



Democratic Culture in Former Federally Administered Tribal Areas (FATA): Challenges and Opportunities (A Case Study of District Khyber)

Sadaqat Khan^{a*}, Dr. Muhammad Zubair^b

^aPh.D Scholar, Department of Political Science, University of Peshawar. ^bAssistant Professor, Department of Political Science, University of Peshawar

*Email: khan_peace80778@yahoo.com

Abstract: This study explores the challenges and opportunities in promoting democratic culture in the former Federally Administered Tribal Areas (FATA) of Pakistan, with a case study of District Khyber. The research aims to investigate the historical, socio-cultural, and political factors that affect the development of democratic culture in this region, which has traditionally been governed by tribal structures and authoritarian practices. The study employed a qualitative research approach, including interviews, focus groups, and document analysis and collected and analyzed data. The findings suggest that democratic culture in former FATA is constrained by policies of negligence by successive governments, lack of awareness and civic education, weak institutional capacity, and persistent security challenges. However, recent initiatives and implementation of awareness activities, local governance election and political representation demonstrate the potential for progress towards democratic values. The study concludes that fostering democratic culture in former FATA is a long-term process that requires sustained efforts and engagement from multiple actors to address the challenges and seize the opportunities for democratic development in the region.

Keywords: Democratic culture, Jirga system, FATA, KP

1. Introduction

People have been striving to improve their lives since the beginning of recorded human history, progressing through many phases of growth over time. Today, modernism and civilization have arrived. While many sources support modernity and civilization, democratic culture cannot be disregarded. Any civilization that seeks stability and advancement must demonstrate and promote a democratic culture in today's technologically sophisticated, competitive global world. This is especially true for the former Federally Administered Tribal Areas (FATA) of Pakistan, where democratic culture has faced significant challenges. The rise of democratic or democratizing governments is an international trend in the post-Cold War era. However, most Muslim governments, including Pakistan, do not exhibit this trend (Freedom House 2002, Lipset 1994, Huntington 1997, 1991). Pakistan, envisioned by Quaid-i-Azam Muhammad Ali Jinnah as a modern Islamic democratic welfare state, has struggled to implement this vision, particularly in the former FATA region. The FATA region, now merged into Khyber Pakhtunkhwa (KP), was governed by the draconian Frontier Crimes Regulation (FCR) created by the British colonial government in 1901. This regulation imposed harsh, authoritarian laws that were at odds with democratic principles and ideals (Altaf, 2013). The former FATA region, covering 27,220 square kilometers with an estimated population of 4,800,883, was historically governed through the FCR, which denied its inhabitants political, social, and economic rights. The FCR was more than just a set of penalties for breaking the law; it formed the foundation

of the entire administrative justice system in the region (Altaf, 2013). The regulation was enacted to protect the interests of the British administration across the tribal belt, including what is now Khyber Pakhtunkhwa (KP). Even after Pakistan's independence in 1947, the FCR continued to govern the tribal areas, which were exempt from the national legal system (Ahmad, 2000).

The tribal region's inhabitants have been subject to strict, authoritarian laws from the dawn of time, particularly after British dominance. They were limited in every facet of their existence and endured significant hardships. The denial of the indigenous people's political and constitutional rights has had negative consequences for the entire nation and the region, not just the newly merged belt of the former FATA. It is crucial to understand the root causes of the democratic system's failures in this region (Saeed & Khan, 2016). The former FATA region consisted of seven districts, bordered by Khyber Pakhtunkhwa (KP) and Balochistan to the south and east and by Afghanistan to the north and west. The population density of the former FATA is 163 persons per square kilometer, with the vast majority speaking Pashto (Hussain, 2014). The region's inhabitants have cultural, social, and economic ties with the people of Khyber Pakhtunkhwa, but they have long been marginalized (Muzaffar, et. al. 2019). The ex-FCR governed the tribal lands since British India. The British government's administration would not have been possible without the support of the local population. Several measures were implemented, including the introduction of the Maliki system, to gain the favor of the indigenous people (Iqbal & Khan, 2014). However, the FCR denied the tribal residents the political, social, and economic rights guaranteed to them by international human rights organizations. The regulation imposed obligations without granting any fundamental civil liberties, and many of its provisions were considered to violate international and national laws, including the concept of collective security, which held entire tribes responsible for the actions of individuals (Khan, 2014).

The special status of the areas specified by ex-articles 246-247 of the 1973 Constitution was preserved after the partition of the subcontinent and the establishment of Pakistan. However, the former FCR was in conflict with Pakistan's 1973 Constitution, particularly with the fundamental freedoms guaranteed by Article 8. Humanitarian organizations protested the former FCR's cruel practices, and Pakistan's highest court ruled that certain provisions were unjust and cruel (Rehman & Khan, 2010). Despite changes and updates over the decades, the basic foundation of the laws remained the same, and the regulation continued to hinder political integration and democratization in the region (Hayat & Altaf, 2017). Before 1997, locals in the former FATA region did not have the freedom to cast a ballot in elections. Franchise rights were delegated to the local Maliks, and citizens of voting age could only vote for members of parliament under the Adult Franchise Act of 1997. However, political parties were still barred from actively campaigning inside tribal territory (Chaudhry, 2011). The National Assembly candidates were selected without any intermediaries, and the Malik family maintained control over the political structures in the tribal territory (Wazir, 2011).

The reform package of 2011, introduced by the Pakistan People's Party (PPP), allowed political parties to campaign in the tribal areas for the first time. However, the Maliks posed a significant obstacle to the integration of tribal territories into the democratic mainstream. Parliamentarians from the region had little impact on laws affecting the tribal territories since Article 247 of the 1973 Constitution gave the President of Pakistan executive authority over the region. Additionally, the Supreme Court's and high courts' jurisdiction was limited, further restricting the participation of indigenous communities in decision-making processes (Wazir, 2007). The merger of Khyber Pakhtunkhwa and the former FATA under the 25th amendment to the Pakistani Constitution marked a significant milestone in the reintegration of the region into Pakistani society. However, the democratic culture in the newly joined territories is significantly less established than in the rest of the country. The region's inhabitants have long yearned for equal rights and opportunities with the rest of the country, but their conservative nature and traditional way of life have been widely regarded as justifications for the subsequent administrations' neglect (Saeed & Khan, 2016). The strength of democracy lies in its ability to engage citizens' curiosity and encourage their active participation in governance at all levels. With this plan in place, democratic ideals will be fortified, and a solid foundation for democracy will be established. Democratic norms and procedures encourage citizens to take an active role in formulating public policy and managing their nation on a regular basis. Establishing a robust democratic culture is crucial to a country's progress. Therefore, it is imperative that the merging districts of former FATA thoroughly evaluate their past sociopolitical climate to determine how best to implement and benefit from real democratic principles. The most important goals that must be achieved throughout this process include are as under

Since independence, the tribal region of former FATA has been administered under draconian black laws and regulations. The residents of the area have been deprived of their fundamental and basic political and socio-

economic rights as enjoyed by the rest of Pakistani citizens preserved in the constitution of 1973. No major changes have been seen in the legal framework and administrative set-up till very recently. The region and the way of life of tribes have been negatively impacted due to policies and historically long negligence on the part of successive governments of Pakistan and the geostrategic environment. Keeping in view the grievances, miseries and the long cherished desire of the tribes and the deteriorated situations of the region. 25th amendment in the constitution of Pakistan merged the Federally Administered Tribal Areas (FATA) with Khyberpakhtunkhwa and is, therefore, the basic step aimed at the mainstreaming of former FATA with the state of Pakistan. Since the democratic culture of newly merged areas with Khyberpakhtunkhwa is far less developed than the settled areas of Pakistan, there might be a number of factors impacting the development of a democratic culture in these areas. This study intends to explore the socio-political set-up and the national and regional factors that are either hindering or conducive to the development of a democratic culture in District Khyber – formerly called Khyber Agency.

2. Path dependency Theory: Theoretical Perspective

Path dependency theory offers a compelling framework for analyzing the enduring impacts of historical trajectories on present-day political and social dynamics in former FATA. This theory posits that historical events and decisions create institutional paths that shape subsequent developments, often reinforcing existing power structures and limiting opportunities for change. In the context of former FATA, path dependency underscores how colonial-era policies, such as the ex-Frontier Crimes Regulation (FCR), established a legal framework that prioritized centralized control and undermined democratic principles. Path dependency model/theory suggests that these institutional paths, once established, create inertia that resists change. Efforts to reform governance and promote democratic values in former FATA are thus met with resistance from entrenched interests and historical precedents. Breaking away from these entrenched patterns requires strategic interventions that address both the structural and cultural dimensions of path dependency.

Strategically, fostering a democratic culture in former FATA necessitates dismantling outdated legal frameworks like the ex-FCR and decentralizing governance to empower local communities. Simultaneously, initiatives to promote civic education and participatory decision-making can cultivate a citizenry capable of engaging actively in democratic processes. These efforts aim to shift the institutional trajectory towards greater inclusivity, transparency, and responsiveness to local needs. Moreover, addressing path dependency in former FATA requires recognizing and respecting local cultural norms and traditions. Effective strategies should incorporate cultural sensitivity to ensure that reforms resonate with local communities, thereby enhancing their legitimacy and sustainability. Path dependency model/theory provides a critical lens for understanding the persistent challenges to democratic development in former FATA. By identifying and confronting entrenched institutional paths, policymakers and stakeholders can devise targeted strategies to promote democratic culture, empowering communities and paving the way for more inclusive and resilient governance structures in the region.

3. Research Methodology

This study employing qualitative research methodologies supported by both primary and secondary sources. Primary data was collected through semi-structured interviews and focus groups, with 30 interviews conducted across three Tehsils in District Khyber. Participants included local officials, residents, stakeholders, lawmakers, media members, bureaucrats, and local elders, selected using purposive and convenient sampling methods. Adherence to the code of silence among participants was crucial to ensure accurate data collection. Secondary sources played a significant role in the research. A comprehensive literature review was conducted to identify key concepts and gaps in existing research related to the study area. Diverse secondary sources, including academic books, peer-reviewed articles, newspaper reports, and historical records, were selected for their relevance and reliability. The data collected from these sources focused on historical governance practices, British policies like the FCR, socio-economic indicators, political dynamics, and cultural norms specific to District Khyber. The collected data were organized into thematic categories, such as historical context, socio-economic factors, political dynamics, and cultural influences, to explore the challenges and opportunities for democratic culture in the region.

4. Patriarchy and Gender Inequality in Tribal Pakhtun Society

The patriarchal structure of tribal Pakhtun society deeply influences social, economic, and political dynamics, reinforcing significant gender inequalities (Qadir, 2023). Men are the primary decision-makers, while women are relegated to domestic roles, restricting their autonomy and opportunities (Hussain, Naz, Khan, Daraz, & Khan,

2015). The traditional Pakhtun code, Pakhtunwali, emphasizes male authority, leading to rigid gender norms perpetuated through socialization, education, and cultural practices (Qadir, 2023). Women face barriers in education and employment, with female literacy rates in former FATA as low as 3%, and a high dropout rate for girls (FATA Sustainable Development Plan, 2006-2015; FATA Development Statistics, 2005). This system extends into the economic and health domains, where women are denied basic rights and services. Cultural norms prevent women from accessing healthcare, especially from male doctors, contributing to poor health outcomes, high maternal mortality rates, and limited access to medical facilities (Dr. Gul, 2021). Domestic violence is prevalent, justified by patriarchal norms that discourage women from seeking help (Afridi, 2021; Ahmad, 2021). Control over women is further exercised through practices like early marriage and restricted mobility. Women are denied property rights and are often used as tools in settling disputes, such as in the practice of Swara, where women are married off to settle blood feuds (Afridi, 2021). Political participation for women in these regions is minimal, with deep-rooted misogynistic traditions and male dominance in politics (Khan, 2013; Shinwari, 2024). Although some women, like Badam Zari and Naheed Afridi, have stepped forward to challenge the status quo, their efforts are often met with resistance and limited success (Ebrahim, 2013; Shinwari, 2019). Yasir Afridi, a resident of Bara, explained: "The control men exert over women is often justified by invoking honor and protection. Men believe that by controlling women's behavior and movements, they are safeguarding family honor, but this control can be oppressive and detrimental to women's well-being" (Afridi, 2021).

5. Jirga System and Dispensation of Justice

The Jirga, a traditional assembly of elders, has long been a cornerstone of tribal society in the Pashtun regions (Pamir, Waheedi, & Habib, 2023), including the former Federally Administered Tribal Areas (FATA) of Pakistan. The origins of the Jirga can be traced back to the ancient Pashtun code of conduct known as Pashtunwali, which emphasizes principles such as hospitality, justice, bravery, and loyalty (Shukla, 2015). This system of governance and dispute resolution predates formal judicial systems and has been integral in maintaining social order within the tribal areas. Jirgas are categorized into local Jirgas, Quomi or Loya Jirgas, and Sarkari Jirgas. Local Jirgas handle village-level disputes, Quomi Jirgas address larger tribal conflicts, and Sarkari Jirgas attempt to bridge traditional practices with modern governance. Jirgas operate through a process where respected elders mediate disputes, focusing on reconciliation and restorative justice rather than punitive measures. The concept of Nanawati, where the offending party seeks forgiveness and offers compensation, is central to this process. However, in serious cases like murder, practices such as Swara—where a girl is offered in marriage to settle disputes—are sometimes invoked, though increasingly criticized for their implications on women's rights. Maroof Afridi, a local elder, stated: "The jirga is deeply rooted in our traditions and is seen as a fair way to resolve disputes. However, it is true that women's perspectives are often overlooked, and their interests are not always represented" (Afridi, 2021).

The Jirga system was integrated into the governance of FATA under British colonial rule through the Frontier Crimes Regulation (FCR) of 1901, which allowed Jirgas to exercise judicial powers. However, the system faces significant challenges in the modern context, particularly after the integration of FATA into Khyber Pakhtunkhwa province. This merger created a complex legal landscape where traditional and formal systems coexist, leading to conflicts regarding the legitimacy of Jirga decisions (Shinwari, 2021). Participants in a focus group discussion with students from FATA University noted: "The jirga system is criticized for its patriarchal nature and the marginalization of women and vulnerable groups. Women are rarely included in jirga proceedings, and their interests are often overlooked in decisions, particularly in cases involving family disputes or honor-related issues" (FGD, 2021). Wali Khan Shinwari, a journalist, pointed out: "Jirgas function as an illegal and unconstitutional parallel justice system. They often favor influential people, and decisions are made without the right to appeal, which can lead to unfair outcomes. Women are not represented in jirgas, reflecting and reinforcing gender discrimination" (Shinwari, 2021). Criticism of the Jirga system includes its patriarchal nature, marginalization of women, and lack of an appeals process. Women are often excluded from proceedings, and influential figures can manipulate outcomes, undermining the system's fairness and credibility (FATA University Students FGD, 2021). Despite these issues, the Jirga remains vital in tribal society, offering a culturally relevant means of dispute resolution. Reform efforts should focus on enhancing inclusivity, transparency, and alignment with human rights standards while preserving the principles of restorative justice (FGD, 2021).

6. Constitutional, Administrative and Political Status in Tribal Belt

The political and administrative status of former FATA (Federally Administered Tribal Areas) under the Frontier Crimes Regulation (FCR) was rooted in British colonial policies that sought to control the region through a system of indirect rule. The FCR granted extensive powers to political agents, limiting the rights of local inhabitants and preventing the integration of former FATA into Pakistan's mainstream legal and political frameworks. As a result, former FATA remained politically marginalized and underdeveloped, with its governance characterized by a lack of accountability and transparency. According to Abdul Azam, "the ex-FCR was aimed at controlling local tribesmen with a carrot-and-stick approach. Concessions were given to tribesmen, such as exemption from taxation and from answerability to the judiciary and police, but in return collective responsibility fell on every tribe to maintain law and order in its area. Even the allegation of a crime committed by a tribesman could bring havoc not only for the immediate family but for the entire tribe and village. Homes and entire villages were demolished and properties confiscated by authorities without any compensation to the poor tribesmen" (Azam, 2021).

The political and legal isolation of former FATA from Pakistan's constitution created a sense of marginalization among its residents, as highlighted by Sajjad Khan: "Under Pakistan's 1973 constitution, only Articles 246 and 247 deal directly with the affairs of the tribal areas. Despite being citizens under the constitution of Pakistan, former FATA tribesmen are not entitled to the basic fundamental rights enjoyed by their fellow citizens in mainstream Pakistan" (Khan, 2021). Farid-ud-Din added: "In Pakistan's parliament, twelve assembly members represent tribal people in the National Assembly and eight more were indirectly elected to the Senate of Pakistan till merger. These tribal members of parliament can participate in all parliamentary proceedings and vote on any issue regarding any part of Pakistan except their home region, where they have no input into the administration" (Khan, 2022). The administration of former FATA was centralized, with political agents wielding significant power without accountability. Farid-ud-Din Shinwari described the ex-Political Agent's authority: "The ex-Political Agent wielded extraordinary powers under the ex-FCR, encompassing legislative, executive, and judicial functions. This concentration of power meant that the ex-PAs were not accountable to the people or their representatives. Instead, they answered only to the central government, which severely limited local participation in governance" (Farid, 2021).

The lack of judicial oversight in former FATA further entrenched this power imbalance. Sajjad Khan elaborated: "This lack of judicial review further entrenched the power of the PAs and left the residents of former FATA with little protection against abuses of power. The exclusion from judicial oversight perpetuated a system where administrative decisions were often arbitrary and unchallengeable, undermining the rule of law and the principles of justice and equality that are central to democratic governance" (Khan, 2022). Resistance to the merger of former FATA with Khyber Pakhtunkhwa, which sought to integrate the region into Pakistan's democratic framework, remains significant. Said Alam Afridi, a political activist, explained: "The central government and the tribal elites had vested interests in maintaining the status quo. The political agents and Maliks enjoyed significant power and privileges under the existing system, and they were reluctant to cede any of this control" (Alam, 2021).

The challenge of building effective local governance structures in former FATA continues, as noted by participants in a focus group discussion at FATA University: "This exclusion fostered a sense of disenfranchisement and alienation among the population, contributing to political instability and underdevelopment. The centralization of power in the hands of the PAs, coupled with the absence of judicial oversight, meant that governance was often marked by corruption, inefficiency, and human rights abuses" (FGD, FATA University, 2021).

7. The Impact of Colonial Policies on the Democratic Culture

The British colonial expansion into the Pakhtun tribal areas after annexing Punjab in 1849 marked the beginning of a series of conflicts aimed at securing control over these fiercely independent tribes. The British, concerned about Russian expansionism, implemented various policies, including the "Forward Policy" and the "Close Border Policy," to maintain the region as a buffer zone. Despite their efforts, the Pakhtun tribes continuously resisted British control, leading to numerous military campaigns, such as the First and Second Anglo-Afghan Wars and various operations in Waziristan (Majumdar, 1963). The colonial administrators struggled to impose their authority over the tribal areas, often resorting to aggressive policies of repression and coercion. The introduction of the Frontier Crimes Regulation (FCR) was a direct result of this struggle, aiming to enforce control through collective punishment and suppression of the tribal people (Leake, 2016). However, these measures only strengthened the tribes' resolve to maintain their autonomy. The British reliance on violence and military expeditions reflected their inability to achieve dominance over the tribal society. This was evident in the continuous uprisings and resistance that plagued British efforts to pacify the region (Migdal, 1988). Sulaiman Khan, reflecting on this period, noted,

"External interventions, both direct and indirect, severely damaged the tribal belt. The conflicts destroyed any previous attempts at mainstreaming the region" (Khan, 2021). Another participant, Abdullah Afridi, mentioned, "The FCR was used to control, not to govern. It was a tool of oppression, keeping us isolated and under constant threat" (Afridi, 2021).

After Pakistan's independence, the legacy of colonial policies continued to influence the governance of the former FATA region. The Pakistani state, despite having a shared religious identity with the tribal Pakhtuns, continued the colonial administrative system. This approach perpetuated the tribal areas' isolation from mainstream governance and hindered their political and economic integration into Pakistan. The strategic importance of the region, particularly during the Soviet invasion of Afghanistan, led to further neglect of developmental efforts as the area became a buffer zone once again (Haq, Khan, and Nuri, 2005). Shah Sawood highlighted the issue: "Local government reforms never really touched former FATA. The Maliks kept their power, and the people remained under central control" (Sawood, 2022). Farid-ud-Din Shinwari added, "The Political Agents had unchecked power, which meant our voices were never heard. Decisions were made for us, not by us" (Shinwari, 2021).

The social and political structures within the tribal areas remained largely autonomous, with the tribes relying on their own systems of governance, such as the jirga and the informal economy. These systems allowed the tribes to maintain their independence and resist state control. The British had attempted to co-opt local tribal leaders, or Maliks, through the Malaki system, but this strategy did not fully integrate the tribal areas into the colonial or later the Pakistani state (McClintock, 2013). The tribal people continued to resist state-imposed policies, relying on their own economic and social institutions to sustain their way of life. Ahmad Khan remarked, "We always kept our own systems. The jirga was our court, and the Malik was our leader. The state didn't interfere" (Khan, 2022). Sajjad Khan further explained, "The tribal people never accepted external rule, whether from the British or the Pakistani state. Our autonomy was too important to compromise" (Khan, 2021).

8. Ex-FCR and its effects on Democratic Culture

The constitution of Pakistan, specifically the 1973 constitution, is widely regarded as a cornerstone of the country's legal and democratic framework, ensuring fundamental rights for all citizens. However, when examining the situation in the former Federally Administered Tribal Areas (FATA), it becomes apparent that these rights were not uniformly applied. Despite Article 1 of the 1973 constitution declaring FATA as part of Pakistan, and Articles 8 to 28 guaranteeing fundamental human rights, Article 247 rendered these provisions inapplicable to FATA, establishing a separate administrative system. Under this system, no act of parliament extended to these areas unless the President decreed it, effectively making the President the chief executive of FATA, with exclusive executive authority (The Frontier Post, Peshawar, Jul-11, 1996; The Frontier Post, Peshawar, Dec-1, 1991). This dual system raised significant concerns about the rights and treatment of FATA residents, who were deprived of the fundamental rights enjoyed by other Pakistani citizens. Article 8 of the constitution states that any law inconsistent with the chapter on fundamental rights shall be void. Despite this, the Frontier Crimes Regulation (FCR) remained in force in FATA, a colonial-era legal framework that discriminated in civil and criminal matters and denied individuals the right to defense, appeal, and judicial oversight (The Frontier Post, Peshawar, Dec-12, 1993). The FCR's provisions starkly contradicted the constitutional guarantees of rights such as the protection of life and liberty, safeguarded under Article 9, which were systematically violated in FATA. For instance, the practice of collective responsibility under the FCR allowed entire families or tribes to be punished for the actions of a single member, leading to widespread arbitrary detentions and violations of individual rights.

In an interview, Abdul Azam Shinwari highlighted the deep-seated injustices experienced by the people of FATA, stating that under the FCR, "hundreds of people were arrested and detained annually without charge or trial, often for extended periods, which undermined the very essence of liberty and justice" (Azam, 2021). The protection against arbitrary arrest and detention, enshrined in Article 10, was routinely ignored, with Section 40 of the FCR allowing for imprisonment without formal charges. Shakeel Afridi, a legal practitioner, emphasized during an interview that "the lack of transparency and accountability in these detentions further eroded trust in the legal system" (Afridi, 2021). The FCR's impact extended beyond individual rights, affecting fundamental freedoms such as movement, assembly, and association. Articles 15, 16, and 17 of the constitution, which guarantee these rights, were systematically violated in FATA, where traditional customs, security concerns, and the lack of state authority severely restricted these freedoms. Farid Ud Din, in an interview, noted that "freedom of movement was severely compromised due to the security situation and tribal structure, hindering not only personal liberty but also economic activities and access to essential services" (Farid, 2021). Similarly, the freedoms of assembly and

association were curtailed, with authorities viewing political gatherings and associations with suspicion, often suppressing them (Wazir, 2007).

Economic rights were also severely impacted under the FCR. Article 18 of the constitution guarantees the freedom of trade and business, a right that was significantly compromised in FATA. Arbitrary actions by local authorities, including the destruction of markets and closure of businesses during security operations, stifled economic activity and deprived residents of their livelihoods. In discussions with participants from Peshawar University, it was highlighted that these practices, justified under the guise of maintaining order, "disrupted economic development and deepened the region's underdevelopment" (FGD University of Peshawar, 2021). Property rights, as protected under Articles 23 and 24 of the constitution, were similarly undermined. The FCR granted local authorities the power to confiscate or destroy property without due process, leaving residents vulnerable to arbitrary deprivation of their assets. Shahid Ali pointed out during an interview that "the lack of secure property rights particularly affected women, who already faced significant barriers in asserting their claims due to traditional and patriarchal structures" (Ali, 2021). This systemic marginalization of women in FATA contributed to broader gender inequalities and hampered efforts toward economic and social development.

The inequalities faced by women in FATA were starkly evident in their lack of access to a fair judicial system. Despite Article 25 of the constitution guaranteeing the right to equality, women in FATA were often denied justice, with civil and criminal matters resolved through the jirga system, heavily influenced by local authorities. In an interview, Syed Nawaz expressed that this system "perpetuated the inequality and injustice faced by women, who were often deprived of due process and equal protection under the law" (Nawaz, 2021). The continued application of the FCR, described as a "black law" by many, exacerbated these inequalities, maintaining a status quo that was incompatible with Pakistan's constitutional and democratic ideals. The FCR's system of collective territorial responsibility, a relic of colonial rule, was one of the most criticized aspects of this legal framework. This system allowed entire tribes or communities to be held accountable for the actions of a single member, leading to widespread abuses and injustices. "Innocent men, women, and children were often punished for crimes they did not commit, with entire families being detained, fined, or expelled from their homes" (Afridi, 2021). Participants in a focus group discussion at the University of Peshawar pointed out that the lack of legal recourse for these individuals "highlighted the deeply inhumane nature of the FCR, which continued to govern FATA until its merger with Khyber Pakhtunkhwa province in 2018" (FGD University of Peshawar, 2021).

Despite the merger, the legacy of the FCR and its impact on governance and human rights in FATA remains a significant challenge. In an interview, Ibrahim Shinwari noted that "addressing these issues requires not only legal reforms but also a commitment to enforcing these reforms in practice" (Shinwari, 2021). This involves building institutional capacities to ensure that laws are applied fairly and consistently and engaging the local community in the process of democratic governance. Only by addressing these deep-seated issues can Pakistan hope to fulfill its constitutional and democratic ideals, ensuring that all its citizens, including those in FATA, are treated with dignity, equality, and justice.

9. Current Challenges and Opportunities

The socio-political landscape of former FATA, including District Khyber, continues to be shaped by a complex interplay of challenges and opportunities. Despite the merger of FATA into mainstream governance structures, several enduring issues have hindered the full realization of democratic values. These include persistent security concerns, weak governance structures, limited enforcement of the rule of law, and a significant trust deficit between the government and the local population. These factors have created an environment that is not conducive to democratic progress.

One of the most significant challenges is the prevalence of traditionalism and conservatism, which complicates the transformational process in the region. In an interview, Abdul Azam Shinwari highlighted that these deep-rooted traditional values often impede the acceptance of modern democratic principles, particularly when it comes to the participation of women and marginalized groups in political activities. Shinwari emphasized, "Traditional norms still hold strong sway in the region, making it difficult for new ideas and democratic practices to take root" (Azam, 2021). The challenges posed by these traditional norms are compounded by the security situation and weak governance, which restrict civic engagement, peaceful assembly, and the expression of diverse viewpoints. This, in turn, stifles the development of a vibrant democratic culture.

However, within these challenges lie significant opportunities for positive change. The region is rich in natural resources, has potential for tourism, and opportunities for cross-border trade, all of which can serve as powerful

drivers of economic growth and development. Participants in a focus group discussion at the University of Peshawar emphasized that harnessing these opportunities requires collaborative efforts between the government, local communities, and relevant stakeholders (FGD University of Peshawar, 2021). A participant noted, "If the natural resources and trade routes are properly managed, they could significantly boost the local economy and help integrate the region into the national framework" (FGD University of Peshawar, 2021). Additionally, the allocation of promised funds to former FATA, including District Khyber, is crucial in addressing historical disparities and stimulating local economies. Ibrahim Shinwari, during an interview, stated that "the proper utilization of these funds could play a key role in bridging the trust gap between the government and the local population" (Shinwari, 2021).

Efforts to promote democratic culture in the region must take into account these challenges and opportunities. Shakeel Afridi, during an interview, suggested that investing in infrastructure, education, and healthcare, along with promoting gender equality, are essential steps toward addressing the root causes of these challenges and fostering inclusive growth. Afridi remarked, "Empowering women and marginalized groups to participate actively in political activities is crucial for the development of a truly democratic society in this region" (Afridi, 2021). Moreover, encouraging local governance, transparency, and accountability mechanisms can strengthen democratic institutions and ensure that the benefits of development are equitably distributed among all segments of society. Despite the persistent challenges, District Khyber and the broader former FATA region stand at a critical juncture of transformation. By leveraging the available opportunities, addressing the ongoing security concerns, and embracing local cultural norms while promoting modern democratic values, the region can move toward a future where democratic principles are deeply embedded in its socio-political fabric. In this context, collaborative efforts among governments, civil society organizations, and local communities are essential. Ibrahim Shinwari mentioned in an interview that "collaborative efforts are the key to nurturing a democratic culture that respects our cultural identity while embracing the principles of equity, participation, and accountability" (Shinwari, 2021).

10. Findings

The study found that there is a limited democratic culture in former FATA, with low levels of citizen participation, accountability, and representation in the governance process. This is due to a range of factors, including a lack of education and awareness about democratic values and processes, limited civic space, and weak institutional capacity and the policies of negligence of the region by successive governments. The study found that security challenges, including violence and conflict, pose a significant barrier to the development of democratic culture in former FATA. The security situation has limited citizen participation in public affairs, restricted access to information, and hindered the development of civic institutions and organization. It also found that traditional social structures, such as tribal norms and customs, continue to play a significant role in shaping social and political life in FATA. These structures can facilitate or hinder the development of democratic culture, depending on how they are incorporated into democratic processes. The study found that civil society organizations play a critical role in promoting democratic culture in former FATA. They provide a space for citizen participation and advocacy, help to increase awareness about democratic values and processes, and support the development of civic institutions and organizations. There is a need for capacity building in former FATA, particularly in the areas of governance, civic education, and institutional development. This includes providing training and resources to government officials, civil society leaders, and community members to enhance their knowledge and skills in promoting democratic values and processes. The research found that the historical negligence of successive governments in the region, coupled with the implementation of the British Frontier Crimes Regulation (FCR), has significantly hindered the development of a thriving democratic culture. The FCR, characterized by arbitrary governance and lack of accountability, left a lasting impact on the region's governance structure. The study identifies external actor interventions as a significant challenge to democratic progress. The research underscores the deeply ingrained traditionalism and conservative societal outlooks prevalent in District Khyber. These cultural factors have posed obstacles to the acceptance of democratic norms and values, often conflicting with modern democratic principles. The study reveals a correlation between weak developmental indicators and the struggle to establish a democratic culture. Insufficient infrastructure, limited access to education, healthcare, and other basic services, have impeded the region's ability to nurture democratic values. The findings emphasize the persistent violations of fundamental rights in the region. This has contributed to a sense of alienation among the local population, eroding trust in democratic institutions and reinforcing resistance to democratic practices.

11. Conclusion

This study underscores the significant challenges facing the development of democratic culture in District Khyber, former FATA. The research reveals that deeply entrenched social hierarchies, traditional customs, government neglect, and the administrative legacy of the Frontier Crimes Regulation (FCR) are major impediments to democratic progress in the region. These factors, coupled with gender inequalities and limited participation, create substantial barriers to the cultivation of democratic norms and practices. Participants' narratives highlight how traditional power dynamics, often reinforced through tribal affiliations and kinship networks, limit the equitable distribution of decision-making authority. These structures frequently marginalize voices, particularly those of women and other vulnerable groups, stifling the participatory ethos essential to democratic systems. The study emphasizes the need for transforming these hierarchical structures into more inclusive mechanisms that empower all citizens, thereby bridging the gap between traditional power dynamics and democratic governance.

The legacy of the FCR remains a significant obstacle, perpetuating systemic barriers to justice, accountability, and the protection of citizens' rights. Participants pointed out the adverse effects of arbitrary decision-making and the lack of legal protections under the FCR, which have historically impeded the growth of democratic values. The study calls for the complete dismantling of the FCR's remnants and the establishment of transparent, participatory governance mechanisms that can empower local communities and foster democratic norms. Moreover, the unique constitutional status of former FATA has contributed to developmental disparities, with participants expressing frustration over the region's marginalized status. These disparities have hindered equitable development and limited citizens' engagement in the democratic process. The study suggests that constitutional reforms are necessary to elevate the region's status and prioritize the enhancement of developmental indicators, thereby creating an environment where democratic culture can thrive.

Government neglect has further exacerbated these challenges, fostering widespread disillusionment and distrust among the local population. Participants expressed a pervasive sense of abandonment due to the lack of sustained investment in infrastructure, education, and healthcare, which has eroded faith in the democratic process. Rebuilding this trust requires targeted developmental initiatives that prioritize citizens' well-being, laying the groundwork for a more conducive environment for democratic engagement. Despite the persistent challenges, the study reveals a strong collective aspiration for change among the local population. Participants expressed hope for a future where democratic values can flourish. To achieve this, the study advocates for comprehensive policy reforms, community-driven projects, and the empowerment of local communities. By addressing these critical issues and rectifying historical injustices, there is significant potential to foster a more inclusive and participatory democratic culture in District Khyber.

References

- Adamu, R. O. (2023). Women participation in Nigerian politics: Challenges and prospects to Nigerian democracy. *International Journal of Humanity Studies (IJHS)*, 6(2), 301–314.
- Adeel, Ghulam Hossein (2010), "Status of Women in Islam: A Critical Analysis on a Matter of Equality", *Message of Thaqalayn*, 11(1): 101-114.
- Afridi, S. (n.d.). Land Ownership and Pukhtun Women in Tribal Area (FATA) and NWFP. *Area Study Centre Journal, University of Peshawar*.
- Ali, I. (2019). "Mainstreaming Pakistan's Federally Administered Tribal Areas Reform Initiatives and Roadblocks," United States Institute of Special Peace Report. <http://www.usip.org>
- Boehm, Eric H(2000). Historical Abstracts: Modern history abstracts, 1450-1914, Volume 51, Issues 3-4, American
- Campbell, J. K. (1964). *Honor, Family and patronage: A study of institutions and moral values in a Greek mountain community*. Oxford: Clarendon Press.
- Caroe, O. (1958). *The Pathans: 550 BC-AD 1957*. New York: St.
- Centre for Security Studies, Zurich, Switzerland (2011). *Pakistan after Bin Laden*. Centre for Security Studies (CSS). Available from <http://www.css> Accessed on August,21-2021
- Faqir, K. (2017). *Genses, Causes and Ramifications of militancy in FATA in the post 9/11 scenario*, Global Political Review-2017
- International Crisis Group. 2006. *Pakistan: Countering Militancy in PATA*. Brussels: International Crisis Group – Asia Report, 11 December 2006. Accessed April 17, 2022. <https://d2071andvip0wj.cloudfront.net>

- Maheen, H. & Malik, U. A. (2017). FATA Mainstreaming: Placing People at the Center of Development, United Nations Development Program Annual Report
- Norell, Magnus (Ed.)(2010). Militancy in the Pakistani Federally Administered Tribal Areas (FATA) and Afghanistan. Stockholm, Sweden: FOI Swedish Defence Research Agency. Available from <https://www.foi.se> Accessed on 14 October, 2021
- Onal, A. (2008). *Honor killing: Stories of men who killed*. London, San Francisco: Saqi.
- Parrot, A., & Cummings, N. (2006). *Forsaken females: The global brutalization of women*. Lanham: Rowman, Littlefield Publishers.
- Rothchild, Donald S., and Naomi H. Chazan (1988). *The Precarious Balance: State and Society in Africa*. New York: Westview Press.
- Ruane, R. A. (2000). *Murder in the name of honor: Violence against women in Jordan and Pakistan*. Retrieved from <http://www.abo.fi> Accessed on 17 MAY, 2020
- Rumi, R. A. (2016). Pakistan's ungoverned spaces, Collection Monografias CIDOB 2016.
- Saeed, F., & Khan, S. (2017). Reform Process in the Federally Administered Tribal Areas and the Future of Frontier Crimes Regulation (FCR): A Local Perspective. JPUHS, Vol.29, No. 2, July-December, 2016. Pages 70-82
- Said-ul Islam, Muhammad (2013). *Development, Power, and the Environment: Neoliberal Paradox in the Age of Vulnerability*. New York: Routledge.
- Sarfraz Khan (2010). "Special Status of Tribal Areas (FATA): An Artificial Imperial Construct Bleeding Asia," *Eurasia Border Review*, 1: 69
- Sarfraz Khan, "Special Status of Tribal Areas (FATA): An Artificial Imperial Construct Bleeding Asia" in *Eurasia Border Review*, Vol. 1, Spring 2010. p. 68.
- Scott, James, C (2009). *The Art of Not Being Governed - An Anarchist History of Upland Southeast Asia*. New Haven, Yale: Yale University Press.
- Scott, James, C. 2009. *The Art of Not Being Governed - An Anarchist History of Upland Southeast Asia*. New Haven, Yale: Yale University Press.
- Tierney, S. (2000). *Accommodating National Identity: New Approaches in International and Domestic Law (21 ed.)*. Transparency International (TI) (2003). *The Transparency International Global Corruption Report*. London: Transparency International.
- Transparency International (TI). 2003a. *The Transparency International Global Corruption Report*. London: Transparency International.
- Trench, Charles Chenevix. 1987. *Viceroy's Agent*. London: Jonathan Cape Ltd.
- Tripodi, Christian (2011). *Edge of Empire, The British political officer and Tribal Administration on the North-West Frontier 1877-1947*. Surrey, UK: Ashgate Publishing Limited.
- Turgut, P. (1998). *Loss of honor means death in Turkish region*. Retrieved from <http://metimes.com> (Turizuna, 1941). Written customary practices of Kurram Agency.
- Ullah, A., & Hayat, S. U. (2017). The Recent Electoral Reforms in Federally Administered Tribal Areas (FATA): An Appraisal. *Journal of Political Studies*, Vol.24, issue 2, Pages 351-363
- Ullah, M.Z. (2010). *Honor killing in Pakistan under theoretical, legal, and religious perspectives: An analytical study of honor killing abuse and disconnecting Islam from*
- UN Women, (2020). *Khyber Pakhtunkhwa Status of Women and Girls in Khyber District Merged District Gender Profile*.
- United States Department of State.(2013). *Country Reports on Human Rights Practices – Pakistan*, 27 February 2014, available at <http://www.state.gov> (accessed July 25, 2020).
- Young, Crawford (1994). *The African Colonial State in Comparative Perspective*. Yale: Yale University Press.
- Yousaf, F., Rashid, H., & Gul, I. (June 2018). FATA tribes: Finally out of colonial clutches. *Past, present, and future*. *Center for Research and Security Studies*. Retrieved from <http://crss.pk> Accessed May 28, 2020
- Yusuf, Hamid. 1980. *Pakistan in Search of Democracy, 1947-77*. Lahore: Afrasia Publications.
- Zia, A. (2012). FATA, FR regions abundant in oil, gas, says report, *The Daily Tribune*,
- Ziauddin Ahmed, "Quaid's Concept of State". *Dawn*, September 6, 1997.
- Zulfiqar Ali, "FATA: In a Black Box," *Dawn*, January 29, 2017, www.dawn.com Accessed on 21st July, 2022

Zulfiqar Ali, "KP Governor's House Has a Revolving Door for Its Occupants," *Dawn*, February 15, 2016, <http://www.dawn.com> Riaz Papin, "FATA—Some Myths and Realities," *Monthly Sahar Magazine*, July 2013.

Interviews

Abdul, Azam. Shinwari. 2021. Personal interview/ discussion.
Abdullah, Afridi. 2021. personal interview/ discussion.
Alamgir, Afridi. 2021. Personal interview/discussion.
Arafat, Afridi. 2021. Interview/ Discussion. Jamrud
Asmat, Ullah (2021). Interview/ Discussion. Barra
Bilawal, Afridi (2021). Interview/ Discussion. Jamrud
Dr. Tariq Afridi. 2021. Interview/ Discussion. Barra
Dr, Ayesha Khan, 2021. Personal/ interview/ discussion
Farid Ud Din, 2021. Interview/ discussion. Landi kotal
Hazrat, Wali. Afridi (2021). Interview/ Discussion. Landi kotal
Kashif, Afridi. 2021. Interview/ Discussion. Landi Kotal
Malak, Darya. Khan. 2022. Personal interview/ discussion.
Malak, Jan. Muhammad. 2021. Personal interview/ discussion.
Malak, Masal. Khan. 2021. Personal interview/ discussion.
Malak, Tahir. Khan. 2021. Interview/Discussion. Landi Kotal
Malak, Waris. Khan. 2021. Interview/ Discussion. Barra
Muhammad, Irfan (2021). Interview/ Discussion. Barra
.Muhammad, Rahim. Afridi. 2021. Personal interview/ discussion.
Musawair (2021). Interview/ Discussion. Landi kotal
Saqib, Khan. 2021. Personal Interview/Discussion.
Shafiq, Sher. Afridi (2021). Interview/ Discussion. Jamrud
Shah, Sawar (2021). Interview/ Discussion. Jamrud
Shakir, Afridi. 2021. Personal interview/ discussion.
Shamsher, Khan. 2021. Interview/ Discussion. Landi Kotal
Sohail Afridi, 2021. Interview/ Discussion. Barra
Sohail, Ahmad. 2021. Personal interview/discussion.
Syed Nawaz (2021). Interview/ Discussion. Landi Kotal
Syed, Afzal (2021). Interview/Discussion. Landi Kotal
Syeda Gul, 2021, personal interview/ discussion
Wali, khan. Shinwari. 2021. Personal interview/ Discussion.
Focus Group Discussion (FGD): 1
Mustafa Shinwari, Zakir afridi, Khadim shah, Azeem Afridi, Basit Afridi. UNIVERSITY OF FATA
Focus Group Discussion (FGD): 2
Muhammad Umar, Rizwan Ali, Asim Khan, Saqib Afridi, Musharraf Afridi, Kaleem Ullah. University of Peshawar
Focus Group Discussion (FGD): 3
Shahid Ali, Saqib Khan, Musawair khan, Sohail Ahmad, Kaleem Ullah. University of Peshawar
Focus Group Discussion (FGD): 4
Fazal Khan, Kaleem, Rizwan Ali, Nouman and Yasir. University of FATA (2021).
Focus Group Discussion (FGD) : 5
Muhammad Umar, Maroof Afridi, Sham Sher, Shah Nawaz, Haris Khan and Syed Nawaz. University of Peshawar (2021).
Focus Group Discussion (FGD): 6
Kaleem Ullah, Sudair Ahmad, Hamza Shinwari, Sohail Ahmad, Yasir, Afaq Afridi. 2021. University of FATA.
Focus Group Discussion (FGD): 7
Muhammad Umar. Shah Sawar, Ali Ahmad, Muhammad Asif. Khalid Khan. Sangeen Khan. 2021. University of Peshawar
Focus Group Discussion (FGD): 8
Fawad Khan, Kamran, Muzamil, Kaleem Ullah, Sekander Khan. 2021. University of FATA