

The Recent Electoral Reforms in Federally Administered Tribal Areas (FATA): An Appraisal

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Abstract

This research study explores electoral reforms in Federally Administered Tribal Areas (FATA) of Pakistan introduced by the last PPP-P government in August 2011. The initiative of the government to formally allow political activities in FATA by extending the Political Parties Act 2002 to these areas is a mega political move to accommodate tribal population in the national mainstream. The formal commencement of political activities in FATA was a long-cherished demand of the tribal people for which they were waiting for a long period. The previous electoral processes and voting behaviour in FATA benefited a limited number of tribal elites.

Those elites such as Maliks and lungi holders were the main political beneficiaries who monopolized politics prioritizing their selfish interests. However, the recent electoral reforms are basically a paradigm shift in the political system of those areas and that is the main focus of the present study. It also critically evaluates how the political parties incorporated the FATA related issues in their respective political manifestos and electoral slogans during the 2013 general elections which was the first party-based electoral move in FATA after the political reforms in those areas. The study contains a comprehensive account of the pre-polls political activities, terrorism and its impact on the overall electoral process and outcome of the 2013 general elections in FATA. This discourse is, however, aimed at an analysis based on perceptions about the social and political paradigm shifts in FATA especially and approaches of the federal government of Pakistan directed towards the concerned situation in the tribal localities of Pakistan generally.

Key words: Reforms, FATA, Elections, Political Parties, PPA 2002

Introduction

The constant growth and development of a political system is not possible without conferring democratic and human rights to the people ensuring people's right to criticize policies of the ruling party and their rightful participation in decision making. It is a fact that individual personality cannot grow under the shadow of fear or threats. Hence, for the growth of a balanced, well aware and effective democratic society it is essential to ensure individual's access to basic civil and political rights related domain. J.S. Mill argues that without human freedom there can be no progress in science, law or politics which according to him requires free discussion of opinion. Hence, the freedom of expression is one of the most important and fundamental political rights of the people in a democratic system. It is not only vital for individual dignity but also for the genuine accountability, participation and smooth flourishing of democratic values (Burki, 2012). In any modern democratic society government functions through its public representatives elected under a proper electoral process.

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Fair, free and transparent elections provide a key forum to the citizen of a particular state to exercise their political voice and participate in decision making which affects their lives. The electoral process offers citizens an opportunity to choose their potential political representatives. The whole edifice of democratic institutions is built on the foundation of free, fair and impartial elections (Altaf, 2007, p.1).

Political maturity of any democratic society is not possible without the free will of its citizens, who under the umbrella of political organizations or parties convey their demands, comment on the governing policies, approve or disapprove the programmes of the government, and hold discussion on the future line of action in order to present an alternative solution to the government regarding national issues (Ibid, p. 43). Political parties generally perform many noticeable functions which include acting as brokers of ideas, programmes and policies. In this process they articulate and amass the diverging interest of the country and help resolve cleavages within the nation. They go all-out to recruit support from all segments of the society and help elect political office-bearers (Ziring, 1997, p. 195). Political parties constitute the cornerstone of any democratic society, offering the people choices for change and channels for peaceful mobilization (Siddiqi, 2011).

When we compare the political developments in FATA in the light of aforementioned discussion and political guideline we find mostly a different situation. As far as the political development of FATA is concerned, it depicts a thoroughly different picture as compared to other parts of the country. No democratic elected government was able to protect the basic political rights of the people of FATA. Their right of expression, association and participation in political activities were suppressed. They could not openly express themselves due to the fear of losing life and being sent behind the bars. As a matter of fact, due to suppressive measures on behalf of the political authorities across the tribal belt, expressing feelings and pinpointing faults in the acts of the ruling class was not less than digging graves for themselves. Freedom of expression was, however, not considered as a basic human right and that is why the people of FATA had to choose either the devil or the deep sea (Burki, 2012).

The non-involvement of tribal people in national affairs and ignoring them in major decision making process created a sense of deprivation among them. The government, when required, consulted only the *Maliks* and not the common masses of these areas. Whenever the President and other key government functionaries liked to meet the tribesmen only formal gatherings were organized with chosen *Maliks* avoiding general public. Since these *Maliks* are the recipients of annual allowances and other benefits, they do not express themselves openly and are not free from the influence of the Political Agent. It is also impossible for them to go against the wishes of the Political Agents. Hence, they often put peoples' demands to wind (Wazir, 2011).

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Prior to the introduction of adult franchise in FATA in 1996, only *Maliks* were given the authority to cast their votes on behalf of the entire population of these areas despite the fact that they never enjoyed genuine support among the common people across FATA (Kerr, 2010, pp. 4-5). Under limited franchise based system the *Maliks* and selected notables, however, enjoyed the right to vote till then but the common masses of those areas were deprived of such rights (Shah, 2012, p. 12). Later on, in 1997 the Political Parties Act 1962 was extended to FATA and thus formally the people of FATA were given the right of adult franchise (Sajjad, 2012, p. 83). Despite that the government did not allow the political parties to function in those areas (Ijaz, 2008, p.17). As a result a polls of 1997 were the first one in which legislators from these areas were directly elected to the National Assembly of Pakistan on non-party basis. The politics of independent candidacy could not encourage the general public to actively participate in the political activities across the region. The vacuum created by the non-involvement of political parties in FATA paved a way for the *de-facto* control still in the hands of *Maliks*. It was because the independent candidates were unable to undertake political mobilization, thus, they were reluctant to be the voice of the people of FATA (Report, 2012, p.7). Before the general elections 2002, President Pervez Musharraf modified the Political Parties Order 2002 but excluded those areas from its implementation. So, like the polls of 1997 these elections were also based on non-party basis (CEO No. 18, 2002). However, he increased the number of FATA seats in the National Assembly of Pakistan from eight to twelve and conducted both the 2002 and 2008 elections on non-party basis in FATA (Rahmanullah, 2012, p.65).

Although adult franchise was extended to FATA in 1997 and the people participated in two consecutive general elections under it i.e. the elections of 1997 and 2002, yet political parties were not allowed to operate in these areas. Regarding the political status of FATA, a scholar observed that “What a place – where adult franchise is allowed but political parties are banned; where the draconian laws of FCR are allowed but civil laws of the land are banned; where the army is allowed but politicians are banned” (Wazir, 2011). Indeed, political parties are indispensable for a democratic political system. In representative democracy people choose their representatives to carry on the work of government and manage the wide range affairs of the society on their behalf. In democratic societies the emergence of political organizations is a natural process as they play a pivotal role in fostering a constitutional, democratic and political culture in the country. But that system is required to be befitting to the genius of the people of the concerned society because a political party is defined as “an association of citizens or a combination of groups of such associations formed with a view to propagating or influencing political opinion and participating in elections for any elective public office or for membership of a legislative body” (GoP, Election Laws, 2002).

The 2011 Electoral Reforms: The Extension of Political Parties Act (2002) to FATA

The second decade of the twenty-first century witnessed the fact that the PPP government took the initiative of electoral reforms in FATA when President Asif Ali Zardari promulgated Frontier Crimes (Amendment) Regulation 2011 and the Extension of Political Parties Order (2002) to FATA on August 12, 2011. The promulgation of this Order is, however, in line with the cherished vision of Shaheed Benazir Bhutto who once directed her party for filing a petition in the Superior Court of the country for the extension of Political Parties Act to those areas. The PPP leadership always remained desirous of providing such rights to the masses of those areas on equal basis. That is why the 2008 election manifesto of the PPP bears the proof of such programme of the party (Rahman, 2011).

The federal government chalked out a major programme of electoral reforms and development in FATA as part of its strategy to blunt the appeal for militancy, extremism and fundamentalism by allowing greater political activities through key changes in the relatively hard federal law i.e. the Frontier Crimes Regulation (FCR) and initiating mega development schemes. Consequently, the President of the state, Asif Ali Zardari approved the decree that permits political parties to operate openly in FATA (Nawa-i-Waqt, 13 August, 2011). He congratulated the tribesmen for harmonising reforms with their tribal customs and traditions. It was hoped that the legal-administrative and electoral reforms would enable the people of the tribal areas to get rid of bondage and consequently there would be such a political phenomenon which would bring the people of FATA into the mainstream of national life respecting the local customs and tradition (Daily Mahriq, 13 August, 2011).

The recent electoral reforms were directed to assist the government to tighten its writ gradually through political means and to make those areas free from extremism and terrorism (The Nation, 13 August, 2011). The government was confident enough that formal permission given to the political parties to demonstrate their political programmes in tribal areas would counter the harmful one sided campaign of militants to impose their ideological agenda on the people. (Dawn, 13 August, 2011) The Prime Minister Syed Yusuf Raza Gilani said “the provision of inexpensive justice to people at their doorsteps is a key to bringing qualitative change in their lives. The extension of the Political Parties Order 2002 offers a unique opportunity to the people of FATA to freely engage them in the political process of the country and play their active role in national development” (The News, 13 August, 2011).

As a matter of fact the significance of political parties in any democratic polity cannot be denied as it constitutes the cornerstone of such polities. Keeping in view the prevailing unrest in FATA and war in the adjacent state of Afghanistan, it is necessary to institute a broad set of electoral reforms that work towards restructuring governance

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in the region and bring the tribal people into the national mainstream. Historically, FATA has been considered a semi-autonomous region but modern times demand that the attitude of the government must change to give proper attention to those areas, were ignored in the past. As citizens of the same state, the people of these areas need to be treated as equal citizens and must have access to all the rights and privileges available to the rest of the citizenry. For this purpose, the Political Parties Order has recently been extended to these areas so that the tribal people can be engaged in mainstream party politics like the rest of the country (Noor, 2011). Permission of full scale political activities in these areas would help create necessary awareness among tribal people about their rights and obligations while reforms in FCR would help its people play more active role in the administrative domains (Afridi, 2011).

Political Parties Act 2002 and FATA

General Pervez Musharraf promulgated the Political Parties Order (PPO) in June 2002 which replaced the Political Parties Act 1962 (Altaf, 2007, p. 36). The purpose of this Order was “to create a political environment conducive to the promotion of a federal and democratic system as enshrined in the constitution” (ECO No. 18, 2002). Indeed, in such a favourable political atmosphere different political activities like people participation in political gatherings, processions, meetings and association with any political party of their own choice is ensured. Political parties are indispensable for a democratic political system. The present era is of representative democracy in which people choose their representatives to carry on the work of the government on their behalf. In democratic societies the emergence of political parties, organizations, groupings or alliances is a natural process (Altaf, 2007, p.36). Their role is crucial as they help in defining peoples’ positions and beliefs on different issues of national importance. It is generally believed that the absence of truly representative voice of tribal people kept these areas politically backward as political activities were banned since the inception of the country (Rasheed, 2012, p. 82). Although political parties maintained a *de facto* presence in tribal areas yet they were legally not allowed to operate in these areas till August, 2011. President Asif Ali Zardari applied the Political Parties Order 2002 to the tribal areas of the country which his predecessor President General Pervez Musharraf was either unable or reluctant to execute. Though General Musharraf amended the Political Parties Order 1962 as Political Parties Order 2002 but could not extend it to FATA (Rahmanullah, 2012, p. 50). The historic verdict to allow political parties to operate formally in tribal areas was made on 12 August 2011 when President Asif Ali Zardari promulgated the Extension of Political Parties Order 2002 alongwith the Frontier Crimes (Amendment) Regulation 2011.

Response of the Major Political Parties

The Extension of Political Parties Order to Federally Administered Tribal Areas of Pakistan is an important historic decision in the political history of the country in

general and FATA in particular. The political initiative of the PPP government to practically launch electoral reforms by formally permitting political parties to operate in FATA has been commonly appreciated by all the leading political parties in the country (Bag, 2011). It is generally considered as a significant step forward in granting political rights to the people of FATA and bringing them in the mainstream of national politics. The political activities and peaceful propagation of their political programmes in FATA by different political parties would help in countering the pernicious one-sided campaign of the terrorists who denies the states, the constitution, democracy and even our way of life (Ashraf, 2011). Political parties have already some presence (*de facto*) in FATA but now they can operate as completely legal and formal entities and enjoy the right to participate in elections and governance. It would facilitate the growth of democratic norms and traditions in the tribal belt (Rehman, 2011). Major political and religious parties of the country praised political and administrative reforms package of the PPP government as it would ultimately raise political rights of the hitherto neglected population of the tribal areas and open avenues for further progress and prosperity (Seddiqi, 2011).

Such political reforms were appreciated by the political parties of Pakistan. Awami National Party (ANP) having nationalist tendencies praised the reforms process of the government particularly the extension of Political Parties Order 2002 to tribal areas. It believes that the execution of this Order would help remove the political deprivation in those areas and instead of joining terrorist groups and extremist organizations, the tribal people would turn their attention to the development and uplifting projects (Rehmanullah, 2012, p.53). ANP after the extension of Political Parties Order started constant efforts to formally organize its branches in all the political agencies of FATA. It organized its first ever political protest rally in Mohmand Agency against the NATO air strike on Salala check post on 27 November 2011. Hence, it was a formal inauguration of political activities on the part of ANP in the tribal areas (Ibid, pp. 54-55). The death anniversary of Khan Abdul Ghafar Khan popularly known as Bacha Khan was celebrated in January 2012 in Mirali, North Waziristan agency which was the largest political gathering of the party after the extension of Political Parties Order to FATA (Ibid, p. 60).

Similarly, a well-rooted religio-political party Jamiat Ulem-i-Islam Fazlur Rehman (JUI-F) had not only welcomed the introduction of electoral reforms particularly the implementation of Political Parties Order 2002 to FATA but promised to fully support it. JUI-F had an earnest desire to herald such political process in those areas. The subsequent very active political role through public gatherings and rallies particularly after the extension of Political Parties Order were the glaring instances of its interest for the democratization of FATA. It was because of the implementation of Political Parties Order 2002 that JUI-F appeared on the political scene of the area including far-flung localities of FATA (Interview, Rahat, 2012). The role of this party in stabilizing peace and development in those areas is very significant as many militants now

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aligned with Tehrik-i-Taliban Pakistan (TTP) and other factions are mainly affiliated to it or inspired by its pro-*Shariah* stances (Yusufzai, 2011). It, however, formally broke up its relationship with such militant groups especially after their insurgencies started in 2007. The militants subsequently launched suicide attacks against party's leadership damaging and assassinating some of its prominent members as well (Report, 2012).

Another religio-political party and protagonist of Islamic laws the Jamaat-i-Islami (JI) of Pakistan had long ago advocated political rights for the tribal people of FATA and it was also a part of the FATA Reforms Committee that put forward several amendments in the century old regulation and backed the extension of Political Parties Order 2002 for FATA. JI accelerated its political activities in different parts of FATA after the extension of Political Parties Order 2002 to those areas (The Nation, 15 August, 2011). It organized many political gatherings to launch the democratic process in those areas (Report, 2012). It conducted its first political rally on 9 September 2011 in the Ghazi Baig area of Mohmand agency which was attended by the prominent leaders of the party including Siraj-ul-Haq, Vice Ameer JI (Rahmanullah, 2012, p. 55). It was followed by political rallies held in Zakhakhel and Landikotal, Khyber agency on 27 September, 2011 (Ibid, pp. 56-57). The extension of Political Parties Order 2002, thus, paved a way for the *de jure* performance of JI across FATA.

However, the credit for the introduction and initiation of political and administrative reforms process in FATA in fact goes to Pakistan Peoples' Party. The PPP leaders were showing their enthusiasm with joy on the implementation of its own political agenda designed for FATA. The extension of Political Parties Order 2002 to FATA was its old political slogan and demand and it also provided a considerable place to such demand in its election manifestos in order to see democracy flourishing in those areas like other parts of Pakistan. The PPP leadership publically hailed and supported the reforms as those were demanded as well as announced by its top stalwarts. Consequently, the party to manifest its political gains organized a procession in Kurram agency to celebrate the formal implementation of the reforms package (Yusufzai, 2011). Reforms in FATA were part of the PPP's major political programme and key point of its election manifesto and in that direction the extension of political parties order was the first step towards the targets of the party (The News, 25 August, 2011).

Pakistan Tehrik-i-Insaf (PTI) also appreciated the reforms – both the extension of Political Parties Order 2002 to FATA and the Frontier Crimes (Amendment) Regulation 2011 (The News, 15 August, 2011). Like other political parties, PTI also enhanced its political activities in the tribal areas and launched membership programmes and formal organizational units in all parts of FATA. (Rahmanullah, 2012, p.60). The extension of Political Parties Order 2002 paved the way for the

formal political activities of PTI in FATA. Resultantly, its leadership, members and workers became more active and enthusiastic particularly in finding solutions of different problems faced by the people of FATA.

Although Pakistan Muslim League Nawaz Group (PML-N) came out with a positive gesture yet it also labelled some criticism. Hailing the Political Parties Order 2002 to FATA it complained that the government did not take it into confidence before the promulgation of the reforms (Ibid, p. 54). According to the PML-N, “we don’t oppose amendments in the FCR and extending PPO-2002 to FATA, but it would have been better, if the government had taken all the political forces on board on this very important matter. Prior to making amendments for FATA, the ruling PPP should have involved tribal people, notables and political parties in the process in order to reach a unanimous decision. This would have produced useful and durable impact.” Further he added, “these reforms were introduced to empower tribesmen, but we don’t know whether their recommendations have been incorporated or not. Making decisions in a hurry, as the PPP has done in this case, may not produce the desired results” (The National 15 August, 2011) In a nutshell, all the political forces including the religio-political parties welcomed the reforms activities introduced in FATA and that exhibit general consensus of the nation towards improvement of life style and system in the tribal areas of Pakistan. Nevertheless, this uniformity of thinking and approach would definitely pave the ways for peace and development in FATA.

The 2011 Electoral Reforms and its Aftermath

Election is the mechanism through which modern states create amongst its citizens a sense of involvement and participation in public affairs. One the one hand citizens derive a sense of satisfaction through their participation in the selection of their representatives to form a government which can work for their betterment and on the other hand selection of leaders through proper election procedures gives to the government a base of support and a sense of legitimacy among the masses. It is through popular elections that authority of a government is clothed with legitimacy and peaceful transfer of authority to the elected representatives is ensured (Ross, 1955, p. 25).

Election 2013 was the first ever electoral contestation in FATA held on party basis after the creation of Pakistan. The electoral process generated much interest in the people of FATA as this time the implementation of Political Parties Order in FATA paved the way for party-based elections. It had given hope to the tribal people that if members were elected on a party basis they would perform better than their predecessors (Wazir, 2013). The first party-based electoral contestation in FATA was held on 11 May 2013 as a result of electoral reforms introduced by the PPP regime in August 2011. The people of FATA came out from their homes considerably in a large number to cast their votes to their respective political parties and independent

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candidates (Elections Report, 2013). Candidates associated with different political parties and independent candidates contested those elections for the twelve seats of national assembly from FATA. Independent candidates got victory in seven constituencies while four candidates affiliated with their respective political parties won the elections from concerned constituencies of FATA. The results of these elections exhibited that independent candidates got maximum electoral victory on the basis of strong personality and individual affiliation. While political parties could not get remarkable number of national assembly seats during the 2013 electoral contestation (Haider, 2014). Terrorism, militancy, lawlessness and fragile security situation were the major causes of electoral decay of political parties which could not fully attract the electorate this time. The following table demonstrates constituency wise results of winning candidates (independent and party candidates) from FATA for the national assembly seats:

Table 3.1: The 2013 General Election Results in FATA

Constituency	Winning Candidate	Political Affiliation	Votes Got	Registered Voters	Turnout
NA-36 (Mohmand Agency)	Bilal Rehman	Independent	9005	179304	30%
NA-37 (Kurram Agency)	Syed Sajid Hussain	Independent	30524	162660	58%
NA-39 (Orakzai Agency)	Syed Ghazi Gulab Jamal	Independent	7922	125687	38%
NA-40 (North Waziristan)	Muhammad Nazir Khan	Independent	18055	160666	49%
NA-41 (South Waziristan)	Ghalib Khan	PML-N	8022	92000	N/A
NA-42 (South Waziristan)	Muhammad Jamal-ud-Din	JUI-F	3468	108056	12%
NA-43 (Bajaur Agency)	Bismillah Khan	Independent	13929	168514	26%
NA-44 (Bajaur Agency)	Shahab-ud-Din Pusht	PML-N	15114	185040	32%
NA-45 (Khyber Agency)	Alhaj Shah Jee Gul Afridi	Independent	29697	175036	40%
NA-46 (Khyber Agency)	Nasir Khan Afridi	Independent	4134	-	-
NA-47 (Frontier Regions)	Qaiser Jamal	PTI	9856	121265	40%

Source: Government of Pakistan, Election Commission of Pakistan, Islamabad

Due to the deteriorated law and order situation, the people of Kurram agency from NA-38 demanded the government to postpone the elections. The subsequent military operations against militants disrupted the peace and tranquillity of the region. Keeping in view the uncertain security situation the Election Commission came up with the decision to delay the electoral process in this constituency in order to avoid any

human loss during elections (The News, 11 May, 2013). The militants' attack on Pakistani troops few days before the elections in the area resulted in loss of three soldiers. To counter the terrorist move the armed forces launched a mega military operation against the miscreants. Beside it, a suicide bomber blew himself up during an electoral campaign of JUI-F in the same area killing twenty-three people and seriously injuring eighty citizens. Consequently, residents of Para Chamkani (NA-38) went to Peshawar and other safer areas of the country as Internally Displaced Persons (IDPs) (The Nation, 7 May, 2013).

Despite such unfavourable situation in some areas of FATA, the electoral process was a major success. The electoral contestation of 11 May 2013 proved not only a harbinger of change for the entire Pakistani society but it also produced positive impact on the marginalized people of tribal areas particularly its female population. The female turnout from FATA in these elections was 34.3 per cent of the total registered vote bank which demonstrated a remarkable increase from all previous general elections conducted in the country (Voices from FATA, 2013). Despite conservative norms and traditions women in these areas warmly took active part in the electoral process of May 2013. They not only dared to come out of their homes to cast but also demonstrated much political maturity. A brave woman Badam Zari from political agency of Bajaur also contested the elections from NA-44 against twenty-five male candidates. Although she could not get victory in the elections yet her courage was symbolic for the women of tribal society. She expressed, "Had I received education, my life would have been different. I regret my past; so providing education to the children of Bajaur is on top of my priorities. I will not be disappointed if I do not win. I will carry on my struggle for the betterment of my society (The Express Tribune, 10 April, 2013)."

The elections of 2013 was the first party-based electoral contestation in FATA which provided hope in the general masses of those areas that their elected political representatives would raise their voice through the platform of national assembly to mainstream the region in the national politics and develop it at par with the other parts of the country. The recent electoral reforms paved the way for a healthy political participation of tribal people in the process of democratization of the tribal society which would ultimately lead to progress and prosperity of those areas in the near future (Interview, Jamal-ud-Din, 24 March 2014).

Conclusion

The recent electoral reforms introduced by the last PPP-P led government is a significant step in the right direction but it cannot bring remarkable change in the tribal society unless a comprehensive programme is chalked out to fully empower the people of those areas. Their political representatives i.e. Members of the Parliament, are still not empowered to take part in legislative process of these areas. Although

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electoral reforms recently implemented in FATA has formally allowed political parties to operate in these areas yet parliamentarians elected even on party basis are still not equipped with constitutional authority to legislate for their own constituencies. The reforms process in FATA is, however, a timely initiative of the PPP-P led government in August 2011 which for the first time in the history of FATA allowed political parties to take part in the 2013 general elections, mobilize the tribal masses, propagate their election manifestos and catch the attention of the electorate through public meetings, rallies and other political gatherings.

But all these political activities allowed under the extension of Political Parties Order 2002 to FATA will be of little benefit until the people of these areas are given the right to be governed under their own legislation. Parliament is generally recognized to be a platform where its members meet to frame laws in national interests. Its members safeguard the interests of their respective areas or constituencies. The Oxford Dictionary defines it as “a national representative body having supreme legislative powers within the state.” FATA has been kept outside the formal jurisdiction of parliament through a constitutional clause. The elected representatives of these areas are, however, deprived of the power to legislate for their respective areas, which is a political and constitutional anomaly still exists. The implementation of electoral reforms and the consequent electoral process with the participation of the political parties nonetheless is a very remarkable step forward in empowering the people of FATA but to achieve the optimal level of political modification in the interest of tribal people, some measures are required to be taken on behalf of the government of Pakistan for their full empowerment.

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