

Frequently Asked Questions for FATA

1st Edition (July, 2010)

NOTE:

This document has been prepared by Mass Communication Team for the Field Staff of the Humanitarian Community working with/for the affected population of FATA and in FATA. The answers have been provided by renowned journalist Saleem Safi, (specializes on FATA and hosts a national, weekly TV show regarding FATA's issues) and official website of FATA Secretariat (www.fata.gov.pk).

- **What is FATA?**

The acronym FATA means Federally Administered Tribal Areas. FATA is located along Pakistan's north-western Himalayan zone and runs along the Indus River.

- **How many agencies?**

FATA consists of seven autonomous agencies: Kyber, Kurram, Orakzai, Mohmand, Bajaur, North and South Waziristan. It also includes 6 Frontier Regions – FR Bannu, FR Kohat, FR Tank, FR DI Khan, FR Lakki Marwat and FR Peshawar. (Division of areas by agency, teshil, subdivisions at the end of the document)

- **What is the difference between an agency and FR?**

For administrative purposes, FATA contains six small units called Frontier Regions which are named after adjacent settled districts. Frontier Regions are transition areas or buffer between FATA and the adjoining settled districts of the KPK. The administration of the Frontier Regions is carried out by the district coordination officer of a neighboring named district. The overall administration of the frontier regions is carried out by the FATA Secretariat, based in Peshawar and reporting to the Governor of KPK.

- **What is FATA's history? What makes it different than the rest of the country?**

During Colonial rule, FATA was never ruled like the rest of the subcontinent owing to distinct and staunch Pashtoon values and tribal culture of independence and autonomy. The British Government appointed local agents as their representatives in the region to exercise control. The Frontier Crimes Regulation (FCR) was introduced in 1870s to enhance authority over the region. In the early 1900, judicial powers were bestowed upon the FCR administrative officials. These administrative officials then became Political Agents (PAs) who were paid by the British Government. PAs worked through the Maliks of the tribes (often by buying in their favor) to establish control and implement policies. At the time of partition, the Maliks (tribal leaders and elders of tribes) of FATA offered to become a part of Pakistan if their political, administrative and judicial system was kept intact. Mohammad Ali Jinnah agreed and thus, FATA became a part of Pakistan. FATA is governed by the FCR and ordinances, rules and regulations (including the FCR) are implemented by the Governor on the executive orders of the President¹ of the state.

¹ <http://www.mofa.gov.pk/Publications/constitution.pdf>, pg 110

FATA's overall status has always been underdeveloped and impoverished, primarily due to vested financial and political interests of several different stakeholders and national and international political issues that have not been resolved.

- **What is the political structure of FATA?**

Under the constitution the President of Pakistan is Chief Executive of FATA and his powers are exercised through Governor Khyber Pakhtunkhwa.

FATA is unique to Pakistan's judicial, administrative and political setup. The PA is the absolute judicial authority in FATA; his decisions cannot be challenged in any court of Pakistan. A Frontier Region is administered by the District Coordination Officer of the respective settled district, who exercises the same powers in an FR as the political agent does in a tribal agency. Each Tribal Agency, depending on its size, has about two to three Assistant Political Agents, about three to four Tehsildars and four to nine Naib (or deputy) Tehsildars with the requisite supporting staff.

Frontier Regions are headed by the DC/DCO or Deputy Commissioner Officer, (for FR Peshawar, DC/DCO Peshawar and so on). Under his supervision there is one Assistant Political Agent and about one or two Tehsildars and Naib Tehsildars and support staff.

- **What is the role of the Governor in FATA's affairs?**

Governor KPK is the administrative head of FATA who plays the role of an agent for the President of Pakistan.

- **What is the role of the FATA Secretariat?**

Prior to the creation of the FATA secretariat in 2002, there were special cells in the KPK planning and development department which looked after the affairs of the tribal areas and the administrative secretary concerned was answerable to the governor. In 2002, these special cells in KPK Secretariat were integrated into FATA Secretariat with two main organs: administrative and law & order departments.

The Law & Order Department establishes writ of the government, ensures security and protection of tribesmen, addresses grievances of the people, frames rules for Khassadars/Levies, administers justice through courts, ensures availability and control of essential commodities livestock etc to the tribesmen and deals with emergencies/natural calamities. The department undertakes these measures in coordination with Political Agents/DCOs, intelligence agencies, army, paramilitary forces, Jirga and local consultation.

The Administrative & Coordination department deals with the general administration related to the affairs of the FATA, security of the headquarters, service matters including postings, transfers, promotion of staff, maintenance of office, residential colonies and rest houses, maintaining central pool of cars. Apart from this, it acts as coordinating body between agencies, departments and secretariat in common matters.

The Finance and Planning & Development departments were added to FATA Secretariat after restructuring in 2006.

Despite the creation of FATA Secretariat, the provincial establishment department is still responsible for all sorts of postings and transfers both in the province and Fata.

- **What are the roles of Political Agent, Assistant Political Agent and Tehsildars?**

The Political Agent is a federal officer (equivalent of a District Commissioner in the rest of Pakistan), appointed to the Agency by the Governor. He is seconded to the FATA

Secretariat by the Provincial Government. Commonly known as the PA, he reports to Secretary FATA and Tribal Affairs, under the Chief Secretary and Governor of Khyber Pakhtunkhwa.

The PA serves as executive, judge, revenue collector and Chairman of Agency Councilors. Under FCR the PA is District Magistrate and determines the guilt/crime of the accused. Before 2002, only Maliks were allowed to cast a vote in a Member of National Assembly and only one vote would be cast from one village. The PA also maintains law and order through Khasadaars, levies and paramilitary forces.

Assistant Political Agents and Tehsildars form the PA staff. Like the PA, APAs and Tehsildars are also bureaucrats of the federal service. Tehsildars head one sub-division called Tehsil. Each tribal agency is administered by a political agent, assisted by a number of assistant political agents, tehsildars (administrative head of a tehsil) and naib tehsildars (deputy tehsildar), as well as members from various local police (khasadars) and security forces (levies, scouts). As part of his administrative functions, the political agent oversees the working of line departments and service providers. He is responsible for handling inter-tribal disputes over boundaries or the use of natural resources, and for regulating the trade in natural resources with other agencies or the settled areas.

- **Who are Maliks?**

Leaders of tribes and sub-tribes are called Maliks. The Maliks advise the PA as and when required in matters pertaining to common interest. A Malik of any area is responsible for the law and order of the area. Under the Collective Responsibility the Malik is responsible for crimes and disruption in his area. As in the early era, Maliks continue to be paid by the PA. The position of a Malik is equivalent to a member of the National or Provincial Assembly in the Federal Government of Pakistan. The PA gives him some amount as Mojib (allowance) periodically to run his local hospitality expenses. The local people respect Maliks possessing good quality, quantity of weapons and the number of male members to use these weapons when needed.

- **Who is a Khaasadaar?**

Maliks nominate Khaasadaars for the PA. Khaasadaars are a set of people in each tribe who serve as police in their area. They wear black clothes and carry Kalashnikovs. Khaasadaars are not an organized, educated or paid force. Recommended by the Maliks, they are appointed by the PA and report to the Tehsildar and PA

- **What is an Agency Council? What is its role?**

Lt. Gen (R) Iftikhar Hussain Shah was appointed Governor of Khyber PakhtunKhwā (then NWFP) during President Musharraf's rule. During his 5 year tenure (2000-2005) he introduced three changes in FATA's political setup:

1. Created the FATA Secretariat in 2002.
2. An Audit System to audit the Political Agent.
3. Agency Council: a system parallel to the Maliks' institution. The concept was introduced so that people could vote in their representatives rather than following Maliks.

Of the three, the creation of FATA Secretariat was the only fruitful effort.

- **What is Adult Franchise?**

During President Farooq Laghari's tenure in 1996 the Adult Franchise was introduced in FATA to elect members to the Federal Legislature. The Adult Franchise gave every tribal man and woman the right to vote for their respective member of national assembly. Prior to the Adult Franchise, only Maliks could vote for MNAs.

- **What is FCR?**

The Frontier Crimes Regulation (FCR) comprises a set of laws enforced by the Colonial Regime in the Pashtun inhabited tribal in Northwest British India. They were specially devised to counter the fierce opposition of the Pashtuns to British rule. The FCR is a mixture of traditional customs and special procedures for conflict resolution (through Jirga of elders) and ensuring law and order (through Collective Responsibility). The FCR dates back to the occupation of the six Pashtun-inhabited frontier districts by the British in 1848. The regulation was re-enacted in 1873 and again in 1876, with minor modifications. With the passage of time, the regulation was found inadequate and new acts and offences were added to it to extend its scope, through promulgation of the Frontier Crimes Regulation 1901. According to the FCR despite the presence of popularly elected tribal representatives, parliament can play no role in the affairs of the area.

- **What is Collective Punishment/Responsibility?**

The FCR works principally upon collective punishment. The FCR empowers authorities to arrest and detain any one without specifying the charges. The accused cannot get bail in such cases. The FCR provides for collective punishment to the family members or blood relatives instead of punishing only the guilty. Family members or blood relatives are handed a jail term for no crime of their own.

- **What is the conflict resolution mechanism in FATA?**

Jirga and Malki systems are strong and powerful local institutions for the reconciliation and resolution of local disputes and even to punish those who violate the local rules and customs. If the dispute is of bigger nature between the tribes then the PA, member of National Assembly and Senators, Maliks and elders, sometimes from neighbouring Frontier Regions and agencies also participate in the jirga to resolve the disputes. Maliks and elders are nominated both by the accused and the grieved. The people have to accept the decision made by the jirga. The jirga results are presented to the PA for information and record. If any one of the party is not happy or satisfied with the decision made by the jirga then the grieved party can go to the appellate court and then the Home Department, Governor KPK who decides the case under the FCR. Sometimes the jirga uses local power, which they have by tradition such as, Muchalga (fine), to eject a person or even a family from their area as a punishment or impose heavy fine and destroy/put their houses and property to fire. The whole tribe makes a lashkar (group together) for the implementation of the decision taken by the jirga.

The Parliament's legislations and the Supreme Court of Pakistan do not have jurisdiction in FATA. Jirgas are constituted to resolve disputes, criminal cases and decisions are made on consensus. Jirgas are institutionalized in FATA under FCR, although they are different from traditional jirgas. The PA calls upon the Jirga to provide their verdict based on acceptable traditions and sometimes Islamic Sharia. The decisions are final and must be implemented as decided.

- **How many tribes are there in FATA? What is the family structure?**

There are two main tribes: Pukhtoon or Pashtun. Each tribe is comprised of various clans called “khels” which are then divided into sub-clans and then extended families.

- **What is Pukhtoonwali? What is its importance?**

Pukhtoonwali is an informal set of rules that guide tribal life based on honor, hospitality and revenge. It serves as an integral code of Pukhtoon way of life, a legal and moral code that determines social order and responsibilities. It contains sets of values pertaining to honor (namuz), solidarity (nang), hospitality, mutual support, shame and revenge which determine social order and individual responsibility. The defense of namuz, even unto death, is obligatory for every Pashtun. Elements in this code of behavior are often in opposition to the Shariah law, but it is their code that sets precedent over any other law.

- **What is the role of women in FATA?**

As a conservative society, participation of women is fairly secluded. Women in most agencies cannot sit in the Jirga except Mohmand Agency. Cases of women are referred and represented by male relatives. Honor punishments e.g. Swara (marrying off women of one family to the enemy’s family to compensate for murder and promote peaceful ties rather than revenge) are common. In recent surveys women claim that access to health care, access to clean drinking water and lack of education are their most significant issues.

- **How do we get an NOC for projects in FATA?**

1. NOCs should only be submitted to the Secretary Law and Order at FATA Secretariat, with Special Support Group, concerned Political Agent, Headquarters FC Balahisar and Headquarters 11 Corps in copy.
2. INGOs should attach the following with the application form (available with OCHA or FDMA)
 - Registration copy of EAD Islamabad
 - Project Time Frame
 - Source of funding
 - Previous record of work
 - Area of work
3. Local NGOs should register with Social Welfare Department FATA. Registration from SWD KPK is valid but will accreditation from SWD FATA is required.
4. FATA Development Authority will process the request while clearance from HQ 11 Corps and FC Corps will be done by SSG.
5. I/NGOs will submit monthly progress report on approved format.
6. As decided in Policy & Strategy Meeting with FDMA and the Special Support Group (SSG), the official turnaround time for processing FATA NOCs should be 15 days.

- **Where can I get the contact details of PAs of FATA?**

| Political Agents | | |
|------------------|--------------|----------------------------|
| Area | Name | Telephone No. |
| Bajaur | Shafiq Ullah | 0942-220558 0942-220559 |

| | | |
|------------------|------------------|--|
| Mohmand | Amjid Ali Khan | 0924-290001 0924-290002 |
| Khyber | Tariq Hayat | 9211901-5 |
| Orakzai | Riaz Khan Mahsud | 0925-621542 0925-621543 |
| Kurram | Basir Khan | 0926-310530 0926-310590 |
| North Waziristan | Mutaher Zeb | 0928-300798 |
| South Waziristan | Shahab Ali Shah | 0963-510709 0963-510364 0965-210296 0965-210748 |

| Assistant Political Agents | | |
|-----------------------------------|------------------------|----------------------------|
| Tehsil, Agency | Name | Telephone No. |
| Khar, Bajaur | Mohammad Iqbal Khattak | 0942-220432 |
| Nawagai, Bajaur | Mohammad Jamil Khan | 0942-220235 |
| Upper Kurram | Naeem Ullah Khan | 0926-310766 |
| Lower Kurram | Khalid Mumtaz Kundi | 0926-521813 |
| Central Kurram | Abdul Hameed Jan | 0926-520544 |
| Lower Mohmand | Rasool Khan | 0924-225109 |
| Baizai | Maqsood Hassan | 0924-290225 |
| Upper Mohmand | Roshan Khan | 0924-290004 |
| Upper Hangu | Fazl-e-Qadir | 0925-621712 0925-667001 |
| Lower Hangu | Sajid Hameed | 0925-650003 |
| Ladha, SWA | Jamal Azmat | 0965-510364 0965-510317 |
| Wana, SWA | Ghafoor Shah | 0965-210212 |

| District Commissioner Officers (DCO) | | |
|---|----------------------|-----------------------------|
| Frontier Region | Name | Telephone No. |
| Peshawar | Sahibzada Anees | 091-9212302 |
| Bannu | Javed Marwat | 0928-9270032 |
| D I Khan | Syed Mohsin Shah | 0966-9280116 |
| Kohat | Siraj Ahmad | 0922-9260032 0922-513484 |
| Lakki Marwat | Anwar Khan Mehsud | 0969-538330 0969-538331 |
| Tank | Barkat Ullah | 0963-510200 |

Division of Agencies by APA, Subdivision & Tehsil

| Agency | Assistant Political Agency | Subdivision | Tehsil |
|-------------------------|----------------------------|---------------|--|
| Khyber Agency | Bara | Bara | None |
| | Jamrud | Jamrud | Town Committee Jamrud Jamrud Tehsil Mullah Gori Tehsil |
| | Landi Kotal | Landi Kotal | Town Committee, Landi Kotal Landi Kotal Tehsil |
| Mohmand Agency | Upper Mohmand | Upper Mohmand | Safi Tehsil Upper Mohmand Tehsil Talimzai Tehsil |
| | Jamrud | Jamrud | Town Committee Jamrud Jamrud Tehsil Mullah Gori Tehsil |
| | Yakka Ghund | Lower Mohmand | Pindyali Tehsil Ambar Tehsil Yakka Ghund Tehsil Prang Ghar Tehsil |
| Bajaur Agency | Khar | Khar | Khar Tehsil Salarzai Tehsil Uthman Khel Tehsil |
| | Nawagai | Nawagai | Mamund Tehsil Chamarkand Tehsil Nawagai Tehsil Barrang Tehsil |
| Orakzai Agency | Upper Tehsil | Upper Tehsil | Upper Tehsil Ismailzai Tehsil |
| | Lower Tehsil | Lower Tehsil | Lower Tehsil Central Tehsil |
| Kurram Agency | Upper Kurram | Upper Kurram | Town Committee, Parachinar Upper Kurram |
| | Lower Kurram | Lower Kurram | Town Committee Sadda Lower Kurram |
| | Central Kurram | None | None |
| North Waziristan Agency | Miram Shah | Miram Shah | Town Committee, Miram Shah Miram Shan Tehsil Ghulam Khan Tehsil |

Miram Shan Tehsil
Ghulam Khan Tehsil

| | | | |
|----------------------------|----------|----------|--|
| | | | Datta Khel Tehsil |
| | Mir Ali | Mir Ali | Mir Ali Tehsil Spinwam Tehsil Shewa Tehsil |
| | Razmak | Razmak | Razmak Tehsil Dossali Tehsil Garyum Tehsil |
| South Waziristan Agency | Sarwakai | Sarwakai | Sarwakai Tehsil Tiarza Tehsil |
| | Ladha | Ladha | Ladha Tehsil Srarogha Tehsil Makin Tehsil |
| | Wana | Wana | Wana Tehsil Bermal Tehsil Toi Khullah Tehsil |

For more information, feedback and comments; please contact IOM Mass Communication Team:
 Maria Ahmad (m_ahmad@iom.int)
 Ammar Orakzai (aorakzai.mct@gmail.com)