

## RISE OF MILITANCY IN TRIBAL AREAS: AN APPLICATION OF RELATIVE DEPRIVATION THEORY

Mohammad Zaher Shah\*  
Khan Faqir\*\*

### Abstract

*FATA (Presently part of Khyber Pakhtunkhwa) is under international focus since the incident of 9/11. It is considered as the breeding ground of terrorism which is considered to be a serious threat for peace not only in Pakistan, Afghanistan but also the whole world. FATA, unfortunately, is one such region that has become a sort of safe haven for hostile individuals and groups who have successfully taken advantage of prevailing circumstances-poverty, illiteracy, state neglect and institutional isolation. As a result of modernization all over the world, uneven levels of development exist. Sharing of benefits among different ethnic groups and discrimination in terms of development creates disequilibrium in a society. According to Ted Robert Gurr, in this situation, under privileged ethnic groups may develop a perception of relative deprivation. He propounded the 'Relative Deprivation' theory (psychological frustration-aggression theory) which argues that the primary source of the human capacity for violence is the frustration-aggression mechanism. Frustration does not necessarily lead to violence, Gurr says, but when it is sufficiently prolonged and sharply felt, it often does result in anger and eventually lead to violence and extremist activities. It equally qualifies for the region of FATA because the tribesmen feel frustration for their neglect on the part of the successive governments of Pakistan since its inception in all fields of life. By presenting an indigenous perspective of FATA, the aim of this paper is to try and unearth the reasons behind the current situation, which has over time been marked by instability, lawlessness and turmoil, thus leading many in the west to refer to the region as 'no man's land'—a region ungovernable and lacking in civilization. The study will focus on its analysis by using the 'Relative Deprivation'*

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\* Assistant. Professor Pakistan Studies, Govt. Post Graduate College Bannu.

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\*\* Assistant. Professor Pakistan Studies, Pakistan Study Centre, University of Peshawar.

*theory as the analytical framework. In order to argue its case, this paper relies upon published primary and secondary sources as well as the researchers' first-hand knowledge by discussion of the topic with many experts on the subject of FATA.*

**Keywords**

Militancy, Rise, FATA, 9/11, Pakistan, Relative Deprivation

**Introduction**

FATA (Presently part of Khyber Pakhtunkhwa) is that tribal region of Pakistan which is in the eye of the storm since the incident of 9/11. It is adjacent to Khyber Pakhtunkhwa Province of Pakistan along the western border with Afghanistan. It is a direct legacy of the British Empire and the laws, through which FATA was governed, the Frontier Crime Regulations (FCR), were enacted by the Colonial Raj in 1901. It has assumed much more importance after 9/11 due to the rise of militant activities which serves as a menace for the governments, militaries and civilians of Pakistan, Afghanistan, US and others. After the lapse of 71 years of independence, the people of FATA have been subjected to the old and outdated colonial laws that deny them the basic fundamental civil-cum-political rights, and equal economic opportunities, on a par with the rest of Pakistan. Unfortunately, due to the inability of the Pakistani authorities to acknowledge it as a significant and integral part of Pakistan, the tribal region has over a period of time, fallen into the hands of militant and extremist groups.

In this paper, the causes for the rise of militancy in FATA has been analysed by using Ted Robert Gurr's Theory of 'Relative Deprivation'. While analyzing the causes of militancy in FATA, the said theory is used here to dig out the hidden causes for the militant and extremist activities in the tribal region.

As a result of modernization all over the world, uneven levels of development exist. Sharing of benefits among different ethnic groups and discrimination in terms of development creates disequilibrium in a society. According to Ted Robert Gurr, in this situation, under privileged ethnic groups may develop a perception of relative deprivation (Ahmad, 1998, pp. 68-72; Shehzad, pp. 126-127). Gurr has published the essence of his doctrine in his book *Why Men Rebel* (1970) wherein he emphasized the importance of socio-psychological factors, relative deprivation, and ideology as the root causes of rebellion. He propounded the 'Relative Deprivation' theory (psychological frustration-aggression theory) which argues that the

primary source of the human capacity for violence is the frustration-aggression mechanism. Schaefer defines it as "the conscious experience of a negative discrepancy between legitimate expectations and present actualities" (Schaefer, 2008, p. 69). Frustration does not necessarily lead to violence, Gurr says, but when it is sufficiently prolonged and sharply felt, it often does result in anger and eventually lead to violence and extremist activities (Gurr, 1971, p. 416-420). It equally qualifies for the region of FATA because the tribesmen feel frustration for their neglect on the part of the successive governments of Pakistan since its inception in all fields of life.

### **Relative Deprivation Theory and Tribal Areas**

From the above point of view, let's take FATA as an example. FATA was once a relatively stable and peaceful region, but it turned into what the U.S. administration has labeled as 'one of the world's most dangerous areas' (Mac Askill, 2009). But the shift and transition did not happen overnight. FATA's deprivation and instability may have a variety of reasons. The tribal region has not been integrated and has been neglected for decades by the Pakistani State. There has been a lack of economic, social and political development. The apathy of Pakistan to the events occurring in the remote and relatively unstable Afghanistan; apathy of the international community and, even, the tribals themselves; and now the arrival of United States in Afghanistan, are all major causes for instability in FATA. By applying the relative deprivation approach, it can be easily figured out why FATA is the way that it is and why its people have been so prone to rebellious and extremist elements.

The above approach rightly point out the need to look at the causes behind the unrest in FATA as implanted in history and its repercussion in the form of sense of deprivation. After the inception of Pakistan on August 14, 1947, the old and obsolete status and structure of FATA remained unchanged and it continued to operate even when it became part of Pakistan. The status of the tribal region was initially left intact with the hopes that with the passage of time and progress of the state, it would be integrated through political, economic and social development. But nothing changed and Pakistan still relies on the defunct and obsolete system of governance in FATA. This type of attitude with regard to the tribal region developed the sense of relative deprivation among the tribesmen and then they resorted to other means particularly extremist and militant activities.

### **Repressive Institutions and Laws Remained Intact**

Five political agencies; Kurram, Khyber, Malakand, North Waziristan and South Waziristan were created by the British Raj. Soon after the inception of Pakistan, a Jirga of 200 Maliks of the tribal areas signed an allegiance of accession to Pakistan (Report, p. 57). A meeting held between the tribal Jirga and Quaid-i-Azam Muhammad Ali Jinnah in April 1948 in which Jinnah assured them that Pakistan would respect and observe all those agreements which the British had concluded with the tribesmen and the same subsidies would be granted which were paid by the British to them (Spain, 1954, p. 30). Afterwards, three more agencies were created by Pakistan and brought about territorial and geographical division of the area in the subsequent constitution of 1973 of Pakistan. Presently FATA is comprised of six Frontier Regions (FRs) and seven political agencies (Khan, 2005, pp. 104-105).

So, the government of Pakistan made some territorial and geographical changes by creating three more agencies that are Orakzai, Bajaur and Mohmand agencies (Khan, p. 88). Though some administrative changes were made in the tribal areas but those were only of kind not of quality and it could not improve the plight of the tribesmen as the same draconian laws and repressive system of the British era was retained unchanged. The tribal area remained a discrete and separate part of India and an experimental laboratory in the imperial government and a training centre for colonial officers (Spain, p. 28). The British adopted the short term policy of governance only to pacify the gateway to India and nothing more to adopt developmental program to improve the daily lives affairs of the tribesmen. The tribal region was bypassed and the blessings of better life and civilization were never fully extended to it. As discussed earlier, the same black and oppressive colonial system in the tribal region was retained by Pakistan with the only change of masters and the external compulsions that proceeded after the British departure (Hussain, p. 72).

Thus, the tribal areas have been treated badly. Careful study of history of events and systems in the tribal region shows that the odd policies that were implemented in FATA benefited the ruling elites of the state. In fact, the tribal region has been used as a tool since the inception of Pakistan for the promotion of state security. For the said purpose the government of Pakistan retained an entrenched policy of subjugation and repression of arrest, torture, surveillance, harassment, blockade, banning political organizations and assembly, seizure of others property and collective responsibility of tribes in the tribal areas and so on and so forth. Here Gurr's theory of relative deprivation qualifies to be applied in FATA. Due to an application of repression policy in the tribal region, it leads to the sense of deprivation among the

tribesmen who then resort to militant and extremist activities because they see no other option. So, Ted Robert Gurr is right who propounded that relative deprivation leads to rebellion and alternate ways as is the case in FATA.

### **Status of Tribal Areas in Pakistan's Political System & Militancy**

The tribesmen of the FATA have been subjected to structural subjugation and repression since the rule of British raj. This type of repression and subjugation has been retained by the government of Pakistan since its inception to achieve its foreign policy goals. Harassment, arrest without any evidence, blockade and ban of political organizations and assembly were sanctioned in the tribal area. The system of political administration as well as Federal laws, FCR, constitutes structural subjugation and repression in FATA. Here the theory of 'relative deprivation' equally stands for the said situation in FATA. Thus, the tribal region has been alienated historically from the mainstream country and still the same situation is prevailing there. The tribesmen have been and are treated as aliens. It creates the sense of relative deprivation among the tribesmen which ultimately results in rebellion in the form of extremist and militant activities.

### **Repressive Federal Laws**

After independence, the same type of colonial legacy of political arrangements with the tribesmen was retained by the state of Pakistan. Governor of the province of NWFP (now Khyber Pakhtunkhwa) was the administrative head of the tribal area. After the promulgation of the first constitution of Pakistan in 1956, however, complications sprang out. Several petitions were registered in the courts of Pakistan against FCR like Dosso versus state (PLD 1957, Quetta 9), etc. because laws of FCR were repugnant to fundamental rights as mentioned in the constitution (Hussain, p. 72). The constitutions of 1956 and 1962 looked as they were not meant for tribesmen. The colonial status of the tribal areas and political administration under FCR was retained in both of the constitutions of 1956 and 1962 (Human Rights Commission of Pakistan, p. 59).

Likewise in the 1973 constitution, unfortunately, the same type of system in the tribal region was retained as before. Though, the nomenclature of the tribal area, indeed, was changed from Tribal Areas to Federally Administered Tribal Areas (FATA) yet the rest of the colonial system in relation to tribal areas remained unchanged. In Article 1 of the 1973 constitution, FATA is called an integral part of Pakistan. Article 246 divides the tribal areas into Provincially

Administered Tribal Areas (PATA) and Federally Administered Tribal Areas (FATA) (Khan, 2005, pp. 104-105). In the following articles and sections of 1973 constitution, the repressive order in FATA have been sustained and perpetuated:

In spite of being clearly mentioned in Article 8 of the 1973 constitution that any law or custom repugnant to the fundamental rights should be declared null and void. But most of the sections of FCR are discrepant with the fundamental rights as mentioned in Articles 4, 9, 10, 13, 14, 24 and 25 of the constitution of 1973 of Pakistan (Hussain, April 14, 2008). On the contrary, FCR is applicable still in FATA in spite of the fact that the tribal region is an integral part of Pakistan as mentioned in Article 1 of the constitution of 1973. In the same way, the jurisdiction of the Supreme Court and High Court of Pakistan is restricted to the tribal area in Article 247 (7) of the same constitution. No petition can be registered against Fundamental rights violation in these courts (Asia Report, p. 8). Both the judicial as well as executive powers are exercised by the political agent which is a clear violation of the spirit of Article 175 of the constitution which separates the two branches of government, executive and judiciary (Human Rights Commission, p. 4). No act or law passed in the parliament of the state can be extended to the ill-fated tribal areas (Asia Report, p. 4). However, it is still an integral part of Pakistan.

Similarly, the constitution of 1973 of Pakistan withheld political rights to the tribesmen to take part freely in political activities. The adult franchise, even, was extended to FATA after 49 years in 1996. Earlier, only selected Maliks had the right to vote. Before 2011, political parties were banned to hold political activities in the tribal area. Elections were held in FATA on non-party basis (Khan, p. 59). It is due to this factor the tribesmen feel deprivation which leads to rebellion. The incident of 9/11 proved to be an immediate factor that gave an impetus to militancy because the sense of deprivation was already prevailing there.

### **Tribal Areas and the Anachronistic Frontier Crimes Regulations**

The legal system of Frontier Crimes Regulations (FCR) of the British period was retained by Pakistan, even without making any modifications in its punitive clauses to make it human for their own people, the tribesmen. The British government adopted these strange laws in the tribal region to cater to their own interests in the area (Hayat, 2009, p. 186). Some sections of the FCR are quoted which express the height of state subjugation and repression (Aziz, pp. 124-125):

Section 21 of FCR confers dictatorial powers on the Political Agent by which he can arrest a person or a whole tribe and can confiscate their property as well. He can also restrict inter-tribes communications and interactions among tribes or persons. For using such type of powers, no evidences and proofs are needed (Report, Understanding FATA, p. 57). Similarly, under section 29 the state entity can arrest and imprison a person for five years on suspicion alone. In the same way, section 32 of the FCR empowers the Political Agent to dislocate a village. Surprisingly and astonishingly, under section 38 (4) the Political Administration can cause a death of a person. Lastly and more amazingly, section 40 empowers the Political Agent who can ask a tribe or person for provision of security bond for good conduct. If their surety bond does not satisfy the Political Agent, he then can use his dictatorial powers to arrest a person or tribe for three years and that can be extended to another three years.

Similarly, under Article 247 (7) of 1973 constitution the Supreme Court and High courts of Pakistan are restricted to exercise their jurisdiction in the tribal region. Both civil and criminal cases are decided through a Jirga which is constituted for the said purpose. The Jirga is constituted by the Political Agent but he is above it and its decisions are not binding upon him. An appeal can be made against the decision of the Political Agent to the Commissioner; however the Commissioner has no authority to declare null and void the decision of Political Agent. In addition, the decision of Commissioner could be revised in a Tribunal, comprised of Secretary Law and Secretary Home departments of Khyber Pakhtunkhwa (Khan, p. 99).

Under Section 40 of FCR, Collective responsibility runs parallel to the Article 8 of 1973 Constitution which is considered an anomaly in the modern world. Under the purview of collective responsibility, a person can be arrested and imprisoned by the respective political administration for any crime committed by his family member, villager or even his tribesman. Gohar Ayub told that FCR is the root of all evils. There is need to remove it completely from the tribal region (Ayub, 30-01-2015). On the other hand, Niamat Ullah appreciated FCR that it was devised according to the temperament of the tribesmen. The problem is that the government of Pakistan has distorted it. It is never allowed to the fullest recently (Niamat Ullah, 31-01-2015).

The then President of Pakistan, Asif Ali Zardari brought about some major changes in August 2011 in the infamous laws of FCR (Iqbal, August 13, 2011). For the first time Political Parties Order 2002 was extended to the tribal areas. In the same amendment, a Tribunal

was constituted to hear appeals against the decisions of Political Administration. In addition, some inconsequential changes have been brought in some sections of FCR dealing with collective responsibility. In fine, FCR is still a black and notorious law. The government is not willing to scrape it out completely and extend the common law that is applicable in the rest of the country. Gurr says that such type of treatment leads to frustration. The choices with the tribesmen are limited. They will be either exploited by terrorist and militant groups and organizations or they will resort to unlawful activities.

### **Pak-Afghan-India and Militancy**

Due to its geographical location, Pakistan has some incessant implications on its strategic calculus. On the eastern side, Pakistan and India have hostile relations and mutual rivalries over the boundary related issues since their inception. On the western side, the relations between Pakistan and Afghanistan remained strained due to the latter's irredentist claim over the Pashtun territory of Pakistan and Kabul vehement support for Pakhtunistan movement. Similarly, there was geniality between Afghanistan and India which Pakistani security saw with suspicion (Memon, 2001, p. 404). It is mostly considered that the foreign policy of Pakistan revolved around these two states and it became a sandwich among these two unfriendly neighbours. That is why the foreign policy of Pakistan started not only on its eastern borders but also on its western border and due to irredentist claims of the Afghan government over Pashtun areas of Pakistan (Rehman, Interview, April 5, 2014).

The irredentist claim of Afghanistan over Pashtun's territory of Pakistan further exacerbated Pakistan's geo-political handicaps. The issue of Pakhtunistan became a permanent element of discord between the two states. Yet, it is also a fact that Afghanistan is in extreme need of Pakistan for its transit trade and access to sea due to its land-locked geographical position. Similarly, it is also one of the facts that Afghanistan sponsored Pashtun's separatist movement to appease nationalists in the Afghan regime (Hussain, 2010, p. 30). However, Afghanistan was never taken as a serious threat by the Pakistani authorities as the former's military always remained strong enough to counter such kind of threat (Cheema, 1983, p. 238.).

Due to India and Afghan factor, Pakistan resorted to make alliances with big powers particularly America and then applied violent non-state actors to wage proxy wars for strategic gains. During the hectic cold war era, the Western powers were busy in making friends for the containment of communism whereas Pakistan was also in search



of friends to balance India in the power structure of South Asia. This two way move dragged Pakistan to join Western anti-Soviet block and alliances. That is, how, Pakistan became a member of CENTO and SEATO in 1950's in order to procure economic and military aid. The main concern of Pakistan was to strengthen its geo-strategic position against its hostile neighbours, India and Afghanistan (Cheema, 1983, p. 238.).

After the 1970s Saur Revolution and consequent Soviet intervention in Afghanistan significantly changed the strategic calculus within Pakistan. These earlier odd developments reversed the scenario for Pakistan. At first Afghanistan was only an aggrieved and unfriendly neighbour but then posed a direct threat to the survival of Pakistan (Weinbaum, 1991, p. 496). When Pakistan was unable to find alternatives to the issue, he resorted to using violent non-state actors which eventually proved to be dangerous for Pakistan and seemed like shooting its own self in the foot. The foot is the Federally Administered Tribal Areas of Pakistan (Khan, Thesis, p. 67). These violent no-state actors were entrenched and aboded in FATA for getting its trans-border strategic gains.

Since the inception of Pakistan, the tribesmen have been used and are being used in different ways for procuring gains by the state authorities and other powers particularly US. After 9/11, the same tribesmen are in front of the militant and terrorist activities who are the product of perpetual warfare. The tribesmen have been used since past for different purposes by different actors particularly its own state, Pakistan. Nothing was done for the civic development of the tribal areas. The region has been deliberately used either due to Afghan or Indian threat and so kept it backward. The tribesmen are not aware of the facilities of modern world. So, in line with Gurr's 'Relative Deprivation' theory, these tribesmen now feel deprivation which leads them to militant and extremist activities.

### **Institutional stability and reforms in Tribal Areas**

After long periods of instability, reforms are introduced at institutional level at the opportune moments that can produce and lead to long periods of institutional stability (Khan, Thesis, p. 67). However, this period of institutional stability is limited since it will only continue until something erodes or swamps the mechanism that generates continuity (Khan, Thesis, p. 67).

In the first instance, one can observe that since the creation of Pakistan, a number of laws had been extended to the tribal areas such as the Passport Act 1913, the Trade Mark Act 1940, the Public Debt

Act 1944, Pakistan Control of Entry Act 1952, and Adult Franchise Act 1996 etc.

While in the second instance, certain formal efforts were made by different governments in the beginning of 21st century to bring significant changes in the legal, administrative and political structure of FATA. Those initiatives included, Extension of Local Government Ordinance 2001 to FATA, FATA Strengthening and Rationalization of Administration Report 2006, FATA Sustainable Development Plan 2006-2015, FCR Reforms Committee Report 2008, Extension of Political Parties Order 2002 to FATA (2011), Frontier Crimes Amendment Regulations 2011, FATA Local Government Regulation 2012, FATA Reforms Commission Report 2015, FATA Reforms Committee Report 2016 and the recent amendment in the constitution by the Parliament in May 2018 (Ullah and Hayat, 2018, pp. 39:53).

Nonetheless, different governments in Pakistan had been undertaking their respective efforts to bring gradually some positive changes in the legal, administrative and political domain of FATA particularly in the last quarter of the 20th century. Indeed, many of those efforts to introduce reforms in these areas could not be materialized due to inevitable circumstances in the country in general and the region in particular. However, a brief description of those important reform attempts for FATA would be helpful for the better understanding of the scenario.

The tribal areas of FATA were the bases from where the Pakistanis fought the proxy war for U.S. which ultimately resulted in the Soviets' withdrawal out of Afghanistan (Ullah and Hayat, 2018, pp. 39:53). But once the Soviet Union was defeated and subsequently withdrew from Afghanistan in 1989, the international community and the United States withdrew as well, and left the tribal areas without assistance and aid (Nuri, Rashid and Haq, 2005; Rashid, 2001). There is no doubt that the U.S. had achieved its goal of defeating the Red Army, becoming a unilateral superpower but the Pak-Afghan border, which was of no use any more, was abandoned and its people forgotten, (Schofield, 2010) at least until the next time they provided strategic benefits. The area has once again become the center of attention ten years later.

If one applies the concepts of relative deprivation, it makes perfect sense to see how the past events, decisions, and policies seriously affects the current situation (Pierson, 2000, p. 251-267). The crises in Afghanistan and FATA are indeed the result of what happened two decades ago during the period spanning from 1979 to 1989. When the tribesmen were left alone after the Soviet withdrawal from

Afghanistan, they remained backward in all fields of life except in the field of using the technique of arms. It developed the sense of deprivation among the tribal people, paving the way for militant and extremist tendencies.

Since 9/11, 2001, FATA is considered as the theatre of militancy and terrorism. To tackle the menace of militancy, the federal government decided to merge the tribal areas into KP. On March 2, 2017, the federal government considered a proposal to merge the tribal areas with Khyber Pakhtunkhwa, and to repeal FCR (Sikandar, 2017). On 24th May, 2018, the National Assembly of Pakistan voted in favour of an amendment to the Constitution of Pakistan for the FATA-KP merger which was approved by the Senate the following day (Tribun, 25 May, 2018). Since the change was to affect the province of KP, it was presented for approval in the KP Assembly on May 27, 2018, and passed with majority vote. On 28th May, 2018, the President of Pakistan signed the FATA Interim Governance Regulation, a set of interim rules for FATA until it merges with Khyber Pakhtunkhwa within a timeframe of two years (Nation, May 31, 2018). Mainstreaming FATA was one of the major demands of the tribals.

## **Conclusion**

In fine, the conflict that keeps FATA stewing has various ways to be known but it is basically due to government's policy of negligence towards the tribal region. It makes perfect sense to see how the past events, decisions, and policies seriously affected the region. The crises in FATA are indeed the result of what happened two decades ago during the period spanning from 1979 to 1989. When the tribesmen were left alone after the Soviet withdrawal from Afghanistan, they remained backward in all fields of life except in the field of using the technique of arms. It developed the sense of deprivation among the tribal people, paving the way for militant and extremist tendencies. It is important that the international community should assist Pakistan to crush the militancy. It is urgently needed to develop the areas to put FATA on the fast track of peace and prosperity like other parts of the country. The old and obsolete black laws of Frontier Crimes Regulations must be repealed and equal national laws must be enforced into the region. The region needs to be economically prosperous and equal educational opportunities should be provided. The foreign players need to pay due heed to the development of the tribal region. The tribal region needs humanitarian strategies to alleviate poverty and illiteracy so that to prevent the tribal areas from being used by terrorist, extremist and fundamentalist groups.

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