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FATA Reforms during the 4th Regime of Pakistan Peoples Party (2008-2013): A Historical Overview

Dr. Shaista Gohar¹
Dr. Nousheen Jamshid²
Kamran Aziz³

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Dr. Shaista Gohar	Lecturer, Department of Pakistan Studies, Abdul Wali Khan University, Mardan, Khyber Pakhtunkhwa, Pakistan. shaistagohar@awkum.edu.pk
Dr. Nousheen Jamshid	Lecturer, Department of Pakistan Studies, Islamia College Peshawar, Khyber Pakhtunkhwa, Pakistandrnausheen@icp.edu.pk
Kamran Aziz	Lecturer, Department of Political Science, IR & PCS, University of Swabi kamran@uoswabi.edu.pk

Abstract

The Federally Administered Tribal Areas (ex-FATA) are always denied of their basic democratic, human rights and economic opportunities. Pakistan Peoples Party (PPP) always continued its support for FATA reforms because PPP of the views political, social, economic, legal and administrative reforms are necessary for the sustainable peace and development in FATA. Therefore during its various regimes particularly during the 4th regime (2008-2013) had taken various steps towards democracy, social justice and respect for human rights for the people of FATA as promised in CoD, 2006. This brief study examines all those efforts of PPP governments to introduce reforms in these areas. The study particularly highlights the FATA reforms aimed empowering people of the region and for the sake of better future of tribal people during the 4th regime of PPP despite the inevitable circumstances in the country generally and in the regions particularly. The study also focuses on the historical evaluation of the FATA reforms in conclusion stage and also suggested some recommendations. For this study data is collected through secondary source included books, journal articles, newspapers articles and reports. The study is basically qualitative. This study is indeed a great contribution to the existed knowledge. It will help out of academicians, scholars and policy makers, interested in FATA and its developmental process continuation.

Key Words: Pakistan Peoples Party, FATA Committee, FCR Amendment, Shaheed Bhutto Foundation, FATA Local Government Regulation,

INTRODUCTION

The FATA, which is mostly home to Pakhtuns, covers 27,220 square kilometers with 3.5 million people living there, along the Pakistan-Afghan border. Following British rule, the government established the NWFP (now known as Khyber Pakhtunkhwa) and implemented the Frontier Crimes Regulation (FCR-1901), sometimes known as the “dark law,” in FATA. But after Pakistan was established, its government enacted the identical legislation without proposing any meaningful changes to the FCR (Gohar, Khan, & Sajid, 2024). Even if the control's content has undergone a few very little adjustments, its fundamental ideas remain unchanged. The FCR Act had to be amended in accordance with local demands and requirements, and these modifications would also be the most crucial steps in bringing about and bolstering the area's peace and secure Pakistan (Khan, 2009).

The people living in FATA were more vocal in their demands for changes to the FCR regulations following Pakistan's independence. Now it was getting difficult to live under these harsh regulations. Like all Pakistani citizens, the residents of FATA aspired to enjoy their freedom of rights. Different Pakistani central governments spent a lot of time and effort taking the lead in this area. Initially, after Pakistan was established, several laws, including the Trade Mark Act of 1940, the Public Debt Act of 1944, the Passport Act of 1913, the Pakistan Control of Entry Act of 1952, and the Adult Franchise Act of 1996, were extended to the tribal territories. In contrast, in the second instance, official attempts were undertaken at the start of the twenty-first century by a different government to significantly alter the legal, administrative, and political framework of FATA (Gohar, Khan, & Sajid, 2024). The main purpose of the present study is to highlight all those initiatives that were taken by the PPP government during its reign (2008-2013) for FATA reforms.

FATA REFORMS DURING PREVIOUS REGIMES OF PPP

The PPP first entered politics in 1967 under Zulfikar Ali Bhutto's leadership and was seen as the ruling party when it ran in Pakistan's first-ever general election in 1970. Following Dacca's collapse, Bhutto took over as leader of West Pakistan. Under Prime Minister Zulfikar Ali Bhutto, the FATA experienced legal, administrative, political, and economic transformations for the first time. Having drafted the 1973 Constitution of Pakistan, she added Article 247, which called for the integration of Fata with the mainstream after consulting the tribal jirga (Tahir, 2018). In this context, the PPP government made the first significant attempt in Pakistan history to mainstream Fata. Bhutto formed a ministerial committee and it was led by General (Rtd) Naseerullah Khan Babar, who was the province's governor at the time in Khyber Pakhtunkhwa. Hafeez Pirzada, Rafi Raza, and Dr. Mubashar Hassan were prominent committee members. A foundation was established for the merger of Fata with NWFP present KP was the committee's main objective. This merger would allow for political and economic reforms, the most important of which would be the adult franchise right to vote, something they did not previously possess (Gohar, Khan, & Sajid, 2024).

The FCR underwent a few more small changes. In the 1973 constitution, the phrase “federally” took the place of “centrally.” The governing structure and process, however, did not alter. The

PPP government implemented many development initiatives in the tribal area, which led to the construction of schools and colleges in FATA as well as an improvement in the physical infrastructure. Additionally, the Federal Ministry of State and Frontier Regions (SAFRON) and the FATA Development Authority were founded. The ratio of FATA people working in government and attending public schools across the country was also raised. Fearing an imbalance in the tribal area across the Durand Line, the merger was reluctantly put off for a while at the urging of the international community. It was ultimately decided to resume with a new mandate following the 1977 elections. However, General Ziaul Haq's coup d'état on July 5, 1977, overthrew democracy before Bhutto's planned endeavor could be continued (Khan, 2009). The Adult Franchise Act of 1996, which gave every adult in the area the ability to vote for their representatives instead of just tribal chieftains or Maliks, was a small step toward advancing Fata's cause under Benazir Bhutto's government. The Act was put into effect right away, and new voter registrations were created in order to include the indigenous members of FATA. Giving people the ability to vote was a historic step, especially for the tribal populace. It eventually instilled a sense of Pakistani identity in the minds of these tribal people. In fact, the immediate result of the Adult Franchise Act of 1996's extension was the widespread involvement of tribal territories in the 1997 national elections (Gohar, Khan, & Sajid, 2024). The PPP carried on Z.A Bhutto and Benazir Bhutto's objective of mainstreaming Fata under the Musharraf government as Pakistan's democratic force. Benazir Bhutto established the PPP's Fata Reforms Committee in March 2004, making it the first division inside a political party specifically tasked with implementing Fata reforms. In order to request parliamentary channels for Fata reforms, Benazir Bhutto used her party's parliamentary representation in the same year. In the end, the Senate adopted a PPP-led Human Rights Committee report in 2004 that called for changes to the Senate after a PPP-presented resolution calling for reforms in Fata was widely approved (Khan, 2009).

FATA REFORMS AND COD'S PLEDGE, 2006

The two prominent leaders, Benazir Bhutto and Nawaz Sharif signed a 36-point "Charter of Democracy" on May 14, 2006. The CoD's key components included civil-military ties, free and fair elections, a code of conduct, and constitutional revisions. It was a lengthy document that covered the majority of the problems that had been preventing Pakistan's democracy from developing. On July 2, 2006, a few more Alliance for the Restoration of Democracy (ARD) parties; Jamiat Ulema-e-Pakistan (JUP), Jamhoori Watan Party (JWP), Pakistan Democratic Party (PDP), Jamiat Ahle Hadith (JAH), and Pakistan Christian Party signed the CoD document. After signing the document, all major parties pledged to continue strengthening Pakistan's democratic system.

The PPP and PML-N agreed in merging FATA with KP in accordance with the Charter of Democracy (COD) (Gohar & Bibi, 2022). The fundamental goal of Benazir Bhutto's plan was the mainstreaming of FATA. Benazir Bhutto filled a petition in the Supreme Court in 2006 for extending the Political Parties Act (PPA), 1962 to FATA on constitutional ground. PPP secured fundamental rights for the people of Fata by utilizing all channels at its disposal. Under Benazir's

patronage, the Shaheed Bhutto Foundation conducted research on Fata, actively included stakeholders, and vigorously advocated for a political path ahead for mainstreaming Fata. The foundation's work has been supported by the government's Fata reforms report. Unfortunately, the FATA's cause saw severe fallout after Benazir Bhutto's murder in December 2007 (Khan, Ullah, & Khan, 2021).

FATA REFORMS DURING THE 4TH REGIME OF PPP (2008-2013)

The political, administrative, and legal reforms for FATA were part of the election manifestos of a number of political parties in Pakistan prior to the 2008 general elections. The Political Parties Order, which permits political parties to openly participate in elections, was one of the many comprehensive changes the PPP pledged to implement in order to retake FATA. In March 2008, Prime Minister Yousaf Raza Gillani said in a speech to parliament that the FCR would be eliminated, fulfilling his electoral pledge. This came after the government was formed for the fourth time. Nevertheless, parliamentarians for FATA responded to the declaration in varying ways. Additionally, President Asif Ali Zardari stated that the FATA reform process should continue for the benefit of the tribal people's better future because it aims to empower the people in the region. According to the President, a proposal was made to start the reform process as soon as peace was restored in FATA and to carry out the reform package at the same time. He went on to say that terrorism affected the entire nation, not only FATA, and that a number of domestic and foreign factors contributed to the turmoil in FATA (Gohar, Sumayya, & Ullah, 2024). The PPP government has been working to progressively implement certain beneficial improvements in FATA's political, legal, and administrative spheres. These important reform attempts for FATA are described in brief.

ESTABLISHMENT OF CABINET COMMITTEE, 2008

A cabinet committee was established in April 2008 with the responsibility of proposing FCR reforms on behalf of the PPP government, while also encouraging other mainstream political parties in Pakistan to collaborate on the advancement of political and legal reforms within FATA. The committee was formed with the intention of reviewing the changes suggested by the previous committee, which was headed by Justice (Rtd) and comprised the Governor of Khyber Pakhtunkhwa, Khalilur Rahman. The committee was named the "FCR Reforms Committee" and was chaired by Farooq H. Naek, Federal Minister for Law. Muhammad Ajmalin Mian April of the year 2005 (Dawn, 2009, August 30). Many members of parliament were also present on the Committee, including Hamidullah Jan Afridi, an Independent MNA from the Khyber Agency, and Zafar Beg Bhattani, Akhund Zada Chitan, Rahmatullah Kakkar, and Najmuddin Khan of the PPP. Following extensive consideration and discussion, the Cabinet Reforms Committee suggested many changes to the FCR (Gohar, Khan, & Sajid, 2024). The recommendation to rename the Frontier Crimes Regulation as the Federally Administered Tribal Areas (FATA) Regulation, 2008, was one of the most significant parts of these recommendations. A district or session judge is the appropriate judicial officer to hear appeals of decisions made by political agents. The panel also recommended setting up a three-person FATA Tribunal, headed by a retired High Court judge, with two more members: a lawyer and a bureaucrat. This tribunal

would be able to challenge decisions made by judicial authorities in the final instance (Gohar, Sarwat, & Sajid, 2023). The Political Agent's authority to designate Jirgas should be withdrawn, and the pertinent parties would select the Jirga members for mediation. In addition to changing the Political Agent's discretionary power under Section 40 of the FCR which permitted him to hold someone for two years without giving a reason, the accused shall be brought before a court of law within twenty-four hours. The Committee also suggested that this Regulation's "collective responsibility" phrase be excluded from women, children, and the elderly (Dawn, 2009, August 30). In respect of local customs, the administration conferred with a jirga including one hundred tribal leaders to establish harmony, and ultimately, a compromise was reached among interested parties about legislative and administrative changes. President Asif Zardari invited the jirga between March and June of 2009. Leading the delegation were former lawmakers and outspoken proponents of FATA reforms, led by Anwar Kamal Marwat (PML-N), who personally presented their reform suggestions to him. Following these initial conversations, the president finally announced in August 2009 that a package of political, judicial, and administrative changes for FATA would soon be implemented. Nevertheless, opposition under a number of pretexts caused delays (Ullah, & Hayat, 2017).

SHAHEED BHUTTO FOUNDATION (SBF) CONFERENCES, 2009-2013

The Shaheed Bhutto Foundation is a non-governmental, apolitical, nonprofit organization that was registered in 2006. On December 3, 2005, the institution's charter was authorized by the founding patron, Shaheed Mohtarma Benazir Bhutto, with the inclusion of a democracy institute. Following her martyrdom, the institute was renamed the Benazir Democracy Institute (BDI) in her honor. The Foundation regularly hosts advocacy events, national dialogues, free medical camps, seminars, and workshops to raise awareness within the civil society about the need of defending the rights of the general public and human rights in particular. The "Peoples FATA Development Program" is one of the primary areas of the activity (SBF, 2009). In this regard, the Shaheed Bhutto Foundation (SBF) organized a series of consultative workshops in 2008 with a broad range of stakeholders, including political party leaders, tribal leaders, legislators, lawyers, academics, youth, journalists, and intellectuals, in order to elevate the voices of FATA citizens. A wide spectrum of locals and representatives of the tribal agencies had the chance to participate in a consultative process regarding the necessity of substantial change in FATA during the workshops. The workshops assisted in the process of formulating certain proposals that were agreed upon for "defining, democratizing and developing" FATA (Pakistan Observer, 2013, July). The Jirga system, the function of political agents, and the repeal or major modification of the FCR to bring it in line with the human rights slandereds and the constitution were among the suggested changes for the report Mainstreaming FATA, which was released following those workshops (SBF, 2009). Following the recommendations of the SBF, President Asif Ali Zardari approved FATA reforms in February 2009. Still, 2011 was the year the president announced and implemented the adjustments. After a reform package was passed in 2011, SBF persisted in working at the grassroots level with FATA inhabitants to reach an agreement on demands for additional reforms. The Pakistani civil society organization, comprising a

heterogeneous citizenry, formed reform councils with women and FATA students at Khyber Pakhtunkhwa institutions, and with all tribal agencies and frontier regions. Following many separate reform council gatherings, 300 tribal members convened as the FATA Grand Assembly in June 2013 to discuss and eventually adopt the Citizens' Declaration for FATA Reforms, or FATA Declaration. "All tribesmen must be guaranteed the same fundamental rights enjoyed by other citizens of the country and guaranteed by the constitution," the FATA Declaration states, citing media sources (Pakistan Observer, 2013, July).

FATA REFORMS PACKAGE, 2009

A number of political and judicial reforms in FATA were announced by President Zardari on the 62nd Independence Day of Pakistan. Through the extension of the Political Parties Act and significant modifications to the FCR, the reform package seeks to provide basic political and legal rights to around 3.5 million people in tribal territories. The residents of FATA had long been denied the same rights and benefits as Pakistani citizens residing in other regions of the country, despite being a part of Pakistan by constitution.

The proposed reforms would grant political parties permission to operate within their respective regions, limit the arbitrary authority of the Federal Crime Act (FCR) to arrest and detain citizens, grant them the right to appeal to a tribunal created specifically for this purpose, and exempt women and children from punishment under the FCR's collective responsibility clause for crimes committed by individuals (Dawn, 2009, August 30). Nearly all of Pakistan's political parties, civil society organizations, and human rights organizations have long supported the demand that the country's tribal areas be brought up to speed with other regions in terms of social and physical infrastructure as well as economic and political development (Dawn, 2009, August 14). However, no government has acted to satisfy the desire in the last 62 years. The reform package announced by Zardari was the most significant step toward modernizing the nearly century-old political and judicial system of the tribal areas, following the implementation of universal adult suffrage in 1996. These reforms would have far-reaching effects on the entire country as well as the region. The PPP government's reforms would go a long way toward realizing the liberation dreams of the tribal people and bringing in a new age of social and political advancement.

Once the traditional politico-administrative framework based on the absolute power of the 'political agent' installed by the British collapsed, the process started by the reforms would assist fill up the vacuum. The military operations in Swat and other regions of Malakand Division had severely demoralized the militants, who were further marginalized as a result (Gohar, Sumayya, & Ullah, 2024). By imposing fear and intimidation, the changes would diminish the terrorists' hold over the tribal territories. By implementing the changes, the tribal people would have a once-in-a-lifetime chance to take control of their own destiny and not leave it up to the whims and vile intentions of the extremists. Farhatullah Babar, the presidential spokesman, called the reform package a gift to the country on its 62nd Independence Day, as well as to the tribal people. President Zardari's announcing of a reform plan for FATA was a momentous development in Pakistani political history, despite some doubts voiced by certain political and

civil society groups (Dawn, 2009, August 14). It had made it possible for the residents of the tribal territories to actively participate in politics. The people had seen instant alleviation from the measures' adoption. These actions had undoubtedly made it possible for the government to take additional steps toward the areas' economic growth and the construction of desperately needed social and physical infrastructure.

POLITICAL PARTIES JOINT COMMITTEE ON FATA REFORMS, 2010

Following multi-party efforts in 2008 and President Zardari's 2009 announcement, political party leaders convened on a regular basis for roundtable discussions to further to advance equal rights in the tribal areas during 2010. The Political Parties Joint Committee on FATA Reforms, or FATA Committee, was founded as a result of these discussions. The Pakistan Muslim League (PML), Pakistan Muslim League-Nawaz (PML-N), Pakistan People's Party (PPP-P), Pakistan Tehreek-e-Insaf (PTI), Muttahida Quami Movement (MQM), National Party (NP), and Jumaat-e-Islami (JI) were among the ten political parties that made up its membership.

The FATA Committee aimed to demonstrate the political parties' collective dedication to promote discussions across Pakistan over the pressing reform concerns that affect tribal populations. The group has called for the adoption of broad reforms in the tribal areas on multiple occasions, and it is still holding talks with FATA stakeholders to foster understanding, raise awareness, and encourage conversation about current and proposed reforms (Khan, 2009). The FATA Committee convened with President Asif Ali Zardari in March 2010 to present their preliminary reform proposals and urged the president to fulfill his August 2009 commitment to implement a FATA reform package.

The Political Parties Order should be extended to FATA, the Frontier Crimes Regulation should be significantly amended, and a new development package for the tribal areas should be among the committee's suggestions. After the meeting with the FATA Committee, in August 2011, President Zardari issued two decrees approving significant administrative and political changes for the tribal territories. For the first time in over a century, major changes to the FCR were proposed and passed after reaching an agreement with the political parties' committee, extending the Political Parties Order to FATA (Gohar, Khan, & Sajid, 2024).

FCR AMENDMENTS AND POLITICAL PARTY ORDER EXTENSION, 2011

When President Zardari signed the Frontier Crimes (Amendment) Regulation, 2011 on August 12, 2011, the PPP government accomplished significant improvements in the political and legal spheres of FATA. In the 110-year existence of the FCR, this was the first significant reform package ever proposed by the government. The previous version of this Regulation underwent significant revisions, additions, deletions, and substitutions as a result of the Presidential Order (Ali, Dawn, 2011, August 14). Among the amendments there were changes to the collective responsibility clause that forbade the arrest of women, children, and the elders. Others included the right of appeal, the strengthening of the FATA Tribunal, a limitation on the haphazard powers of political agents, and the requirement that political agent funds be audited (Report, 2012).

Additionally, the president signed the extension of the Political Parties Order (PPO), 2002 to the tribal regions. In these areas, political parties would be free to exist and promote their socioeconomic programs after the necessary regulations have been developed (Ullah, & Hayat, 2017). Asma Jehangir, President of the Supreme Court Bar Association, welcomed the reforms and said it was a gift for the people of Fata and the whole country on the eve of Independence Day. The changes were a significant advance that would serve as a springboard for additional reforms. She further said, "People who will be gradually brought into the mainstream of national life will also be interested in the extension of the political parties order because they will enjoy the right to vote, but not to a political party." The issue of bribery in Fata will also be addressed by the audit of political agents (Dawn, 2011, August 12). In the political history of the nation as a whole and FATA specifically, the Extension of Political Parties Order is a significant historical decision. All of the country's leading political parties had expressed appreciation for the PPP government's political endeavor.

FATA LOCAL GOVERNMENT REGULATION, 2012

In the tribal areas, the creation of a local bodies system was crucial to addressing the day-to-day issues faced by local people and addressing the governance gap. The FATA Local Government Regulation, 2012 was developed by the PPP government in July 2012, but it was never implemented. The primary justification given for not extending LGO 2012 was the precarious security environment (Dawn, 2012, July 19). In August 2012, President Zardari declared that the tribal areas would be implementing a local bodies system. The proposed regulation aimed to construct, control, and create local municipal authorities in Fata, with the goal of enshrining the system in law. The planned local councils' primary responsibilities would be to oversee public health, sanitation, garbage removal and disposal, water supply, food and beverage, livestock, drainage, public safety, municipal planning, building control, vehicles, agriculture, sports, streets, traffic, and culture (Ullah, & Hayat, 2017). The proposed draft offered the governor enormous authority, allowing him to remove the chairman, vice-chairman, or any member from office under section 16 after giving them a chance to be heard. The draft stated that elections for all local council positions would be conducted by secret ballot with an adult electorate (Dawn, 2012, July 19). The FATA Committee expressed specific concern about the new draft regulation's broad powers for the governor and political administration, as they wrapped up a series of deliberations on it in January 2013. Political parties urged the PPP administration to give careful thought to 19 specific suggestions for enhancing the law and creating genuinely transparent and responsible local authorities in FATA. For Fata, the new laws represented a positive development. In order to advance democracy, sustainable development, and fundamental rights, this is a crucial step (White & Malik, 2012). Political leaders viewed the Fata Local Government Regulation 2012 as a move in the right direction, notwithstanding their worries about many of its provisions.

FATA ELECTORAL REFORMS AND FIRST-EVER PARTY BASED ELECTIONS, 2013

As part of its strategy to counter the appeal of militancy, extremism, and fundamentalism, the PPP government outlined a significant program of electoral reforms and development in FATA.

This included enacting significant changes to the relatively strict federal law, known as the Frontier Crimes Regulation (FCR), and launching massive development projects. As a result, Asif Ali Zardari, the state president, gave his approval to the edict allowing political parties to conduct open operations within FATA. The PPP government was sufficiently certain that granting political parties official license for promoting their programs in tribal areas would counteract the detrimental, one-sided effort by militants to force their ideological agenda on the people (Ullah, & Hayat, 2017).

Elections in the tribal areas have been flawed even after full voting rights were granted to all FATA citizens. These problems are primarily attributable to a lack of development, inadequate infrastructure, the absence of media organizations and independent election observers, independent election officials or judicial officers, and inadequate communication networks. Due to restricted access and service delivery by the National Database and Registration Authority (NADRA) and the ECP, voter registration and the issue of National Identity Cards (NIC) are still lower in FATA. Due to these inadequacies, FATA has much lower voter turnout than the rest of the nation, in addition to the large number of internally displaced persons (IDPs) from FATA residing abroad in Pakistan (ECP Report, 2013). The PPP government had taken all political parties into confidence in order to address these and other issues, and the group met multiple times in 2012 to discuss possible solutions before coming up with five consensus recommendations to guarantee free and fair elections in FATA (Gohar, Khan, & Gul, 2024). The recommendations were presented directly to the ECP in January 2013, along with the President of Pakistan and the governor of Khyber Pakhtunkhwa, for their consideration. As a result, the ECP had set up extra polling places in some non-FATA areas where IDPs were residing at the time of the general elections in May 2013 and had taken all other necessary actions (ECP Report, 2013). For the first time in history, political parties in FATA openly participated in Pakistan's general elections thanks to the electoral reforms implemented during the PPP's 4th regime. Political parties' participation proved well during the election period, despite security and other issues. Additionally, voter turnout increased from 31% to 36%, surpassing that of the general elections in 2008 (Gohar, Khan, & Gul, 2024). Nonetheless, the FATA reform process was a welcome initiative of the PPP government that allowed political parties to organize the tribal population, distribute their electoral manifestos, and draw attention from voters through open forums, protests, and other political rallies for the first time in FATA's history.

CONCLUSION

Conclusively, we can say that PPP always continue its efforts for FATA reforms either it was PPP 1st regime under Zulfikar Ali Bhutto or 2nd and 3rd regime under Benazir Bhutto or the 4th regime under Asif Ali Zardari. During the 4th regime, PPP government fulfilled its pledge of CoD for FATA reforms. During the 4th regime (2008-2013) the law and order situation was worsened. The security and economic position was deteriorated, however bold actions were cry of the day to counter the effects of a decade of Musharraf dictatorship. The implementation of the democratic policies was the main purpose of the PPP government. In this spectrum FATA reforms was an inordinate step of the government to achieve this goal. The PPP government

made significant reforms to the political, administrative and legal structure of the FATA in addition to the work already completed by the previous PPP regimes. Finally these steps led to the FATA merger with Khyber Pakhtunkhwa. At last it is recommended that PPP should continue its efforts for FATA development either in any position in the parliament. FATA merger into KP is not enough; PPP needs to implement more pragmatic and continuous reform measures for the mainstreaming effort to be realized and the FATA to be recognized as a normalized region of the country. PPP being the major political party should take more bold steps for the infrastructural development, extension of legal and economic regulatory frameworks, guaranteeing better rule of law, delivery of basic constitutional rights to the tribal people etc.

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