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Article Title

Post-Merger Governance and Development in Former FATA: Challenges and Opportunities

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Abstract

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Keywords: Post-Merger Governance, FATA Integration, Khyber Pakhtunkhwa, Tribal Regions, Judicial Reforms, Law Enforcement, Socio-Economic Development

Authors:

Tabish Munir: (Corresponding Author)
Mphil Scholar, Faculty of Social Sciences, Quaid e Azam University, Islamabad, Pakistan.
(Email: tabishmunirkhan@gmail.com)

Fatima Ahmed: Independent Research Scholar, Pakistan.

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In 2018, Federally Administered Tribal Area (FATA) integration in Khyber Pakhtunkhwa (KP) was an amalgamation that resulted in Pakistan's new governance. This transition was aimed at assimilating the tribal regions to the national frame and granting equal rights and development opportunities to its residents. However, challenges and opportunities at the post-merger stage have been uncovered, and they all are to be investigated to maximize. Other strategic issues also include eating away at the traditional governance structure, the utilization of the Jirga system, and difficulties with the new judicial framework. Also, there appears there be a lack of development, inadequate law enforcement agencies, and integration into the culture. Nonetheless, the merger offers a chance for infrastructural and political projects and for access to education and healthcare. This paper explores such facts but also discusses some of the complexities involved in post-merger governance and development within the erstwhile FATA region.

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Mphil Scholar, Faculty of Social Sciences, Quaid e Azam University, Islamabad, Pakistan.
(Email: tabishmunirkhan@gmail.com)

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Introduction

The merger of Federally Administered Tribal Areas (FATA) with Khyber Pakhtunkhwa (KP) in 2018 was a decisive moment in Pakistan's political, administrative, and territorial history. The decision, which was to mainstream the region, was hoped to bring about major reforms in governance, economic development, and social services for the once-alienated zones and set them apart from the rest of the country (Khan, 2024). The objective of the integration was to solicit the people of FATA the same rights, privileges, opportunities, and part in

governance that the citizens of KP were enjoying. The transition, though, has proved very tough and full of problems, some of which stood as an impediment to the desired political and developmental reforms. This section investigates the historical setting leading to the merger, and the merger process, and goes through the governance and developmental challenges of the region after the merger.

Figure 1

Historical Context

FATA was governed under its own administrative system, one which operated before the merger in full under the Frontier Crimes Regulation (FCR) of 1901. Under this colonial legislation, FATA was under direct federal control, with federal government authority exercised by Political Agents appointed by the central government. The design of the FCR system was to provide law and order without extending full legal rights or representation to the tribal population. It, therefore, meant that FATA residents did not have access to justice, and had no political representation or the right to any direct say in the national governance structure. This did create a sense of alienation and marginalization of people of FATA who were not part of the legal and political aspects of the other parts of the country (Afridi, n.d.). Decades passed with this status quo, with various calls for reform and integration into the provincial system, only to contribute to increasing frustrations within the region.

The Merger Process

That historic decision to merge FATA with KP was formally realized when in May 2018 the 25th Amendment to Pakistan's Constitution was passed. It gave the jurisdiction to the supreme and high courts of Pakistan in FATA, abrogated the office of the original FCR, and introduced the Rules of Regulations, which had been devised to incorporate the local traditions and customary laws in the Pakistani legal system at large (Khan et al.). It seems to be arguably an important step in harmonizing the legal rights of the tribe with those of the people in other provinces.

It also ensured that the representatives from FATA got political representation in the Khyber Pakhtunkhwa Provincial Assembly. By including FATA residents, they facilitated the participation in the legislative process that FATA residents were previously denied and they did so for the first time in many decades in Pakistan's democratic system. Though these legal and political reforms made the process of merger easy, yet there were numerous hindrances in the path of merger as new administrative, political, and judicial structures were a new thing for the administration of FATA after the merger.

Governance Challenges
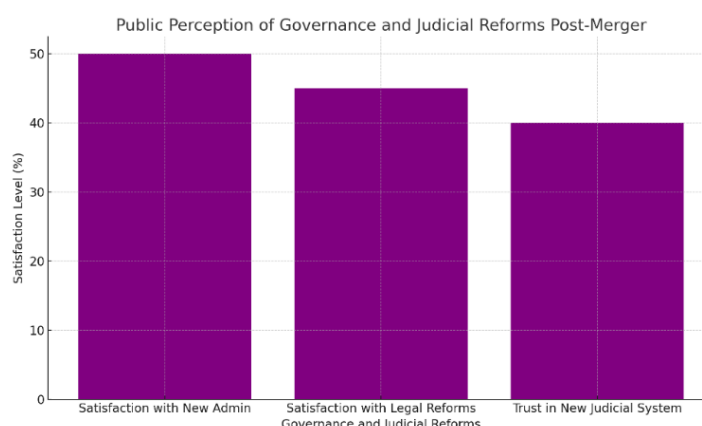
The main difficulty encountered in the post-merger era was the weakening of the traditional governance systems. In their stead, formal legal processes have been adopted due to which the true Jirga system of dispute resolution has been walled out by the run-of-the-mill processes (Dawar & Mehmood, 2024). However, the traditional Jirga is still being considered by many tribal communities as a

necessity of social control and an option for resolution of the conflicts according to their cultural regulations. Resistance to the transition to a formal judicial system stemming from a formalization of established court and law enforcement bodies has been met by local communities who regard these as forces distinct from everyday realities.

Figure 2

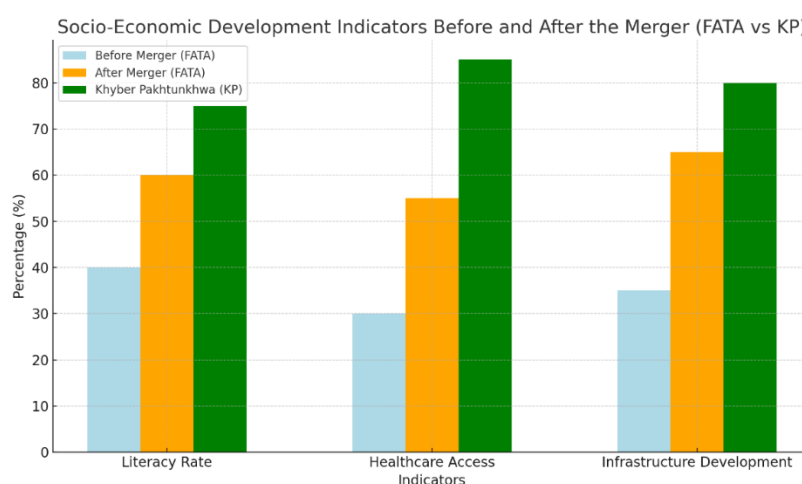Public Perception of Governance and Judicial Reforms Post-Merger

Similar matters also revolved around the change from the Political Agents system to the system of Deputy Commissioners (DCs). Political Agents were seen as representatives of the federal government that are not well acquainted with the sociopolitical landscape of local; whereas the DCs are often not aware of the local social and political context (Khan & Rid, n.d.). As a gap, it is a gap of familiarity with tribal customs, and local dynamics; gaps in administration leading to inefficiencies. Many of those newly appointed officials do have not sufficient knowledge of tribal issues, making it harder for them to overcome the difficulties in governance.

Developmental Hurdles

Even with the promises of economic growth and infrastructure development, the region that used to be the contingent area or former FATA remains lagging behind in development indicators, education being one of the foremost. Among the reasons behind the slow pace of development are lack of funding, bureaucratic inabilities, and security issues (S. Khan et al., 2024). The region has good infrastructures but they are still not developed. Infrastructure like roads, hospitals, and schools are still lacking in the region. Security challenges in some areas bordering on Nigeria, as well as a lack of trained personnel, have also pushed the delivery of public services further.

Figure 3

Socio-Economic Development Indicators Before and After the Merger (FATA vs KP)

There is another reason why development projects are implemented slowly and this is because of systemic bureaucratic challenges, these projects may not be planned well or coordinated with various government agencies as they are (A. Khan et al., 2024). Absenter of a feedorance governance framework and terrorist group security threats prevent the option to attract investment and implement large-scale development projects. This is because the socioeconomic conditions in the region continue to be stagnant in most tribal areas where necessary infrastructure and facilities are virtually absent for sustainability.

Opportunities for Growth

However, even this would be sweetened by the fact that the merger has the capacity to aid the socio-economic development of the region in no mean terms. Integrating FATA into Khyber Pakhtunkhwa has allowed access to the destination of the provincial budget, which is being spent on critical infrastructure and public services. So far after the merger, no real development has been in the construction of roads, schools, and hospitals, showing the probability of a trajectory of positive development.

Table 1

Key Development Projects in Former FATA

Project Name	Sector	Budget Allocated (Million PKR)	Status
Road Construction	Infrastructure	500	Completed
Health Center Development	Healthcare	300	Under Construction
School Construction	Education	200	Planned
Water Supply Improvement	Infrastructure	400	Completed

Therefore, political integration of FATA residents in the KP Provincial Assembly allows for the opportunities for the residents in the region to have a place from which they can participate in the process of legislation at the province level (Ullah, 2024). For this political representation to be important, it helps to ensure the integration of development priorities of tribal region in the overall governance framework.

Access to education reforms as well as access to better healthcare have not prevented the restriction of social integration during the period of post-merger. With the provincial government as well as development organizations paying attention to building the infrastructure and services required to address the long-standing demands of the tribal public, they are now giving attention to the following components of infrastructure and services. This early work has much to do, but it's promising and already promising that if the mountains around this historic FATA region can receive enough investment, attention, and time, the region can overcome its historical challenges and build a new more prosperous, and inclusive future.

The merger of FATA with KP was both a challenge to governance and an improvement in development, but it is also meant to facilitate growth and reform. Finally, there is a valid opportunity for them in the long term to become economically developed and prosperous if there is the promotion of integration of the tribal areas in the mainstream political and economic process of Pakistan. However, the realization of such potential still depends on repeating efforts to remedy governance, security, and development challenges so the gains from the merger are equally shared among the people of the erstwhile FATA region.

Literature Review

There is many in number literature on post-merger governance as well as post-development in the former FATA area that covers the critical issues and the impacts as well as challenges in the integration process. One of the main themes that the literature

says is the shift from the traditional form of governance system such as Jirga to the formal administrative and justice system. The Jirga had always been a traditional mode of resolving disputes as the tradition of tribal governance has been for centuries, and it was deeply woven into the social and cultural fabric of FATA (Muhammad et al., 2024). In this sense, a formal judicial framework merger into Khyber Pakhtunkhwa (KP), through the introduction of its own merger, is educational and resistant for the local community of local communities. Unfortunately, they are new and alien, divorced from cultural expectations, and loose enough from tribal peculiarity as some see it. The conflict between the old and the new governance shows up as a cultural clash which has increased alienation of the local populations and has delayed the reform process.

The second of the issues considered in the literature is the difficulty of bringing in the new judicial framework and law enforcement infrastructure in the region. Until the date of the feudal merger, FATA literally existed under the Frontier Crimes Regulation (FCR) — a colonial-era law system bereft of basic legal rights or political representation. The 2018 25th Amendment facilitated bringing the two together under the provision of giving the jurisdiction to Pakistan's Supreme Court and High Court to encircle the tribal areas as it were within the larger judicial system (lay terms). Also, there were great difficulties in transitioning to a fully functioning legal infrastructure, they said (Makki et al., 2024). There is cause for concern with respect to judicial infrastructure to handle the increasing at-hand load, with respect to the capacity of law enforcement agencies, and with regard to the capacity of the local populations to be serviced by the region's legal system. The rest is reflected in the insufficient law that has led to delays in the implementation of judicial reforms, still to this day, burdening justice and security of all in the region.

Apart from governance, literature has highlighted the gap in the development indicators between the FATA region and other parts of KP. The former FATA region had missed out on infrastructure, education health care, and basic services in the past. The ongoing security concerns often speed up the historical neglect of such special areas after the merger (M. H. U. Khan et al., 2024).

Researchers say that insufficient funding, bureaucratic inefficiency, and attempts to rebuild infrastructure after several years of conflict and instability have hindered development efforts. The main challenge to development in the region is also the improved security situation. However, there are militant groups which still in some places, so implementing the development projects is being delayed because of the influence on investor confidence and social stability.

Finally, several studies provide the significance of the merger in the new basis of socio-economic advancement of the managerial areas. After the integration of FATA into KP, the Provincial budget has enabled the process of starting of number of infrastructure and social development projects. Topics in the literature that come up regarding how to narrow the development gap between FATA and the rest of the province are necessary steps. Scholars warn that these changes will come only with the tackling of the governance challenges of effective and culturally sensitive implementation of legal and administrative reforms in the region.

Finally, it stresses the governance and development of the post-merger FATA region in the backdrop of the challenging environmental landscape of the region. The merger obviously provided political inclusion and access to development resources but there are still barriers to governance, legal reforms, and socio-economic development. These are issues that will need to be addressed to make the region successful in integration into the wider political and economic framework of Pakistan.

Research Question

1. What have been the implications of the merger of FATA with Khyber Pakhtunkhwa (KP) on the existing traditional governance systems, in the tribal areas particularly the Jirga system?
2. For what reasons are the local communities failing to adapt to the formal judicial and administrative systems brought about through the merger?
3. How was the administration effective and governed in the former FATA region, in particular after the transition from Political Agent to Deputy Commissioner?
4. What have been the legal and judicial reforms designed after merger to address the past

history of political representation and legal rights in FATA?

5. What socio economic development grounds were achieved in the by merged FATA with KP in the areas of education, health and infrastructure?

6. What are the internal and external reasons for security concerns that have affected the governance, and subsequently development efforts in the now-merged former FATA region?

7. What political representation of the former FATA communities in the Khyber Pakhtunkhwa Provincial Assembly have done in terms of addressing specific needs of it?

8. What has been the impact of the integration of the former FATA region with the provincial budget and development programmers to boost long-term economic growth?

9. What are the challenges that have been faced in implementation of development projects at the federal and provincial level in the ex FATA region and how were the federal and provincial government coordinated in implementation of development projects.

10. What are local residents' perceptions of the merger's benefits and disadvantages and in what respect is does the merger affect the governance, security and socio-economic development?

Research Objectives

- Assessment of impact of the merger on the traditional governance systems, especially the Jirga system, in the previous FATA region.
- The project will finally evaluate the new administrative frameworks implemented after the merger, especially Deputy Commissioners, and what they are doing for the people of Mandera County, Garissa County, Samburu County, and Turkana County after the merger.
- It assesses the impact of judicial reforms implemented following the merger on how they affected tribal population's access to justice, to the implementation and result of judicial reforms in general.
- The basic aim of the study is to assess the degree to which the political representation and participation of ex FATA population in Khyber Pakhtunkhwa provincial assembly

have changed and how it has influenced province's governance.

- Later, we study to derive the socio-economic development indicators such as education, health care provision, infrastructure, and employment after the merger.
- In this paper, we investigate the role that security dynamics, e.g., reduction in insurgency; continued security challenges play in how governance and development outcomes in the region take form.
- According to this process of localization, the aim is to understand what challenges relating to local communities' adaptation to new governance systems have prevented development challenges from accelerating.
- In studying the relevant possibilities that the merger has opened up for growth and expansion – with respect to provinces' resources, infrastructure projects and economic opportunities.
- The purpose is to conduct the study of coordination between the federal, provincial and local bodies in the development projects' implementation, as well as reduce regional disparities following merger.
- So as to derive the perceptions of local residents with respect to governance, the legal rights back of the area, the socio economic status of the area as well as the future prospects for development generally.

Research Methodology

Using a mixed method approach; both qualitative and quantitative research have been adopted by this study to provide a complete image of the post-marriage governance and development scenario in the ex-FATA region (H. U. Khan et al., 2024). The research intends to consolidate these methods to obtain a rich, multidimensional understanding of challenges, opportunities, and outcomes of the integration process after the merger of FATA with Khyber Pakhtunkhwa (KP).

Data Collection

Data for this research will come from the combination of primary and secondary sources. The information will be collected by using surveys and interviews for primary data and from existing government reports, academic publications and

other resources of international organizations including secondary data.

Surveys and Interviews: A quantitative questionnaire will be designed to collect data from a diverse sample of respondents local residents, government officials, and experts in law, governance, and development. Questions on the survey include perceptions of governance, changes in legal and judicial processes, socio-economic conditions, and access to public services. It provides information about their view about the effectiveness of new administrative structures, the judicial system, and the socio-economic changes in the region. The interviews of the participants will be semi-structured and hence interviews can provide details about their views using open-ended questions. Interviews will be conducted to obtain qualitative data on the challenges and opportunities of the merger as well as the effects on governance, security, and development.

Secondary Data: Besides the data from these primary sources, secondary data will be collected from different sources. Government reports and development assessments as well as statistics on the region's socio-economic indicators both before and after the merger will be used as sources for these. In addition to this, secondary validation of the findings will be provided by academic publications, international organization reports, and research studies. The second data will be completed to the primary in order to have a comprehensive study of the structural and developmental changes happening in the FATA region.

Data Analysis

Different techniques of interpretation are needed for qualitative and quantitative data that will be analyzed.

Qualitative Analysis: Interviews and open-ended survey responses are used to collect the qualitative data; and it will be analyzed thematically. In other words, this approach aims at finding common themes, patterns, and trends in the data that are connected with one's research questions. They may cover issues of governance, legal reforms, security, perceptions in the community of development, and others. The research will allow the researcher to learn more about deeper experiences and perspectives of post-merger local residents and experts and provide a better understanding of the finer nuances of the post-merger situation. This will entail coding the data, detecting the frequent patterns, and classifying the responses by categorizing them on the basis of appropriate themes (Salop, 2024).

Quantitative Analysis: After getting the quantitative data through some of the structured surveys then it will be handed over to the statistical analysis. Descriptive statistics will be employed to summarize the data and relationships between the variables will be studied using inferential statistics like correlation and regression analysis. An example is statistical methods from which socioeconomic indicators like education, health care access, and the development of infrastructure will be identified using the merger. Statistical analysis will be used in this research to further answer how the merger can prove that any change or pattern in the development outcomes can be attributed to the merger.

Sampling and Population

They will use a stratified sampling technique to ensure representation from all the tribes, age groups and gender and socio economic backgrounds. Government officials and experts will be selected based on direct participation in the merger process or expertise in the field of governance, law and development in post conflict area.

Ethical Considerations

The research will strictly adhere to ethical guidelines and all privacy and confidentiality of participants will be respected. All participants will be provided with informed consent in which they will be aware of the objectives of the study, that the participation is voluntary, and that they may withdraw at any time without further compounding. The data collection process will also be conducted culturally sensitively and with respect to local customs and practices.

Results and Findings

The main trends after the merger of FATA with Khyber Pakhtunkhwa are however seen by the study findings. The first one is to alienate the local community through the superficial traditional governance structure of the Jirga system. Many complained that the movement to formal judicial structures was an unwelcome one and that they would rather that disputes be settled using the Jirga system of dispute resolution which is culturally

familiar and is accepted locally (Agrawal, 2024). Moreover, the region has public services that are much more scarce and of much worse quality, especially in healthcare and education. Development indicators in the former FATA area are still very low as compared to the rest of Khyber Pakhtunkhwa in literacy rates and healthcare access rates.

But there is evidence of progress in some areas as well. The new administrative framework now makes people of the former FATA eligible to elect people who can represent them in Provincial Assembly of Khyber Pakhtunkhwa. That has increased awareness and the campaign for the issue area to be tackled at the provincial level. Besides these roads and other basic services have been visibly developed infrastructural, albeit at a slow pace and favoring the life of residents.

Although insurgency levels have declined, pockets of insecurity remain with which actual integration of the province into the provincial economic framework is hindered and investment constrained.

Discussion

A complex combination of challenges as well as opportunities constitutes the governance and development post-merger in the area of former FATA. It transits its governance change from a classical model to a model based on the legal framework and structures of Khyber Pakhtunkhwa. Other tensions central to decentralization include autonomy versus integration into a formal system, and this has created other problems due to local communities' strong attachment to their traditional forms of governance in the Jirga system whereby disputes of any kind were customarily settled. But these reforms are currently stalled by resistance because, though most still rely on Jirga to resolve disputes and formal courts are but distant from their realities, it is right to say that most of the people in the region, if not the whole country, work in the so-called economy of poverty and most do not readily understand or take interest in the judiciary reforms or how they will settle their cases in a quicker way.

However, the merger has not been easy and although the merger has made a great deal to political representation, it was not an easy one. But the new 'administrative' structures—owing to the office of the Deputy Commissioner—are regarded as poor or badly positioned to relate to local dynamics. It is the case in most of these appointments in these posts that these officials in question have come from outside the region and know nothing of the local customs which makes it difficult for them to effectively govern and provide the enabling ability to cater for the unique needs of the tribal population.

At the end of the merger phase, there has been development either in a positive or negative way. Despite that, the region has improved in infrastructure, and roads and houses have been constructed so that the residents can easily access such services. There has been no level of education and healthcare system as in other areas of Khyber Pakhtunkhwa. Moreover, bureaucratic inefficiencies, and a lack of money and security concerns that tend to discourage such investment, usually limit development. Second, the spot has been historically neglected and has too little human and physical resources to overcome the predicament.

These challenges that we brought to them have however bred psychological and socio-economic development. Another example is availing of the provincial budget to take the advantage of infrastructural projects which were not feasible before in Khyber Pakhtunkhwa. First, it gives crucial access as a way to solve long-standing problems in the area's infrastructure. Second, this will permit local issues and worries to be uplifted to the provincial and nationwide level and so on and if desired, at the local level.

Security concerns, though diminished, still present a major challenge to development. The region suffers from a very fragile security situation due to which it is further handicapped in terms of both investment and the formation of stable governance structure. Now although militant groups have reduced their presence, they are interfering in social and economic activities in some areas thereby affecting the overall region's development trajectory.

Developments, as well as modernization, can be balanced with traditional practices in the post-merger experience of FATA as it was a peaceful region overall. Specific challenges identified point to the fact that the full integration of the region into a broader national framework is possible only with a more gradual and consultative approach to the implementation of governance reform, which

produces a positive result. Now, there are opportunities that come along with that, to have advanced political representation access to development funding, and more improved infrastructure investment.

Conclusion

After the era of the FATA merger itself faced challenges and opportunities in the post period. Opening the KP windows for legal and political reform, however, integration into KP comes with governance and development challenges. Thus to face these challenges, we need an adequate approach addressing local traditions, good administration, and sustainable development. The full picture of this effort for a prosperous and inclusive future for the tribal communities will not be able to take place until the merger takes place.

This is a very important point in Pakistani political and governance history of amalgamating the FATA region with Khyber Pakhtunkhwa. A difficult road of challenge, but passed not only in 2018 when the 25th Amendment started this process but also for the transformational passage for the tribal areas. Typically, the Jirga are traditional governance systems that went along well with other traditional systems such as Meli A offices and the Islamic courts and pose no resistance to their implementation but the main issue encountered when starting a culture of law or commencing any type of administrative or judicial frameworks in most areas of the country is local resistance. This resistance brings out the fact that the governance reform should proceed on the basis of both contemporary legal structures which a necessary, but as reflecting upon respect of the traditional practices.

Then again, a large number of opportunities have also been due to the merger. The tribal areas now are an Asian democracy because the tribal areas visibly had access to provincial resources and a voice in the policymaking process of Khyber

Pakhtunkhwa as evident from the presence of political representation. However, the development indicators, such as education, health and employment are still trailing behind the national average and therefore there is a long way to go to achieve equitable development almost.

A mixed methods approach has been used in this research as a means to contribute to the more comprehensive understanding of the governance and development scenario in the FATA region after the merger. It will help in bringing up a strong analysis of socio political and economic impact of the merger as well as the challenges and growth of merging.

While the security has strengthened, further work is needed to ensure security is a force that enables development and investment that leads to economic growth on a stable basis. The history also explains in part, if not in part, the region's slow pace of development due to the region's historical marginalization and consequent effects of the conflict that have rendered it under developed and without the means to meet basic services.

One has to invest heavily into infrastructure, education, healthcare and economic opportunities for a sustainable development of the former FATA region except continued governance reforms. Moreover, the integration process will be more effective if local communities could be presented as the more owners and participants in the process of development leading to the spread of benefits of integration.

Finally, the governance and development of post-merger FATA region is a path of increased inclusion and prosperity. The future is however looking bright as there are still opportunities for growth and development. Also, if the former FATA region is planned well, if enough money is spent and local traditions are respected, then indeed it can become the real power house of Khyber Pakhtunkhwa and of the country, all in all.

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