2006).

²⁴ *Ibid.*

2. *Rutbavi* - hierarchical, with a tendency towards feudalization and usurpation of the power of the tribesmen by the leader; these leaders have the ability to influence the orientation of their followers, either directly or through their representatives, who allow the leader to maintain influence even if he resettles in the city.
3. *Kuchi* - nomadic and very egalitarian.

Elphinstone's work on the tribal leaders living under the influence of monarchies or imperial powers has special influence on the behaviors of the tribal people. He observed that tribes living nearby monarchies are the 'most obedient' to their khans.²⁵

Election of a tribal leader is a complex activity and varies in nature from tribe to tribe. Altaf Qadir has described the election of process of Ahmad Shah Abdali to throne. His appointment as leader was discussed in detail for days and the decision could only be reached on the last day with unanimity by the *jarga* held specifically for this purpose.²⁶

Rasuly has discussed the perverted side of the election process of tribal leaders. He has argued that leaders have been manipulating the election of *jargas* for their own interests. He has given the example of Afghan election where some of the leaders used to bring in their own relatives to the helm of affairs. He argues that due to this reason the tribal states are not consistently stable.²⁷

The study will bring forth all the aspect of local leadership in the current discourse of violence in FATA. The study will strive to find answers to basic questions like, can the new-institution of electioneering bring forth genuine leadership in FATA? While searching for solutions, focus will be on what possible role, will the state play in the process? The research will analyze the capability of new [through electoral politics] leadership in respect to conflict management in the northwestern region of Pakistan. The research is based on conflict management approach and provides sociological perspective on the area of FATA which has been affected by war on terror.

²⁵ M. Elphinstone, *An Account of the Kingdom of Caubul* (London: Longman, 1815), p.217.

²⁶ A. Qadir, *Sayyid Ahmad Bareilvi: His Movement and Legacy from the Pukhtun Perspective* (New Delhi: SAGE, 2015).

²⁷ S. Rasuly, *The Political Elites of Afghanistan* (Frankfurt: Peter Long, 1997), pp.104-118.

Research methodology

The main pursuit of this research is on the leadership response to situations in a certain sociological structure or set up. The research design explores presence and response of certain social institutions to a violent conflict and determines an individual's role and condition in such conflicts and their management. The methodology framework of this research is based on these two levels of analysis of leadership i.e. both sociological and anthropological investigation, but the former provides the foremost guiding principles for explaining the phenomenon under this research.

After studying the situation of role, response and mechanism of leadership in the prevailing context of violent conflict in FATA, it has been found that the research findings are closely relevant to some theories of leadership. The foresaid methodology utilizes inductive way of explaining the phenomenon under research.

It has been generally claimed in FATA that the existing laws are mere codification of the local traditions. These laws provide codes for running formal and traditional institutions in the region. To study the aforementioned claim, indigenous interpretations of the traditional social codes of the people of FATA were important. For this purpose the Interpretive Sociological Approach was applied for explaining the mechanism of the leadership.

The discourse of conflict management has been used in this research to explain the response and role of the institution of leadership in FATA. Due to lack of literature, public knowledge have been utilized to explain the situations of the institution of leadership in FATA. In the context of leadership in FATA, local wisdom also proved helpful in obtaining future suggestions. The foresaid purpose was served by interviewing subject experts and common folk. The in-depth face-to-face telephone interviews were taken. The research remained purely qualitative in nature. For some of the portion where data required explanation of the situation, reliance on media monitoring became useful.

The concept of mashar: The institution of leadership does not mean the council of elders [*speen-geeri* or the white bearded] only rather it has a well-defined hierarchy. The leaders who are the jury of the *jarga* have been, traditionally, not necessarily aged people of the society. There are various stages of *jarga* proceedings having different kinds of authority or leadership. The middle aged members of the tribes carry the responsibility of proceeding with the decisions of the *jarga* in the institution of *salweshti* (council or committee of 40 men carrying delegated authority). The members of the *jarga* formulate the committee's membership for a specific purpose. In the same way the

committee of *salweshi* passes on the delegated authority to another larger body called *lashkar* (temporarily formed civil militia). *Lashkar* or committee is an action body, therefore, most of the time youngsters perform as the second layer of the leadership.

The institution of leadership revolves around the social influence process. Leader must be acknowledged and accepted among the general public by his contribution in the social affairs through his deeds. According to Vandana Shiva – an Indian environmental activist – weak seeds produce weak plant while weak and un-empowered individuals make weak nation.²⁸ The leadership with weak capability of influencing people for leading a situation will appear in weak institution, and then the weak institutions will shape a weak social structure. The weak or loose social structure leads towards uncertainty in society. In the case of FATA, the institution of leadership was never so weak because the leadership had to be testified by a certain social process over the years. The process was, definitely, lengthy but proved effective for centuries among the tribal Pashtuns.²⁹ The process always brought certainty among the people. Therefore certainty is closely linked with socially established and accepted leadership. This was the exact case in FATA – a tribal society. But due to the unnatural shift in leadership there was disruption in the social structure of tribal Pashtuns in Pakistan and Afghanistan.³⁰ As mentioned earlier new and imposed individuals started acting as leaders in FATA. These new actors were violent armed groups.

The titles and honorary phrases – such as *pro-government* or *pro-military* elders – given to [some of] the elders by Pakistani security forces, left the impression that if there are pro-government elders then there must be anti-government tribal elders too. This created confusion regarding the traditional leadership. This instrumental disorder left very narrow space for conflict management in FATA and Khyber Pakhtunkhwa.

Conflict management and leadership

Mostly in close-societies³¹ the social codes are followed equally and parallel to the state law. Elders use to be great source of conflict management and interpretation of the tools used in these conflict

²⁸ Vandana Shiva, *Seed Freedom: A Global Citizens' Report* (New Delhi: Navdanya, 2012).

²⁹ N.L. Wazir, *op.cit.*

³⁰ A. Wazir, 'Role of Local Community in Peace Building in FATA: Case of Qaumi Lashkar', interview in Islamabad on 4 May 2013.

³¹ Here close-society means traditional society with traditional social codes system to guide the day to day social conduct and the society where social ranks speak for their role in the society.

managements. Pashtun society, in general, and tribal society, in particular, is closed in nature where the local norms and codes are used as guiding principles for daily life. The main sources of the interpretation of these codes are the local elders who kept these codes in practice for centuries. The role and scope of the leadership institution in FATA can be contextualized by the concept of close-society.

According to Barry Buzan³² most of the conflicts have societal roots, therefore, society should be the ‘referent object’ while looking into these conflicts. He also believes that there should be indigenous tools to resolve the conflict(s). Conceptualizing the [violent] conflict in FATA and KP will help in understanding the inevitable role of social institutions – particularly the institution of leadership. The [violent] conflict in FATA and KP has dominant societal dimensions, so these should be solved through an indigenous social system. The violent conflict in FATA dragged different new actors into the violence at societal level which made the violence more complex. In this respect only a popular and wise leadership can properly securitize the situation.

Riwaj³³ codification in FCR

Brendan Tobin³⁴ says that the codification of indigenous customs or customary law was not a colonial phenomenon rather it started under the demand of the locals in their respective areas. The codification of the Pashtun tribal customs started in the 19th century under the FCR which was promulgated in 1901 in northwestern parts of the today’s Pakistan.³⁵ Brendan is of the view that custom codification is a difficult task if the society or the locality has variety of customs to be obeyed.³⁶ In the case of Pashtun society the conduct of people is harmonious because the same code of *Pashtunwali* is obeyed across the Pashtun population. The codification may be on the demand of the local people but it is never pushed by indigenous intentions and purposes.³⁷ Codification was instrumental for the acceptance of colonial rule among the local folk to avoid any kind of administrative disruption.

³² B. Buzan, *Regions and Powers: The Structure of International Security* (Cambridge, United Kingdom: Cambridge University Press, 2003).

³³ *Riwaj* can be translated as custom, particularly the precedents.

³⁴ B. Tobin, *Indigenous Peoples, Customary Law and Human Rights – Why Living Law Matters* (Routledge, 2014).

³⁵ Human Rights Commission of Pakistan, *Frontier Crimes Regulation (FCR): A Bad Law, Nobody can Defend* (Lahore: HRCP, 2005).

³⁶ B. Tobin, *op.cit.*, p.94.

³⁷ *Ibid.*, p.92.

In this context the codification of the Pashtun social codes into the current Frontier Crimes Regulations by colonial rule of British³⁸ confined the scope and utility of Pashtuns institutions. The whole system of the codification of the Pashtun customary law in FATA can be examined critically but here only two such codifications would be analyzed i.e the *Jarga* and the institution of leadership.

Jarga [*qaumi*]³⁹ remained one of the main institutions of Pashtun social life running the social affairs of Pashtuns back from centuries' old history. With the passage of time every institution or code has to come across various transitions and evolve with the passing time. It is universal for every social system across the globe and hence it is not necessary to deliberately destroy a respected social system. But the colonial codification of the *jarga* [*hakumati*],⁴⁰ having narrow interests, caused drastic shift in the role and scope of the institution overnight. Before the FCR, *jarga* kept the social system certain through its multi-functional existence. It remained in the social governance structure as a parliament of direct democracy – an open forum for the many, but it has been made under FCR only a jury or council of the few. It has been made to look into criminal activities or mere conflict resolution.⁴¹

After the *jarga* in Pashtun social system, comes the institution of leadership. The FCR turned the leaders [elders] into agents of the political administration in FATA. This was the first time when they started losing popular support.⁴²

The aforementioned account of codification of Pashtun living-law [customary law] was instrumental to minimize the scope and role of the institutions among Pashtuns. Thus it can be argued that if social institution is based on popular acceptance among the people, and this acceptance is the only strength then, after losing it [popular acceptance] how can the institution play an affective role? Thus without popular support and acceptance, *jarga* or any other social institution can not play any role in the peace process or conflict management in FATA.

³⁸ R. Nicholas, *op.cit.*, p.159.

³⁹ *Jarga* belongs to the people and regulated by the socially and widely accepted elders. It exists parallel to the *jarga* of FCR.

⁴⁰ The *jarga* convened by the Political Administration under FCR.

⁴¹ Author's personal interaction with the locals in FATA and KP regarding the research in hand.

⁴² Author's personal interaction with the locals in FATA and KP regarding the research in hand.

Electoral politics and the emergence of leadership in FATA

After the extension of Political Parties Act (PPA) to FATA, the next step should be free and transparent elections in the region. Transparent elections would bring hope among the people of FATA where they would choose representatives of their own choice, those who could represent their interests in the mainstream government. Transparent elections ensures the process of democracy while democracy means the presence of freedom of expression, assembly along with other human rights.⁴³ Conducting fair elections to flourish democracy is pre-conditioned on truce which alone can create a favorable environment for public participation in the political process. The persisting militancy in FATA is a big challenge in the way of conducting transparent elections.⁴⁴ A peaceful environment can be achieved by the state sponsored negotiations, dialogue and other non-military process.⁴⁵

Furthermore, collective response of the people to the social issues is an ideal way of resolving the issues. The advocates of 'collective action theory' believe that 'collective response' is based on the size, nature, homogeneity or heterogeneity of group.⁴⁶ Sociologically, FATA is a homogeneous society having same culture, history, ethnicity and religion (with minor variations). So achieving collective response to the social issues (including political, economic) in FATA is comparatively easy. This response can also be backed by the state. According to the aforementioned theory, the cost (of life and material investment) may make the society hesitant to respond collectively but the cause may bring it together. In the tribal society of FATA their cause to bring peace is more desirable than the cost they pay to get rid of the ongoing tense security situation.⁴⁷ Therefore a grand *jarga*⁴⁸ (council of

⁴³ *Pakistan Today*, Retrieved 3 December 2012, from Pakistan Today: <http://www.pakistantoday.com.pk/2012/11/17/news/national/transparent-elections-a-requirement-of-constitution-cj/>

⁴⁴ *FRC, Political Reforms, Militancy & Upcoming Elections in FATA: Prospects and Challenges* (Islamabad: FATA Research Centre, 2012).

⁴⁵ *Ibid.*, pp.14-15.

⁴⁶ A. Oberschall, 'Explaining Terrorism: The Contribution of Collective Action Theory', *Sociological Theory*, March 2004, pp.26-37.

⁴⁷ *Extremism and Redicalization: An Overview of the Social, Political, Cultural and Economic Landscape of FATA* (Islamabad: FATA Research Centre (FRC), 2012).

⁴⁸ Grand *Jarga* would be temporary body of elders, elected from the *jargas* selected by the people from each Agency. It would actually be a *jarga* of *jargas*, being a representative of the people.

elders selected by the people from all tribal agencies) free from any influence should be conducted to get an insight into the whole scenario. Before conducting the grand *jarga* there should be *local jargas* at Agency level which would help choosing true representatives for the grand *jarga*. The solutions for peace-building provided by the grand *jarga* can contribute to policy design at state level.

Conclusion

The targeted killing of elders caused drastic shift in the leadership in FATA and KP. The leadership vacuum created due to the killing of elders has been filled by the violent elements in the area. The government remained indifferent during the whole course of targeted killing and power or leadership shift in FATA.

With the disruption of the whole social system, the institution of leadership has been most affected and completely destroyed. The collapse of traditional social system of conflict management has helped violence to prolong. Peace-building in FATA needs encouragement to restore indigenous institutions and codes along with the political process to let the local people participate even at government level.

The government should help the natives, particularly those in the state of displacement should be rehabilitated. So that when they will return back to their land they could re-settle to their way of life. They will improve the economic resources of the area which will help in the political activities that could ultimately bring peace. There may be other factors which can better contribute in the process of peace-building like social inclusion and de-marginalization. This requires state interventions at grass roots level.

The Government of Pakistan must engage the people of FATA to develop policies that can allow for free, fair, transparent, and most importantly, safe elections because election gives space to democratic process in society which is [ultimately] the source of peace and harmony. Keeping in view the significance of local norms, effective policy making cannot be done without two kinds of agreements: First must be a pact between the government and the tribes to reform the Frontier Crimes Regulations (FCR), the second has to be a series of negotiations between the *qaum*, that is, the tribal people as a nation, and the non-state actors. Armed *lashkars* against the militants would further destabilize FATA. Policy's direction is opposite to the aforementioned suggestions where the government involved common men in a complex war with militants in FATA.