

**The Politics of Displacement – The Question of Internally Displaced Women in Pakistan,  
Undocumented Loss and Binding Custom**

By

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## Abstract

After the military operation Zarb-e-Azb displaced approximately 1.6 million Pashtun people from the localities of FATA, Pakistan has been facing an unprecedented volume of internally displaced persons (IDPs) who require resettlement. Within this group, the most vulnerable are Pashtun female IDPs for which gendered experiences are unaccounted and largely undocumented. What makes this case exceedingly complex is FATA's long history and marginalization as an extra-judicial spatial category, residing outside the constitutional realm of Pakistan, under the draconian colonial laws of Frontier Crimes Regulation. With the merger of FATA in 2018 with the neighboring province of Khyber Pakhtunkhwa despite the ongoing IDP crisis and a rising social movement considered to be anti-state, the voices of women are still lost in the chaos. In order to critically engage with the absence of women from repatriation policies and future political outcomes, I will draw upon Giorgio Agamben's idea of "State of Exception," to contextualize FATA's politico-social status, and his work "Homo Sacer," to demonstrate how the double exclusion of women from public spaces and decision-making forums is validated by state policies and archaic customs which in turn makes them more vulnerable as IDPs. For this purpose, I will be analyzing literature from migration studies, journalistic accounts and self-conducted interviews to create an account of gendered displacement, connected with changing political landscape in Pakistan.

## **Declaration of Original Research and the Word Count**

I hereby declare that this thesis is the result of original research; it contains no materials accepted for any other degree in any other institution and no materials previously written and/or published by another person, except where appropriate acknowledgment is made in the form of bibliographical reference.

I further declare that the following word count for this thesis are accurate:

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Signed \_\_\_\_\_ (name)

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## Table of Contents

<b>1. INTRODUCTION</b>	<b>1</b>
<b>1.2 RESEARCH METHODOLOGY AND THEORETICAL FRAMEWORK</b>	<b>10</b>
<b>2. HISTORICAL ANALYSIS OF FATA AND THE PASHTUN COMMUNITY IN THE INDIAN SUBCONTINENT</b>	<b>22</b>
<b>2.1 PASHTUN AND PASHTUNWALI</b>	<b>23</b>
<b>2.2 MAPPING A BRIEF HISTORY OF FATA UNDER THE BRITISH RAJ</b>	<b>28</b>
<b>2.3 FRONTIER CRIMES REGULATION (FCR): THEN AND NOW</b>	<b>31</b>
<b>3. THE CASE OF INTERNAL DISPLACEMENT</b>	<b>40</b>
<b>3.1 BACKGROUND: OPERATION ZARB-E-AZB</b>	<b>40</b>
<b>3.2 GENDERED ANALYSIS OF ENFORCED DISPLACEMENT</b>	<b>45</b>
<b>3.3 HOMO SACER: INTERNALLY DISPLACED PASHTUN WOMEN</b>	<b>52</b>
<b>4. FROM MOVEMENT TO MERGER</b>	<b>62</b>
<b>4.1 PASHTUN TAHAFUZZ MOVEMENT AND THE RIGHT TO MOURN</b>	<b>62</b>
<b>4.2 FATA-KP MERGER: “BRAVE NEW WORLD”?</b>	<b>70</b>
<b>CONCLUSION</b>	<b>77</b>
<b>BIBLIOGRAPHY</b>	<b>81</b>

## **List of Abbreviations**

FATA – Federally Administered Tribal Areas

FCR – Frontier Crimes Regulation

IDP – Internally Displaced Persons

KP – Khyber Pakhtunkhwa

PTM – Pashtun Tahaffuz Movement

TDP – Temporarily Dislocated Persons

# 1. Introduction

In May 2018, I traveled to Geneva from Budapest to visit the United Nations Human Rights Commission on Refugees (UNHCR) Archives to gather data reflecting upon Pakistan's complex history with forced migration. On the sixth floor of the enormous tower, I found official letters from Pakistan Ministry of Foreign Affairs dating back to 1980, stating, "Pakistan does not wish to have the same legal obligations towards all categories of refugees. For political reasons, for instance, it must keep a free hand in dealing e.g with persons from Kashmir or Biharis from Bangladesh."<sup>1</sup>

This particular letter responded to the UNHCR's written efforts to make Pakistan and other South Asian states accede to the Geneva Convention on the Rights of the Refugee (1951). After the first war fought between India and Pakistan from 1947-48 over the disputed princely state of Kashmir following the Partition of the Indian Sub-Continent, Azad Kashmir (Free Kashmir) belonged to Pakistan and its residents became legal citizens of the state and came to enjoy constitutional recognition and privileges. The region that comes under the territorial control of India is disputed; crossing the border is not possible because of heavy military surveillance on both sides of the Line of Control.<sup>2</sup> After the disintegration of East and West Pakistan and the creation of Bangladesh in 1971, Pakistan was scrutinized and accused by the Indian government of not aiding the transference of Bengali migrants to Bangladesh as per the Delhi Agreement<sup>3</sup> but Pakistan denied it and pledged to aid those who were crossing the border. Almost forty years later,

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<sup>1</sup> P.E Krens to the Office of the High Commissioner of UNHCR, January 1, 1980, UNHCR Archives.

<sup>2</sup> De facto border between Indian and Pakistani controlled parts of Kashmir.

<sup>3</sup> Memorandum on Rehabilitation of Homeless Repatriates from Bangla Desh/India for U.N Mission to Pakistan. October, 1973, UNHCR Archives

“all categories of refugees” mentioned in the above statement do not resemble the twenty-first century counterpart with which Pakistan is currently embroiled.

The focus of this thesis is centered within an emerging category in ‘new’ migration studies: Internally Displaced Persons (IDPs). As of 31<sup>st</sup> December 2017, the total number of IDPs in Pakistan, according to the IDMA, is 249,000 with the number reaching around 1.6 million<sup>4</sup> in 2015. This M.A thesis will be engaging with female IDPs of Pashtun ethnicity, displaced because of armed conflict in FATA, an extra-judicial geographical space that comes within the territory of Pakistan but has been outside the realm of the constitution and complete political control of the state since the past 70 years. In order to delve into the matter, this section will explore the meaning of internal displacement and constitution of an IDP in migration studies, International Humanitarian Laws and in the local context of Pakistan, to understand the layered vulnerabilities of the specific displaced population.

According to the manual issued by UNHCR on the protection of IDPs, the phenomenon is defined as “...the term ‘internal displacement describes situations in which individuals and groups are (1) forced or obliged to leave and remain away from their homes, but (2) remain within the borders of their own countries.”<sup>5</sup> However, this definition, according to Mooney is “descriptive, rather than legal”<sup>6</sup> as there is no consensus as to what does internal displacement really mean and entail. As a senior advisor to the representative of the United Nations, Secretary General on the Human Rights of Internally Displaced Persons,<sup>7</sup> Mooney sketches out the many

<sup>4</sup> Rukhshanda Naz Women in Conflict: Voices for Equality, Internally Displaced Women from North and South Waziristan, Pakistan. Islamabad: Women’s Regional Network, 2016.

<sup>5</sup> *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*. Bern: Brookings Institution—University of Bern, 2008.

<sup>6</sup> Erin Mooney, “The Concept of Internal Displacement and the Case for Internally Displaced Persons as a Category of Concern,” *Refugee Survey Quarterly* 24, Issue 3 (2005): 13

<sup>7</sup> The author had the position at the time of the publication.



grey areas problematizing the status of the IDP. Internal displacement can occur either because of “conflict, violence and persecution” or also because of natural disasters and development projects,<sup>8</sup> which create a confusion on the immediacy of relief provided to IDPs. Moreover, Mooney interestingly sets forth the major “criterion” of Internal Displacement, which is to not cross an international border, to establish the difference between IDPs and refugees, a category conferring “a legal status”<sup>9</sup> to those who come under it.

The UNHCR has a long history of intervening in issues pertaining to IDPs and has continued to do so since the end of the Second World War. Throughout the escalating tensions of the Cold War period, the organization was “linked to programmes for refugees, most importantly in the context of repatriation or post-conflict reconstruction schemes.”<sup>10</sup> Lanz tells us that the organization wanted to maintain the status quo and not detract from their original mission of helping refugees only.<sup>11</sup> However, with the advent of Kofi Annan, who recognized the IDP crisis as “an unprecedented challenge for the international community,”<sup>12</sup> conversations began where three solutions were mulled over: “assigning responsibility for IDPs to an existing agency; or dividing responsibility to different agencies via a collaborative approach.”<sup>13</sup> A “collaborative effort between different organization such as the Emergency Relief Coordinator (ERC) and the head of the new Office for the Coordination of Humanitarian Affairs (OCHA) along with UNHCR” was proposed but the approach lacked a legal authority which would be making

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<sup>8</sup> Mooney, “The Concept of Internal Displacement,” 1.

<sup>9</sup> Mooney, “The Concept of Displacement”, 2.

<sup>10</sup> David Lanz, “Subversion or Reinvention? Dilemmas and Debates in the Context of UNHCR’s Increasing Involvement with IDPs,” *Journal of Refugee Studies* 21, no. 2 (2008): 196.

<sup>11</sup> Lanz, “Subversion or Reinvention”, 196.

<sup>12</sup> Lanz, 192.

<sup>13</sup> Lanz, 198.

decisions and dividing the funds required for different missions thus making operational problems creating excessive challenges to the approach.<sup>14</sup>

Moreover, the question of legality was further probed as the popular consensus within the organization was that “IDPs compromises UNHCR’s independence and calls into question the organization’s nonpolitical character,”<sup>15</sup> as the IDP crisis is almost always seen as an internal issue to be handled by the state authorities. In the past, during the post-World War II phase when Europe was hit by a massive refugee crisis, the issue was initially “classified as a military problem” with the people being labeled as “Displaced Persons.”<sup>16</sup> Only after the numbers were unfathomable to be repatriated quickly, were the displaced given the status of refugees with the onset of humanitarian agencies like the Red Cross and eventually the UNHCR to be solely dedicated to the problem of the refugee. It was more convenient to label the refugee problem as a combat problem and limit it by a “military, administrative gaze”<sup>17</sup> because it absolves involved states to create special policies to protect their citizens and reduces it to a manageable operation. However, owing to the numbers it was not possible and an independent organization was required to see to the welfare of all the “displaced population” regardless of their citizenship.

Without a historical analysis of the components underlying this research topic, it would be impossible to understand how the category of the refugee (“prized label”) and the IDP (negotiated identity) are imposed on a stratum of the population controlled by the state. Roger Zetter and Lisa H. Malkki extensively discuss the creation of the category of refugee and its relevance to the field of Refugee Studies and within studies of migration more broadly. In particular, their defining of

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<sup>14</sup> Lanz, 199.

<sup>15</sup> Lanz, 202.

<sup>16</sup> Liisa H. Malkki, “Refugees and Exile: From “Refugee Studies” to the National Order of Things,” *Annual Review Anthropology* 24, (1995): 499.

<sup>17</sup> Malkki, “Refugees and Exile”, 499.

the category is an important departure from the cliché refugee experience that only narrowly defines the human experience of forced migration in terms of the bureaucracy and mechanics of the process. Zetter explains how the title of the refugee has become a prize to be achieved rather than an experience of trauma that is lived by individuals exposed to exile and death.<sup>18</sup> Different bureaucratic regimes and institutionalizations of various categories of the refugee experience have created a hierarchy where government agencies have the authority of prescribing labels thus revealing their political agendas.<sup>19</sup> Mooney, as discussed above, also distinguishes the legally binding privilege of the refugee status as opposed to the descriptive term of IDP while calling IDPs as “internal refugees”, expressing how they can be refugees “if they crossed a border.”<sup>20</sup> The word “if” is important here as it establishes the primary difference and maintains the institutional hierarchy of the two terms in migration study and humanitarian law policies.

In 2018, according to UNHCR’s report, Pakistan was declared the world’s largest host of refugees, with majority of refugees hailing from Afghanistan.<sup>21</sup> Pakistan has been hosting Afghan refugees since the past three decades with the present number of refugees in Pakistan numbering approximately 1,450,000 people.<sup>22</sup> Pakistan’s generosity stems from similar religious and ethnic backgrounds shared by their populations especially with respect to the local host areas on the Pakistani side of the Durand line.<sup>23</sup> This similar interest is also pointed towards in a brief report recorded by an assistant representative of the UNHCR to the government of Pakistan in April 1980:

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<sup>18</sup> Roger Zetter, “More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization,” *Journal of Refugee Studies* 20, no. 2 (2007).

<sup>19</sup> Zetter, “More Labels, Fewer Refugees”, 189.

<sup>20</sup> Mooney, 12.

<sup>21</sup> “Pakistan World’s Largest Host of Refugees: UNHCR”, *Daily Times*, April 17, 2018

<sup>22</sup> “Pakistan World’s Largest Host of Refugees,”

<sup>23</sup> The border between Pakistan and Afghanistan.

“...By accession they (Pakistan) perhaps feel that their freedom to deal with refugee problems arising out of the above would be curtailed. The Afghan Refugee problem is treated as a special problem with favorable political and religious overtones; whereas Pakistan may not be as magnanimous as far as the other refugees are concerned.”<sup>24</sup>

The Afghan refugee crisis began after Pakistan’s pro-U.S. involvement in the Soviet-Afghan war with the Zia regime implementing a strict policy of “Islamization” thus exacerbating the rhetoric of Muslim brotherhood whilst collaborating with U.S militia and local Mujahideens.<sup>25</sup>

As shown in the above letter, the “free hand” coveted by Pakistan in its treatment of future refugees as being the reason to withstand accession to the Geneva Convention in 1980 can be witnessed today in 2018 when Pakistan despite being a “magnanimous” host to Afghan refugees is struggling with its own citizens subjected to forced displacement. This thesis will explore the nature of this “free hand” by using gender as a lens through which to view issues of identity, citizenship and displacement with regards to the 1.6 million Pashtun Internally Displaced Persons (IDPs) from North and South Waziristan since 2014. The internal displacement of the people of FATA is not a result of a current problem but is the outcome of years of exploitation and militant menace. According to Chughtai, since 9/11, Pakistan has been an integral proponent in the “War on Terror” waged by United States of America.<sup>26</sup> Since the Cold War era, when the US was against communist Russia’s invasion of Pakistan’s neighbor Afghanistan, Washington found in Islamabad a strong anticommunist ally with valuable geostrategic importance.<sup>27</sup> With India’s-Pakistan’s eternal great threat-inclination towards Russia, U.S and Pakistan entered into a relationship where neighboring areas of Pakistan like FATA were used in return of international validation and

<sup>24</sup> S.S Wijeratne to the Office of the High Commissioner of UNHCR, April 20, 1980, UNHCR Archives

<sup>25</sup> Naz, “Women in Conflict,” 18.

<sup>26</sup> Muhammad Waqas Chughtai, “The Impact of Rising Terrorism and Military Operations on Socio Economic Culture of Federally Administered Tribal Areas (FATA) of Pakistan,” <http://frc.com.pk/wp-content/uploads/2013/07/2.pdf>

<sup>27</sup> Hassan Abbas, introduction to *Pakistan’s drift into Extremism: Allah, the Army, and America’s War on Terror*, (New York: Routledge, 2005).

unprecedented military aid.<sup>28</sup> Abbas, in his book provides a historical analysis of the relationship between the super power and the third world country, which was at its peak during the military dictator Gen Zia-ul-Haq's regime in Pakistan. This was the era when Pakistan colluded with the US and entrenched itself with the creation of Madrasas (religious seminaries) where the religious concept of Jihad (religious war) was manipulated and young Muslim men were motivated to fight the holy war against "an infidel communist aggressor", giving rise to radicalism, "Kalashnikov Culture" and the drug trade.<sup>29</sup> After winning the war, the US military left Pakistan but the poisonous seeds of extremism and militant factions had been sown too deeply in FATA, overtaking the lives of the residing Pashtun community and exposing them to decades of militant insurgency.

Moreover, according to Ayesha Siddiq, the author of "Military Inc.: Inside Pakistan's Military Economy", and a strong critic of the military muscle of the country, the leftover militant factions, instead of being removed from FATA were nurtured and protected by the Pakistani military to strengthen its future "bargaining position"<sup>30</sup> with the US. As long as the militant factions and terrorist groups do not attack Pakistani soil, the military will protect them under the label of "good Taliban", a policy which is vehemently denied by the military.<sup>31</sup> "Friendly militants" like Lashkar-e-Taiba (LeT), Jamaat-ud-Dawa (JuD), and Jaish-e-Muhammad (JeM)<sup>32</sup> are instrumentalized to compete with Indian presence in Afghanistan along with being used as a ploy of intimidation in the Kashmir matter. Due to the military's "good Taliban, bad Taliban" policy, FATA has been marred with violence and has witnessed many military operations, from as

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<sup>28</sup> Ayesha Siddiq, "Pakistan's Counterterrorism Strategy: Separating Friends from Enemies," *The Washington Quarterly* 34, no. 1, (2011).

<sup>29</sup> Abbas, "Pakistan's Drift into Extremism", 11.

<sup>30</sup> Siddiq, "Pakistan's Counterterrorism Strategy", 149.

<sup>31</sup> Siddiq, 152.

<sup>32</sup> Siddiq, 154.

early as 2001<sup>33</sup> which has destroyed its socio-economic life forcing the community to leave their homes and seek refuge in safer parts of the country.

This M.A thesis will be focusing on the sudden surge in the displaced population from 2014 when around 1.6 million Pashtuns were displaced for the execution of the military operation Zarb-e-Azb which garnered national support after the militant attack on Karachi Airport on 8th June, 2014, leading to its launch in Northwestern Pakistan, notorious locally and internationally for harboring terrorist factions, especially the good Taliban, thus portraying a shift in Pakistan military's policy when the security of the center was challenged.

A decade after active military presence in the frontier regions (FATA), because of which armed conflict was rampant and a growing number of IDPs was at large, in 2014 the government decided to change the label of IDP to Temporarily Dislocated Persons (TDPs),<sup>34</sup> an original term masking their political agenda of “denying the very existence of IDPs”<sup>35</sup> to maintain the façade of the situation being under control. A letter was issued by the Foreign Office to the Fata Disaster Management Authority and Provincial Disaster Management Authority, Khyber Pakhtunkhwa and other state entities to substitute the term IDP with TDP in all official communications, recorded and otherwise. According to the spokeswoman of the FO, this move is justified by using the institutionalized definition of the term IDP which popularly implies a displaced population because of “war or conflict” as a “legal term.”<sup>36</sup> She pressed on by saying, “These people (IDPs from Fata) have not been displaced as a result of war or occupation of their area. Our law-enforcement

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<sup>33</sup> List of military operations: Operation Enduring Freedom (2001-2002), Operation Al Maizan (2002-2006), Operation Zalzala (2008), Operation Sher Dil, Rah-e-Haq and Rah-e-Rast (2007-2009), Operation Rah Nijat (2009-2010), Operation Zarb-e-Azb (2014-2016) and Operation Radd-ul-Fasaad (2017-2018).

<sup>34</sup> Zulfiqar Ali, “Call IDPs Temporarily Dislocated Persons, Govt Agencies Told,” *Dawn*, September 13, 2014, dawn.com/news/1131711

<sup>35</sup> Paolo Verme, “The Economics of Forced Displacement: An Introduction,” *Région et Développement*, no. 44, (2016): 155.

<sup>36</sup> Ali, “Call IDPs.”

agencies have started action in tribal areas to re-establish writ of the government that is why affected population of Fata should be called TDPs and not IDPs.”<sup>37</sup> This comment embodies the political agenda of the government of Pakistan with special emphasis on the directives from the Foreign Office, indicating state’s priority to be Pakistan’s image in world politics.

The fear of appearing as a “failed state,”<sup>38</sup> which is also currently seen as a “major driving force” of unprecedented numbers of refugees and displaced populations is manipulating an entire narrative on displaced persons who *are* displaced because of indomitable conflict and war on terror fought in the tribal areas since 2001. Furthermore, dislocation also absolves state authorities from treating the issue as an existential threat to state sovereignty and safety. According to a news piece by Dawn Pakistan, Islamabad-based expert of international humanitarian law, Dilawar Khan, who also served the United Nations International Criminal Tribunal for the former Yugoslavia shared that the term TDP has never been used before nor is it justifiable or legal as the word temporarily cannot be used for displacement which has no given “fixed timeframe for repatriation.”<sup>39</sup>

For this thesis, I will be using the term Internally Displaced Persons instead of Temporarily Displaced Persons as implemented by the state of Pakistan as a form of academic protest to the hegemonic control of the state government and military on the power of naming as Dworkin discussed to be one of the seven tenets of patriarchy<sup>40</sup> which can be seen functional in its protectionist bubble. Despite an official term being coined to veil the one-sided political agenda of the state, National Assembly debates as current as 2016 and 2018 still use the term IDPs instead of TDPs which shows that technical terms are only part of a bureaucratic procedure to manipulate

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<sup>37</sup> Ali, “Call IDPs.”

<sup>38</sup> Zetter, 177.

<sup>39</sup> Ali, “Call IDPs.”

<sup>40</sup> Andrea Dworkin, “Power,” in *Pornography: Men Possessing Women*, (London: The Women’s Press Ltd, 1981): 17.

“clear cut labels and categories of the often complex mix of reasons” of migration and forced migration and displacement thus making the “asylum-migration nexus” a black and white institutional issue.<sup>41</sup>

## 1.2 Research Methodology and Theoretical Framework

For this M.A thesis, I hold the position of a “halfie researcher” as expressed by Subedi, who does justice in explaining the in-between status, exacerbated by “contradicting identities” within oneself – a negotiation of “insider and outsider identities.”<sup>42</sup> Subedi’s analysis bridges the gap between my half-Pashtun identity and the subject of displacement, something I have not experienced owing to my metropolitan status.

The main aim of this thesis would be to, perhaps, emulate an informed and sensitive researcher, not a provider of a dubious and shallow something that would “fill a vacuum”, left by the silence and the unsaid.<sup>43</sup> Behar, being an anthropologist, effectively questions our presumptuous synonymizing of people and their customs,<sup>44</sup> something that I would like to do in this research. Dodd, also makes the point of signifying the importance of a single narrative to reveal the changes of social change in a society, without having to synonymize both, thus maintaining the integrity of both concepts as independent yet not distant. By revealing the changes in the “self, family, occupation and locality”, areas of social narratives experiencing a transformation-subtle or otherwise-can also be gauged.<sup>45</sup>

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<sup>41</sup> Zetter, 178.

<sup>42</sup> Binaya Subedi, “Theorizing a ‘Halfie’ Researcher’s Identity in Transnational Fieldwork,” *International Journal of Qualitative Studies in Education* 19, no.5, (2006), 587-589.

<sup>43</sup> Ruth Behar, *The Vulnerable Observer: Anthropology that Breaks your Heart*, (Boston: Beacon Press, 1996).

<sup>44</sup> Behar, *The Vulnerable Observer*, 4.

<sup>45</sup> Lindsey Dodd, “Small Fish, Big Pond: Using Oral History Narrative to Reveal Broader Social Change,” in *Routledge Guide’s to Using Historical Sources-Memory and History: Understanding Memory as Source and Subject*, ed. Joan Tumblety (Abingdon Oxon: Routledge, 2013), 35.



The issues unveiled above need the utmost of academic attention, as present research is failing to even address Pashtun women as a separate category, let alone creating independent work on their present state defined by forced displacement. This research would highlight the nuances of characteristics that make a Pashtun woman, depending on socio-economic circumstances so as to investigate a separate and distinct experience of displacement experienced by IDP women from North and South Waziristan, Pakistan.

The methodology used for this thesis is interdisciplinary as I would be making use of two interviews conducted with social activists, who have been involved with the story of displacement in different ways. The first interview was conducted with Rukhshanda Naz, a social and women's rights activist from Pakistan, who in collaboration with members of Khwendo Kor (KK), a local NGO solely dedicated to the rehabilitation and care of women in FATA, consolidated a report focusing exclusively on the experience of female IDPs in FATA. This report was co-edited and published by the Women's Regional Network, an INGO dedicated to the propagation of women's rights and activism in Pakistan, India and Afghanistan. The second interviewee was Tooba Syed who shared her experiences as a social activist and opinion-leader, actively working for a progressive social movement revolving around Pashtun emancipation, which will be explained in the later chapter. Both interviews were important as they demonstrated the "material realities"<sup>46</sup> foregrounded in their statements disclosing their own positionalities in contrast to the Pashtun women. Owing to geographical limitations, I was not able to conduct fieldwork with female Pashtun IDPs. Therefore, these two interviews enabled me to understand the "social realities" that

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<sup>46</sup> Siegfried Jäger and Florentine Maier, "Theoretical and Methodological Aspects of Foucauldian Critical Discourse Analysis and Dispositive Analysis," in *Methods for Critical Discourse Analysis*, ed. Ruth Wodak and Michael Meyer, (London: Sage Publications, 2009), 36.

are currently shaping this discourse in a local context. The “choice of narrators”<sup>47</sup> was essential, as despite the limitations, I wanted to include active participants who were directly related to the situation and had close contact with female Pashtun IDPs. This enabled me to observe the patterns in their statements, thus disclosing the power relations that produces discourse.<sup>48</sup> This critical method of reading was further extended to the analytical evidence.

The aim of this thesis is to construct a narrative showing the many problems currently faced by female Pashtun IDPs while juxtaposing these trials with a historical analysis of Pashtun space, law and culture with respect to colonial influence and military control. The current situation of female Pashtun IDPs can be seen as a case study to engage deeply with the issue of internal displacement, extra-constitutional existence, and female experiences within migration studies. The topic is very challenging as many themes intersect and collude, enabling this to be an intersectional analysis ranging from displacement, loss, citizenship to cultural stereotyping, sovereignty and ethnic baggage in the 21<sup>st</sup> century.

For this purpose, I will be deriving the analytical evidence from two reports consolidated by local activists and academics. Owing to the creation of a new uncertain category of the displaced population connoting temporality and manageability, the responsibility of the IDP is shouldered heavily by the military. Due to the operation Zarb-e-Azb and the paramount military presence in said areas, most camps and rehabilitation operations were conducted and supervised by the military with the military policing the presence of INGOs and local NGOs in the areas by not issuing No Objection Certificates (NOCs) to most of the organizations. Naz’s report will be used for data and personal narratives that were collected by using the method of community conversations which it

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<sup>47</sup> Valerie Raleigh Yow, *Recording Oral History: A Guide for the Humanities and Social Sciences*, (California: AltaMira Press, 2005), 198.

<sup>48</sup> Yow, *Recording Oral History*, 209.

enabled an inclusion of the voices of female IDPs rather than being an impersonal collection of stats and figures. Naz also vehemently criticized the military and government's actions such as the exploitation of institutionalized terms (TDPs) and the strict methods implemented to discourage INGOs from coming to FATA with her getting the NOC after rigorous efforts and her affiliation with Khwendo Kor which is a local NGO working specifically in the said area (Naz 2017). Despite the criticism, the launch of her report was well-received and attended by many dignitaries from the government and military.

Kiren Aziz Chaudhry, a Political Science professor at University of California, Berkley also consolidated a report on the economic and repatriation policies affecting resettled IDPs in Swat and current IDPs in Peshawar and Bannu (host communities) in collaboration with the International Growth Centre at London School of Economics and funded by UKAID.<sup>49</sup> Her report which was made with the help of an investigative team featuring local students, researchers and journalists, elucidates the ineffective repatriation policies implemented by the civil government and military, making IDPs more vulnerable. She also used the term IDP instead of TDP which is necessary in reclaiming the narrative of displacement which belongs to the IDPs of FATA despite governmental efforts to gloss over the gross violations to their fundamental rights as humans and citizens of Pakistan. Both reports are based on fieldwork done in the affected areas and attempt to include the voices of the IDPs. However, by the virtue of being reports, the said sources do not theoretically engage with the subject and lean more towards presenting statistics and figures along with policy-based recommendations for the relevant institutions to take upon. Despite these limitations, their contributions cannot be underestimated. In 2015, I worked with Next Generation

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<sup>49</sup> Kiren Aziz Chaudhry, *Economic Calculation and Strategies among Resettled IDPs (SWAT) and Current IDPs (Peshawar and Bannu)*, Pakistan: London School of Economics and UKAID, November 2015.

Pakistan (NGP), a grassroots organization run by young Pakistani individuals, to fundraise essential food packages to help those residing in camps in Bannu and D.I Khan, the host communities. Despite the fact that all of the participants, including me, had Pakistani citizenship and documented proof, it was not possible for us to go to the affected areas and interact independently with the IDPs as the area was under constant military surveillance with the army officials accepting the fundraised items and then distributing it themselves to those affected. Therefore, I can imagine the painstaking efforts that these two academic-activists must have gone through despite having the right documentation, intentions and research acumen.

Therefore, I will be critically engaging with the reports and conducting an investigative research supported by a theoretical framework exposing the politics of displacement. The theoretical framework of Agamben's State of Exception<sup>50</sup> is used to draw parallels between FATA, an extra-constitutional spatial category within the territorial boundaries of Pakistan as a space hit with perpetual turmoil with the Roman state of emergency referred to by Agamben in order to create this very state of exception where regular laws cannot be implemented. The analogy is very interesting because it connects a western historical political paradigm with a current political scenario in the "Global South". This state of exception fits well with the aim of the thesis to demonstrate FATA as a space firstly used by the colonial masters and then the government and military of Pakistan as a space where "logic and praxis blur with each other and a pure violence without logos"<sup>51</sup> can be implemented to maintain hegemony of the changing sovereign. The state of exception is maintained by the implementation and maintenance of the FCR as a "norm" or rule of law around which a "normal sphere" is constituted but simultaneously creates an exception by

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<sup>50</sup> Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: The University of Chicago Press, 2005).

<sup>51</sup> Agamben, *State of Exception*, 40.

its very implementation. The exception can be seen in the unconstitutional clauses of the FCR which however have been enforced under the observance of the constitution of Pakistan.

This state of exception then creates the space where the Homo Sacer<sup>52</sup> can be perceived and understood. Agamben speaks of the distinction between *zoê* as the simple/biological life and *bios* as the political/qualified life to decipher the meaning of life lived and comprehended.<sup>53</sup> By extrapolating on this categorization, he further explores the archaic category of the Homo Sacer, someone who can be killed but not sacrificed. The distinction, though nuanced, is very important to comprehend the precarity with which vulnerable beings are met with in a systemic structure. Pashtun women have been limited to their biological life or bare life, with their lives being under the direct control and surveillance of state and tribal laws and their faulty implementation. Through many practices such as honor killing and Walwar, which will be explained in detail in the coming chapters, the female body is exposed to vulnerability and death by using it as a totem of honor or is placed in the double exclusion by maintaining her absence from decision-making bodies and legalities but cannot be sacrificed as the perceived notion of religion and state laws do not allow human sacrifice. The motive is not to impose the theory on female IDPs as the epitome of oppression and powerlessness but to expose the vitality of their lives amidst the chaos of being the personification of tribal honor, state liability and the survivor of forced migration.

In building a theoretical framework, I am drawing from discourses on identity and citizenship to understand how we deal with the question of vulnerable IDP women within the displacement-migration nexus. Despite the presence of credible reports presenting hard facts and figures on the IDP crisis faced by Pakistan, collected by days spent in rigorous fieldwork, it is still

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<sup>52</sup> Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller Roazen (Stanford: Stanford University Press, 1998).

<sup>53</sup> Agamben, *Homo Sacer*, 1.

impossible to calculate the real number of the displaced population as most of the displaced persons did not make it to the official camps and resided elsewhere and thus are unaccounted, according to the Internal Displacement Monitoring Centre. This is so because many families from North Waziristan found it more affordable to cross the border to Afghanistan, an issue which was completely overlooked by the military and the state and thus caused forced migration of innocent civilians.<sup>54</sup>

Therefore, most of the locals who could not make it to the camps, also failed to get registered with the working bodies to receive welfare by the military and the state and get accounted for in the system. It was also easier for a major number of them to cross the border because many were undocumented and did not hold the national identity cards (CNIC) in possession of every citizen of Pakistan above the age of 18. After the floods of 2010, a vast number of the affected population was issued “Watan Card,”<sup>55</sup> which initially was a card to claim a one-off payment as compensation for the damage to life and property but soon transformed into as a natural replacement for a CNIC with the people’s movement in and out of the areas becoming dependent on the cards. The metamorphosis of the Watan Card into a passport embodied the state “expropriate(ing) the legitimate means of movement”<sup>56</sup> as John Torpey argues in his work exploring the nuanced nature of movement, borders and identity. As he argues that people have become dependent on their states for the possession of an “identity,”<sup>57</sup> it opens the many questions of identity itself and in relation to state-issued and sanctioned documentation which proves, establishes and maintains your connection to the sovereign state of which you are an inhabitant.

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<sup>54</sup> Naz, 12.

<sup>55</sup> “Watan Cards to be Replaced by CNICs in FATA”, *Dawn*, February 16, 2018.

<sup>56</sup> John Torpey, “Coming and Going: On State’s Monopolization of the Legitimate Means of Movement,” *Sociological Theory* 16, no. 3, (1998): 239.

<sup>57</sup> Torpey, “Coming and Going,” 239.

By borrowing the Panopticon from Foucault, he further extrapolates how the manipulation of documentation creates a “typology of papers” which weaves together an identity situated in those very documents creating individuals “processed and constituted as administrative subjects of states.”<sup>58</sup>

This typology is one of the “technologies of power” that controls a group of people by codifying their being in a “field of the biological that power controls.”<sup>59</sup> An example of this has been lived by me as a student-migrant living on a different continent. On every bus station, at the sight of a policeman, for any bank visit, even during a late night in the city, my hand automatically goes to my passport, checking it sporadically to ensure that I have proof of my legal existence to validate my innocuous endeavors that make up a regular life of a student. A substantial amount of literature has been produced on migrant illegality and deportability like the works of Nicholas P. De Genova,<sup>60</sup> which reflects on the vulnerability that migrants are exposed to by the virtue of their status of not quite belonging to a country of residence, but popular literature mainly focuses on illegal migrants in the U.S. As a student in Hungary for almost a year, I possess a residence permit granted by the Hungarian immigration office, but my nationality gives me my identity and thus legitimizes the space I occupy in this world. Therefore, the typology of papers in principle is perhaps the same, bearing similar consequences, but the origin differs as per the context. Ratna Kapur explores the creation of identities after the partition of the Indian sub-continent which produced the very “tools of citizenship” which were “forged on the anvil of the Empire.”<sup>61</sup> The

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<sup>58</sup> Torpey, 248.

<sup>59</sup> Michel Foucault, “Lecture Eleven (17 March 1976),” in *Society Must be Defended: Lectures at the Collège De France 1975-1976*, (Picador, 2003), 255.

<sup>60</sup> Nicholas P. De Genova, “Migrant Illegality and Deportability in Everyday Life,” *Annual Review Anthropology* 31, (2002): 419.

<sup>61</sup> Ratna Kapur, “The Citizen and the Migrant: Postcolonial Anxieties, Law, and the Politics of Exclusion/Inclusion,” *Theoretical Inquiries in Law* 8.2, (2007): 543.

partition of the subcontinent gave rise to two nations, India and Pakistan, which were divided on the basis of irreconcilable ideological, religious and cultural differences, taken to be the makeup of different identities. As Kapur states, the “divide and rule” policy of the Imperialists to perpetuate different identities in the subcontinent gave rise to the penchant need of acquiring different citizenships as well. This very difference legitimizes the need of asking and answering the question of who belongs and who does not, constituting the very need of having identities “anchored in law and policy.”<sup>62</sup>

The status of the refugee, as discussed above, is known to be prized within this nexus owing to having a legal definition and international organization dedicated to their rehabilitation; their competence and effectiveness not being the subject of the thesis. However, the IDP is vulnerable within his/her own territorial borders, residing in a grey zone. What makes the case of the female Pashtun IDPs special is the two words before IDPs in this very sentence: female and Pashtun. Chaudhary in her report, calls FATA a “juridical category, not a socio-political reality,”<sup>63</sup> thus reflecting on this semi-autonomous area encompassing of seven tribal agencies in Northwestern Pakistan, over which little literature has been produced. It is commonly known to be a highly orthodox and conservative society, run by a Pashtun code of honor, facilitated by a quasi-judicial status, called the Jirga system, headed by Pashtun elder men. Legally, the Frontier Crimes Regulation - a slightly revised version of the set of rules established by the imperial rulers during colonization of the subcontinent – was governing the area with a political representative (read bureaucrat) being the “authority”, but only on paper as the jirga system is not only popular but authoritarian enough to issue the last verdict.<sup>64</sup> However, on May 24, 2018, after painstaking

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<sup>62</sup> Torpey, 246

<sup>63</sup> Chaudhry, “Economic Calculations and Strategies”, 3.

<sup>64</sup> Chaudhry, 3.



efforts from political activists and Pashtun nationalists, the government has finally integrated FATA with the province of Khyber Pakhtunkhwa with the area finally coming under the jurisprudence of the constitution and government of Pakistan.<sup>65</sup> A 5-10 years plan has been proposed in the National Assembly to ensure the successful mainstreaming of FATA which has existed on the periphery of legality for over 70 years.

The following chapter discusses in greater detail the nuanced nature of the Frontier Crimes Regulation, its history, clauses and impact on the Pashtun tribe especially in relation to the code of Pashtunwali and its subjection to stereotypes within and outside the state of Pakistan as a mysterious and primitive code of tribalism controlling a mysterious borderland. The “zone of absolute indeterminacy between anomie and law,”<sup>66</sup> that FATA has been projected as since the last 70 years of independence needs to be investigated in relation to the creation of identities and distorted forms of citizenship that the Pashtun has been made to bear in Pakistan. FATA being exposed to death by using it as a hub of militant factions and then making it bear the consequences of enforced displacement for the strengthening of the center without making it a sacrilege needs to be academically explored to acknowledge the nuances that create bodies and their perceptions and identities with respect to themselves and their environment which will be done in the next chapter.

The third chapter focuses on the specific experience of displacement and forced migration for Pashtun women, as well as the policies of the civil government and military and the militant protectionist nature of the repatriation policies which instead of helping the community are constructing a convoluted narrative, not only limiting but label the experience of the IDPs. The gendered bias of the policies and the absence of women from the decision-making table will be

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<sup>65</sup> Amir Wasim, “Senate Approves KP-FATA Merger Bill by 71-5 Majority,” *Dawn*, May 25, 2018, <https://www.dawn.com/news/1409936/senate-approves-kp-fata-merger-bill-by-71-5-majority>

<sup>66</sup> Agamben, *State of Exception*, 57.

elaborated on so as to reclaim the narrative and the future. Lastly, in the fourth chapter, a social movement initiated by a displaced Pashtun man will be highlighted with respect to the involvement of women and their activism. The movement did not only limit itself to FATA but held large processions in the metropolitan cities like Lahore and Karachi, garnering support from all over the country. However, the movement was labeled as “anti-state” by the military as its primary demands raised the questions of illegal detaining, enforced disappearances, lack of effective repatriation policies and land mines which will be further explained in the third chapter. The chapter would also touch upon the FATA-KP merger and the future of the Pashtun community and Pashtun women and its practical outcomes followed by the conclusion.

I position myself in the research as an academic, a “third world” feminist and a half Pashtun. Shahnaz Khan, a third world feminist hailing from Pakistan but residing in Canada, locates herself as one of the “native informants” of her research on Pakistani women and the Hudood Ordinance.<sup>67</sup> I would like to borrow her model to try to come to terms with the expectations I and the readers of this research have. By quoting Uma Narayan, Khan expresses the positionality that third world feminists are subjected too, especially when writing from a first world, with the pressure of feeling “forced to give an account” of one’s own self.<sup>68</sup> I would like to use this research as a way of refuting the customary labeling of third world feminists and appropriation of their voices, making them “complicit” in producing stereotypical knowledge of the other. Like Shahnaz Khan, who felt the double-edged sword of proving her authenticity to the women she was researching with and simultaneously adhere to the standards of research taught to her in Canada, where a majority of her audience was situated, I too feel like I have the fear of

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<sup>67</sup> Shahnaz Khan, *Zina, Transnational Feminism, and the Moral Regulation of Pakistani Women*, (Vancouver: UBC Press, 2006), 17.

<sup>68</sup> Khan, Zina, *Transnational Feminism*, 20.

“museumizing”<sup>69</sup> the oppression that is so easily expected of third world women. However, for this challenge I will be taking help of another third world feminist, Chandra Mohanty so that I too can not only show but academically investigate and engage with the political, social and economic nuances of the issues that female Pashtun IDPs tackle as part of their experiences.

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<sup>69</sup> Khan, 21.

## 2. Historical Analysis of FATA and the Pashtun Community in the Indian Subcontinent

The matter of internal displacement is deeply complex due in part to the power dynamics that exist between the state and the subject. In the case of those migrants with which this chapter is concerned, they are legal citizens of a sovereign state in which they are displaced. This means that although they are citizens of the state and exist within the territorial boundaries of the very state that essentially promises them fundamental rights in its constitution, they are legally confined to the status of ‘displacement,’ which restricts both their movement and their access to state services.<sup>70</sup> In the case of Pakistani Pashtuns, they are considered to be internally displaced persons, or IDPs, within their own nation-state. Although there is recently a spike in numbers regarding how many Pashtuns are displaced, the issue of their displacement and marginalization within the state is not limited to the current situation and has much longer roots within the history of how the modern Pakistani nation-state has developed. The fact that the category of the IDP in Pakistan has not become the fate of a popular ethnic group or provincial section but has landed on the shoulders of an already-marginalized ethnic group, residing outside the realm of the constitution of Pakistan, cannot be trivialized.

This chapter will explore the colonial and post-partition treatment of the geographical area of FATA, which is currently experiencing one of the worst cases of forced migration. A conversation on FATA, its people and the modern-day atrocities they are subjected to cannot be continued nor can it be done justice to without an exploration of the historical, legislative, and state-monitored separatism and oppression implemented and maintained. A community which was

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<sup>70</sup> Protecting Internally Displaced Persons: A Manual for Law and Policymakers. Bern: Brookings Institution—University of Bern, 2008.

instrumentalized by the imperialists for their personal gains, made into an exaggerated caricature of the orientalist fantasies, then recognized by the ongoing pre-partition politics of the 1940s by the virtue of their religion only, cannot be simply declared as internally displaced now; the tradition of oppression cannot be missed. A brief history of FATA accompanied by the manipulation of tribal codes will support the argument of female Pashtun IDPs of not only bearing the burden of displacement but also being subjected to exploitation at first by the colonial masters and then the state itself. However, before mapping the historical trajectory of the people and politics of FATA, I will first highlight the norms and mores that the Pashtuns have been emulating since centuries like many tribes propagate and adhere to their customs and traditions. My aim here is to provide adequate context that will help the reader to imagine the people, what they stand for, and to what identity they most relate as well as how it is juxtaposed with the imposed identity provided by the state.

## 2.1 Pashtun and Pashtunwali

Referred to as the “crossroads of Civilizations”<sup>71</sup> owing to its geostrategic importance in the subcontinent, the region now called Federally Administered Tribal Areas (FATA) embodies a challenging topography. From famous rivers like the Kabul and Swat to the legendary Khyber Pass, also known as the “monarch of Passes” in the Hindu Kush mountain range, the region on the Pakistani side of Durand Line is dominated by “rugged mountains” and “lush green valleys”, “ancient caravan routes” and “high passes.”<sup>72</sup> The popular languages spoken in FATA are Pashto

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<sup>71</sup> Salman Bangash, *The Frontier Tribal Belt: Genesis and Purpose under the Raj*, (Karachi: Oxford University Press, 2016), 6.

<sup>72</sup> Bangash, *The Frontier Tribal*, 7.

and Hindko with a lesser known language called Urmari spoken in southern Pakistan.<sup>73</sup> The tribal province during the colonial years constituted “five ‘settled’ districts (Bannu, Dera Ismail Khan, Hazara, Kohat and Peshawar) and five tribal agencies (Dir-Swat-Chitral, Khyber, Kurram, North Waziristan and South Waziristan),” whereas there currently consists of seven Agencies: Mohmand, Khyber, Kurram, Orakzai, Bajaur, South Waziristan and North Waziristan, and six Frontier Regions (FRs namely FR Peshawar, FR Kohat, FR Tank, FR Banuu, FR Lakki and FR Dera Ismail Khan<sup>74</sup> (Khokar, Abbasi and Jafar 2014). A defining factor in the region is the number of different tribes residing in the area. According to Bangash’s analysis of the tribal belt, the Pashtuns have one of the largest tribal communities living in the area. Pashtuns and Pakhtuns is used synonymously and is more of a dialectical difference than one based on meaning. Despite popular opinion, the Pashuns that are settled in the tribal belt between what is now Pakistan and Afghanistan are in no way homogenous and are instead divided in four main groups: Sarbans, Baitans, Ghorghushts and Karlans.<sup>75</sup> In all, there are sixty major tribes, though eleven are the most populous, with approximately 400 sub-clans<sup>76</sup> living in the tribal belt who are connected to Diasporas around the world. Despite a growth rate of 2.7% recorded in the 1998 census, there has been a marked decline in the population of FATA because of “massive displacement.”<sup>77</sup> In 1998, the population of FATA was recorded to be 3.18 million. The Pakistan Bureau of Statistics faced many problems during the census of 2017, especially because the organization did not create a

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<sup>73</sup> Noel I. Khokar, Manzoor Ahmad Abbasi, and Suleman Shahid, “FATA: Geography, History and Culture” in *Evolving Dynamics of FATA: Reflections on Transformations*, ed. Noel I. Khokar, Manzoor Ahmed Abbasi and Ghani Jafar (Islamabad: National Defence University and The Centre for Pakistan and Gulf Studies, 2014), 16.

<sup>74</sup> Khokar, Abbasi and Jafar, 9.

<sup>75</sup> Banghash, 11.

<sup>76</sup> “Khul, Khel, Kaum and Tribes,” Global Security.org, accessed June 10, 2018, <https://www.globalsecurity.org/military/world/pakistan/pashtun-tribes.htm>

<sup>77</sup> Zulfiqar Ali, “Demographic Changes in Fata to Make Census Report Questionable,” *Dawn*, June 12, 2017, <https://www.dawn.com/news/1338986>

system to count those who had fled the area and moved to bigger cities.<sup>78</sup> Moreover, the current numbers are difficult to verify since the most recent population census of 2017 after 1998 has not been disclosed to the public as of yet.

Almost all tribes adhere to the principles of the unwritten moral code of Pashtunwali or Pakhtunwali, which is loosely translated as “the way of the Pashtuns,” and presides over all communal and personal activities “from cradle to the grave.”<sup>79</sup> Owing to their tribal origins, critics both within Pakistan and in the broader international community conveniently label the code as something exotic or incomparable to modern day legal practices. Bangash, however, points out that like “English common law, Pakhtu or Pakhtunwali rests on a mixture of custom, precedent and tradition.”<sup>80</sup> The code Pashtunwali is also commonly mistaken as an outcome of orthodox religiosity or a historical embodiment of the true adherents of Islam and Shariah whereas a longer history reveals the origins of the code as predating Islam across the subcontinent, where it “codifies the myth and legend of Pukhtoon (Pashtun) ethnicity.”<sup>81</sup> Therefore, the Code can be seen as a “series of creed and tenets”<sup>82</sup> focusing on the way of the Pashtuns and their everyday lives: the thing that sets them apart from other ethnicities.

According to a recent report on FATA reforms prepared by senior journalists and ex-bureaucrats for one of the biggest newspaper and electronic media agencies in Pakistan, *Dawn Newspaper*, the ethnic community is described in the following terms: “Pakhtun society — and the tribal region in particular — is based on the rule of elders known as gerontocracy. Tribal elders

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<sup>78</sup> Ali, “Demographic Changes.”

<sup>79</sup> Bangash, 13.

<sup>80</sup> Bangash, 13.

<sup>81</sup> Noor Akbar, “Women Rights in FATA Pakistan: A Critical Review of NGOs’ Communication Strategies for Projects’ Implementation,” (PhD diss., University of Tromsø, 2010), 10.

<sup>82</sup> Bangash, 14.

exercise power with the consent of co-tribesmen, forming a unique representation through collective leadership.”<sup>83</sup> Furthermore, it is possible to break down the code into the following ideals: Nang (Honor), Badal (Vengeance), Melmastia (Hospitality), Nanawatey (Supplication), and Jirga (Assembly of the Elders, all of whom are male).<sup>84</sup> Not dissimilar to Islamic jurisprudence, honor is a central theme that runs through the above ideals, and a defining feature of Pashtunwali. Honor, in this way, is defined according to kin and tribal bonds, where the public lives of individuals are scrutinized as a policing mechanism of the communities in which they live. Closely associated with the ideal of honor is the obligation towards hospitality and the protection of fellow kin and tribal members. The principle of revenge fuels tribal rivalries and feuds which are multigenerational<sup>85</sup> and gendered according to a differential code of behavior for men and women. The notion of revenge however, should not be limited to the literal English definition of the term, but instead understood within a system of justice that stems from the desire to maintain a state of peace by creating a balance of power across both parties, one of the tenets of the code. Jirga is the assembly of elder men of a tribe who work as a quasi-judicial court, addressing personal and social grievances, disputes and make the big decisions on a collective level.<sup>86</sup> They demand the utmost of respect and honor with their word being the final after God’s, thus validating the practice of gerontocracy. Hujra<sup>87</sup> is referred to a communal place for men and women, under the principle of segregation where both go about their daily activities.

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<sup>83</sup> Mushtaq Jadoon, “The Tribal Tale” in The FATA Merger-Towards a Brave New World,” *Dawn*, May 24, 2018, <https://www.dawn.com/news/1333925>

<sup>84</sup> Khokar, Abbasi and Jafar, 18.

<sup>85</sup> Rahimullah Yousafzai and Asadullah Khan, “Militancy in FATA: The Cultural and Religious Dimensions,” in *Evolving Dynamics of FATA: Reflections on Transformations*, ed. Noel I. Khokar, Manzoor Ahmed Abbasi and Ghani Jafar (Islamabad: National Defence University and The Centre for Pakistan and Gulf Studies, 2014), 116.

<sup>86</sup> Khokar, Abbasi and Jafar, 19.

<sup>87</sup> Khokar, Abbasi and Jafar, 18.



The spelling out of cultural mores is important to imagine the lives of the Pashtun community and not corroborate cultural practices and customs with militancy. The Pashtun community values its customs, with social structures dependent on their existence and observance. This has an economic impact on the social lives of the community members as well. Expenses are usually shared by each village in order to maintain equality and a rugged lifestyle based on hard work as is the case with most agrarian societies. According to Ross there is now a difference between idealized Pashtunwali values and the current practice of Pashtun values as the idealization stems from “highly contingent, materially difficult lives.”<sup>88</sup> With many Pashtuns migrating to bigger cities and gulf countries to earn a decent livelihood and support families back home or moving towards more entrepreneurial pursuits, idealized Pashtunwali is becoming difficult to adhere to. It can be said that poverty can lead to greater dependency among the community, strengthening tribal ties and way of life.

It is this very “tribalism” or local of honor that was mythologized and made the nucleus of most colonial writings about the north-western frontier. Bangash lists down many imperialists who penned down their observations on the Pashtuns, molding them as “courageous and admirable, or as perfidious scoundrels.”<sup>89</sup> Richard Temple, Secretary to the Chief Commissioner of Punjab, wrote in his official report, “they are superstitious and priest-ridden...they are very avaricious...they are thievish and predatory to the last degree...they are fierce and bloodthirsty. ... They possess gallantry and courage themselves and admire such qualities in others.”<sup>90</sup> One of the leading Punjab administrators Denzil Ibbetson did not mince words and said, “the Pathan is perhaps the most barbaric of all the races...he is bloodthirsty, cruel and vindictive in the highest

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<sup>88</sup> Robert Ross, “Pashtunwali and the American Military,” (MA diss., Georgetown University, 2010), 16.

<sup>89</sup> Bangash, 19.

<sup>90</sup> Bangash, 19.

degree.”<sup>91</sup> However, many anthropologists and historians expressed their discomfort with the propagation of vile stereotypes of the Pashtuns and deemed it as a “reflection of particular historical colonial situations,”<sup>92</sup> manipulated to validate their administrative policies. The Pashtun man, although, has been the muse of many colonial accounts of FATA but Pashtun women have seldom made an appearance in the colonial literature.

This section was integral in establishing the importance of the code of ethics and laws that the Pashtun society still follows because it is the identity that stems from their ways that they hold on to rather than the war-driven religious fanatic painted in colonial accounts. Moreover, this will allow a better contextualization of the pre and post partition treatment of the geographical space and the people residing within it. The next section takes the historiography forward, focusing on the manipulation of this very identity by Imperialists to make FATA useful to the empire by legalizing its status as an extra-judicial category.

## **2.2 Mapping a Brief History of FATA under the British Raj**

The Indian subcontinent is an integral part of postcolonial studies as it was formally colonized for almost two hundred years under the British Crown after facing multiple invasions from neighbors and other imperialists of the time, like the Dutch and Portuguese forces. “Alexander the Great, Genghis Khan, Tamarlane, Mahmud Ghaznavi and Emperor Babur”<sup>93</sup> invaded the Indian Subcontinent via the tribal areas bordering Afghanistan and housing a variety of Pashtun tribes dispersed in both regions. Although the British forces entered India through

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<sup>91</sup> Bangash, 19.

<sup>92</sup> Bangash, 21.

<sup>93</sup> Khokar, Abbasi and Jafar, 8.

Bengal “with a charter to trade”<sup>94</sup> under the guise of East India Company, they later morphed this charter into an imperialist regime waging power over the entire subcontinent throughout the eighteenth and nineteenth centuries by being part of the British Empire. They used different regions for varying purposes, depending upon the resources and trade markets and routes that were already established there which later impacted their governmental policies as well. The Empire’s interest in the North-West Frontiers of India rose out of fear to protect the “Brightest Jewel in the Crown”<sup>95</sup> from foreign invasions to which it was historically susceptible.

The annexation of Punjab by the British forces from the ruling Sikh monarchy cemented their feet as the “paramount power” in the subcontinent and created the need to protect its borders from “Muslim Khanates” and ambitious Russian forces from invading from the border shared with Afghanistan.<sup>96</sup> Hence the imperial rulers pivoted to the North-West Frontier to create a “buffer to the buffer” between Colonial India and Afghanistan. Therefore, the North-West Frontier gained unprecedented administrative strategic importance and introduced the colonizer to the “warlike Pashtun race,”<sup>97</sup> whom they tried to recruit in the Punjab Frontier Force as part of their “close border policy.”<sup>98</sup> Moreover, the policy was also accompanied by “creating tribal agencies to ensure British domination”<sup>99</sup> over the population which was seen as violent towards formalized imposition of power from the imperialists. The tribal agencies, the first one becoming a spatial reality in 1876,<sup>100</sup> are still existent as mentioned above, were not natural creations stemming from

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<sup>94</sup> Sugata Bose and Ayesha Jalal, *Modern South Asia: History, Culture, Political Economy*, (London: Routledge, 1998), 67.

<sup>95</sup> Bangash, 1.

<sup>96</sup> Bangash, 2-3.

<sup>97</sup> Bangash, 3.

<sup>98</sup> Government of Pakistan, “Report of the Committee on FATA Reforms 2016,” August 2016, <http://www.safron.gov.pk/safron/userfiles1/file/Report%20of%20the%20Committee%20on%20FATA%20Reforms%202016%20final.pdf>

<sup>99</sup> Government of Pakistan, 15.

<sup>100</sup> Government of Pakistan, 16.

tribal allegiance or customary needs but in fact were produced and implemented by the British Imperialists to strengthen their political control. This spatial categorization on the grounds of Imperialist hegemony was then strengthened with the implementation of the Frontier Crimes Regulation which will be discussed in the next section.

Figure 1: Map of Khyber Pakhtunkhwa and FATA



Source: *Complexities of the Merger in The Fate Merger: Towards a Brave New World*.

Dawn (2018)

In 1899, Lord Curzon became the Viceroy of India and implemented some changes by incorporating a more “Forward Policy” towards the tribal regions stemming from his own interest and study of the area and the people.<sup>101</sup> He created the new province of North West Frontier Province (NWFP) composed of more developed areas than the agencies of FATA,<sup>102</sup> thus creating a divide and a regional hierarchy. Lord Curzon also created tribal militias like the “Khyber Rifles, Kurram Militia, South and North Waziristan militia”<sup>103</sup> and a few roads and railways were placed to facilitate their movement in helping the Empire’s cause of protecting the borderlands. This separation from the center and instrumentalization of their militant image marginalized the Pashtuns within the Indian sub-continent by the colonial masters for their geo-strategic agendas leaving no scope for human development in FATA. This marginalization can be seen evident in the draconian laws expounded by the British, explained in the next section.

### **2.3 Frontier Crimes Regulation (FCR): Then and Now**

FCR is an administrative and legal framework which controls FATA since the British implemented it to utilize the area as a buffer against the onset of Czarist imperialist agenda entering from Afghanistan. The FCR was established only to maintain law and order and not bring about developmental changes or address local grievances because to the colonial masters the piece of land in question only held geostrategic importance as there were no raw materials of importance to be procured<sup>104</sup> (Khan and Khan 2012). The “brutishness” of the tribal man was exaggerated with the sole purpose of FCR to be created and implemented so reverently to “tame the

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<sup>101</sup> Government of Pakistan, 16.

<sup>102</sup> Government of Pakistan, 16.

<sup>103</sup> Government of Pakistan, 16.

<sup>104</sup> Abdul Hamid Khan and Sarfraz Khan, “The Frontier Crimes Regulation (FCR): A Socio Political Assessment,” *Central Asia Journal*, no. 70, (2012).

tribesmen”<sup>105</sup> by awarding judicial authority to administrative officials. The most alarming feature was that the rest of colonial India was under some version of English or Roman law, but the Northwest Frontier region was under a repressive set of codes only to protect the imperialistic interests of the British and intimidate the Pashtuns for making a revolt impossible. As John William Kaye, head of the political and secret department of India Office, at the time of its final implementation in 1901 commented, “We cannot rein in wild horses with silken braids.”<sup>106</sup>

FCR can undisputedly be seen as a “by-product of the colonial encounter” in order to “maintain effective political control with minimal military involvement.”<sup>107</sup> In order to be taken seriously and maintain an administrative hegemony over colonized territories, the imperialists went a step further and codified “indigenous legal norms” to feign authenticity and maintain law and order without disrupting the existent system.<sup>108</sup> This penchant need was further exacerbated in FATA as they wanted to appeal to the religious fervor of the Pashtun so as to avoid a revolt. This manipulation of cultural practices has been employed by the occident many a times, as Said recalls Napoleon to gain the fervor of the Egyptian population by beseeching esteemed clerics to “interpret the Koran in favor of the Grand Armee” so that Cairo can lose the “distrust of the occupiers.”<sup>109</sup> However, the plan is not void of irony as the final version of the law ended up being “more alien than familiar to putatively ‘Muslim’ groups.”<sup>110</sup> In their desperation of enforcing the Shari’a (authentic Islamic law) to maintain a peaceful relationship with the Pashtuns, the occupiers

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<sup>105</sup> Bangash, 233.

<sup>106</sup> Bangash, 230.

<sup>107</sup> Michael R. Anderson, “Islamic Law and the Colonial Encounter in British India,” *WLUML Occasional Paper* 7 (1993): 4.

<sup>108</sup> Anderson, *Islamic Law*, 5.

<sup>109</sup> Edward W. Said, *Orientalism*, (New York: Pantheon Books, 1978), 82.

<sup>110</sup> Anderson, 8.

“glossed over its internal contradictions and finely distinguished levels of moral approbation and set about applying it as a set of more or less *homogenous* legal rules.”<sup>111</sup>

The different tribal mores and norms were codified into an applicable set of codes under “a kind of juridical homogenization”<sup>112</sup> only to control the population under the façade of using their own laws but against them. The Jirga is an apt example of spinning “custom as a source of law” which was a convenient method of not only codifying but glossing over the “contingent and political nature” of the customary law that was functional in the first place.<sup>113</sup> Therefore, instead of a necessary “flourishing of Muslim identity,” the religious communities residing within the subcontinent were coded within binary categorizations, burdened with a fixed and “limited legal recognition” packaged in their own customs and yet alien, cumbersome and ineffective.<sup>114</sup> Moreover, the important question raised by Anderson with respect to “Islamic Law” under the British imperialists is “Who was a Muslim?”<sup>115</sup> What made a Muslim a Muslim, which version of Islam was the true, authentic version, codified into laws under the pretense of religious validation. Needless to say, the marginalized Muslim identities, sects and communities were undermined, unrecognized and caught in a repetition of invisibility, which still continues.

The real deception of the FCR is the apparent inclusion of ethnic practices such as the Jirga to appear to be culturally sensitive but in actuality only provide them with an advisory role with the Political Agent having “all executive, judicial and police powers.”<sup>116</sup> Lord Curzon in 1902 described the Jirga as “...three thousand of the most unmitigated blackguards in the world –

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<sup>111</sup> Anderson, 10-11.

<sup>112</sup> Anderson, 15.

<sup>113</sup> Anderson, 15.

<sup>114</sup> Anderson, 21.

<sup>115</sup> Anderson, 21.

<sup>116</sup> Human Rights Commission of Pakistan, “FCR: A Bad Law Nobody Can Defend”, 2005, 8, <http://hrcp-web.org/hrcpweb/wp-content/pdf/ff/23.pdf>

bearded faces, wild eyes, dirty clothes – all squatting on the ground in a semi-circle,”<sup>117</sup> demonstrating that they themselves had no faith in the jirga system and only used it as a maneuvering ploy of throwing breadcrumbs of power to the tribes to maintain law and order. By giving superficial hierarchical importance to the Jirga, which is typically a group of elderly man, mostly belonging to more prosperous or influential families of the village, many other vulnerable factions of the community like women, children and minorities were further marginalized and removed from any formal engagement on development or social change, which was of no concern to the colonial masters to begin with..

In the FCR, the colonial legacy of oppression and separatism has been upheld by the state of Pakistan with Articles 246 and 247 of the Constitution stating earlier that neither the Parliament of Pakistan nor the Provincial Assembly can interfere or legislate in any capacity in FATA.<sup>118</sup> According to the report on FATA reforms: “After gaining independence in 1947, the state of Pakistan continued with more or less the same colonial legacy. In modern times, successive governments continued this policy of appeasement that, coupled with circumstance, provided tribesmen with ample opportunities to exploit their advantageous position for extracting maximum benefits from the rulers.”<sup>119</sup> The President of Pakistan issues all decrees in the matter of tribal areas and the Governor of Khyber Pakhtunkhwa acts as the agent to the President with the Deputy Commissioner of each agency acting as the Political Agent, having authority over the said area with the assistance of the “Council of Elders or the Jirga. The FCR is the only legislative tool available to the Political Agent and has sixty-three sections and three schedules.<sup>120</sup> On some occasions, to make the FCR more operative and extensive, the Political Agent appoints members

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<sup>117</sup> Bangash, 232.

<sup>118</sup> Khan and Khan, 1.

<sup>119</sup> Jadoon, “The Tribal Tale.”

<sup>120</sup> Khan and Khan, 3



of the Jirga who then suggest and devise different forms of punishments, sentences and penalties to be executed. According to Khan and Khan, despite certain reforms introduced to FCR to make it more just and functional, it is still problematic because it is “a special regulation meant for special circumstances and its provisions of collective-territorial responsibility empower the Political Agent and Deputy Commissioner to punish a whole tribe for an individual act.”<sup>121</sup> In order to demonstrate the oppressive and exploitative nature of the FCR which promulgates the principles of collective punishment and the validated omnipotence of the Political Agent, some of the sections of the FCR are listed below from the original document:

“Section 21: Blockade of hostile or unfriendly tribe.

In the event of any frontier tribe, or of any section or members of such tribe, acting in a hostile or unfriendly manner towards the British Government or towards persons residing within British India, the Deputy Commissioner may with the previous sanction of the Commissioner, by order in writing, direct.

- a) the seizure, wherever they may be found, of all or any of the members of such tribe and of all or any property belonging to them or any of them",
- b) the detention in safe custody of any person or property so seized and; the confiscation of any such property;
- c) and may, with the like sanction by public proclamation;
- d) debar all or any member of the tribe from all access into British India; and
- e) prohibit all or any persons within the limits of British India from all inter-course or communication of any kind whatsoever, or of any specified kind or kinds with such tribe or any section or members thereof.”<sup>122</sup>

The reason for including this section of the FCR is to show the “provisional abolition of the distinction among legislative, executive, and judicial powers,”<sup>123</sup> which brings forth a state of exception proposed by Agamben. The motive of this theoretical analogy is to not perfectly fit Agamben’s framework to the quasilegal space given to Pashtuns. But the fact that for the tribal

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<sup>121</sup> Khan and Khan, 3.

<sup>122</sup> Human Rights Commission of Pakistan, “FCR: A Bad Law.”

<sup>123</sup> Agamben, *State of Exception*, 7.

areas Britain, at first, created a “legal fiction” which declared that “although the tribal areas were a part of India, but they were not a part of British India”<sup>124</sup> thus excluding them and creating “a no-man’s-land between public law and political fact, and between the juridical order and life.”<sup>125</sup> The colonizer’s act of separating the tribal agencies and yet enforcing a legally binding rule on their lives resonates with the idea of what a state of exception was imagined to be by Agamben as a “zone of indifference, where inside and outside do not exclude each other but rather blur with each other.”<sup>126</sup> This blurring of geographical spaces thus trivializing a legal acknowledgement of owning them was continued after the formal end of colonial rule and partition of Pakistan from the subcontinent where the constitution mentions the tribal regions but not as its own or coming under its direct protection and embrace but maintain its status as almost within and yet out.

Changing governments have tried to offer policy changes and reforms to the FCR but no legislative or federal body has ever proposed an abolishment of this colonial legacy. With different committees and reforms offered in 2000, 2004, 2006, 2008, and 2011, the 2011 reform has managed to bring about relative substantial change. With the commemoration of the FATA Tribunal and the courts of Divisional Commissioner, the dominance of the Political Agent has been relatively reduced. The Tribunal is chaired by a retired Grade-21 civil servant along with one member of Grade 20 and a lawyer eligible to be a High Court Judge as members with a public attorney and a registrar.<sup>127</sup> The tribunal also has the responsibility of visiting prisons and courts of Political Agents to keep a check on them and has the power to address Habeas Corpus petitions in order to assist tribesmen from the cult of arrest without reason practiced before.

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<sup>124</sup> Government of Pakistan. 17.

<sup>125</sup> Agamben, 1.

<sup>126</sup> Agamben, 23.

<sup>127</sup> Khan and Khan, “FCR.”

However, as Khan and Khan suggest, despite the reforms and changes, the FCR is a breach of universal rights as they do not provide the citizens of FATA the Fundamental Human Right of appeal to High Court and Supreme Court of Pakistan enjoyed by every legal citizen of Pakistan.<sup>128</sup> Moreover, the FATA Lawyer Forum are not in favor of the FATA Tribunal as a “non-tribal bureaucratic Appellate forum is a continuation of the barbarous practice, namely the FCR”<sup>129</sup> and still maintains the hegemonic power display of the Political Agent and preserves articles 21 and 40 which function on the draconian principle of collective responsibility, thus providing no legislative relief to the tribal community, only more red-tape ridden bureaucratic formalities.

Most recently, a draft of the Tribal Areas Rewaj Bill, 2017, which had been previously kept under wraps, was presented to the National Assembly on May 15. Unfortunately, it was still on the tandem that “envisages two different judicial systems that will function simultaneously in FATA.”<sup>130</sup> According to the revised draft of the Rewaj bill-with Rewaj meaning custom or tradition-the FCR will be completely repealed but only in theory as the Supreme Court (SC) and Peshawar High Court (PHC) will hold juridical power in FATA but the Jirgas will also be used in the trial stages as cases will be forwarded to them not by the political agents as done under the FCR but “judges will refer cases to councils of elders tasked with determining factual aspects (of cases) in accordance with rewaj (tribal customs) – after which they will furnish a decision based on the findings of this council.”<sup>131</sup> Owing to its redundant nature, the bill has been shelved.

Pakistan, undeniably, has a past riddled with the conflicts and complexities of migration, comprising of states practicing parochialism, stemming from original roots that can be followed

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<sup>128</sup> Khan and Khan, 9.

<sup>129</sup> Khan and Khan, 9.

<sup>130</sup> Waseem Ahmad Shah, “The Proposed Rewaj Act: A New FCR?”, in *The FATA Merger-Towards a Brave New World*, *Dawn*, May 24, 2018, <https://www.dawn.com/news/1333925>

<sup>131</sup> Shah, “The Proposed Rewaj Act.”

to a separate land altogether. Punjabis, Sindhis, Balochis, and Pakhtuns all come under the Islamic Republic of Pakistan, but function under the invisible hand of idiosyncratic cultures and practices. The British imperialists ruled the culturally schizophrenic yet territorially vast subcontinent under the maxim of “rule the Punjabis, intimidate the Sindhis, buy the Pushtun, and honor the Baloch.”<sup>132</sup> This heavily reflects on the construction of identities created by the colonial masters to make bodies understandable and thus governable, which is further maintained and perpetuated by postcolonial states, practicing an “internalization of orientalist and colonialist notions”<sup>133</sup>. This internalized othering is not hard to detect when the state turns a blind eye towards the jirga system, ruling and imposing verdicts on the people, thus stealthily distancing FATA from the state embrace, circumscribing the identity of the citizens by giving them a half citizenship.<sup>134</sup> The Rewaj bill was incorporating the same stereotypes under the garb of appearing to be sensitive to custom and tradition but that is not what the people of FATA want nor, can it be managed against the constitutional dominance enjoyed by other provinces. One is forced to ask how this proposal is even seen as a reform when the divide is being so dedicatedly maintained and validated via governmental procedures proving to be empty and prejudiced. Why is it so impossible for FATA to come under the regular rule of law that is enforced in the remained of the state of Pakistan?

This chapter was a mapping of intersecting historical forms of oppression that FATA as a geo-spatial category has been exposed to in the past, in order to understand the current scenario, especially with relation to growing displacement in the area. From the marginalization authenticated by the colonizers under the garb of upholding religion, to the State of Pakistan maintaining the draconian laws and the divide between the center and the tribal, this step-by-step

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<sup>132</sup> Paul Titus, “Honor the Baloch, Buy the Pashtun: Stereotypes, Social Organization and History in Western Pakistan,” *Modern South Asia Studies* 32, no. 3, (1998): 658.

<sup>133</sup> Titus, 658.

<sup>134</sup> Torpey, 244.

analysis will allow the reader to grasp the underlying modes of systemic inequalities which have fermented in the discourse of displacement, which will be further explored in the next chapter.

### 3. The Case of Internal Displacement

Having established the influence and impact of the colonial legacy and current socio-political status of FATA with respect to the FCR in the previous chapter, this chapter will explore the experiences of IDP women as they negotiate the lack of representation and an already repressive legal system that has them in a holding pattern. Internally Displaced Women in Pakistan belong almost exclusively to the conflict-hit North and South Waziristan, because of the military operation Zarb-e-Azb launched in the said areas to eradicate terrorist factions said to be seeking refuge there. Female IDPs are currently reside in refugee camps and informal host communities in Peshawar, Bannu, and Dera Ismail Khan since 2014. In these camps, they have been subjected to state-sanctioned displacement and exacerbated vulnerabilities threatening their existence. In this chapter, I draw upon Naz and Chaudhry's Reports discussed in the first chapter in order to juxtapose the collected data with theoretical analogies, and understand this specific case of displacement in a deeper and broader context within the discourse. With the ongoing issue of adequate literature focusing on Pashtun women, I would also like to push my analysis to examine these women not merely as victims, but also as beings with agency against a repressive and dogmatic system.

#### 3.1 Background: Operation Zarb-e-Azb

The military operation "Zarb -e-Azb", executed in the tribal areas of Pakistan to expel militarist factions settled in North-West Pakistan in 2014, resulted in the displacement and forced migration of 1.6 million new and previously displaced people by 2015.<sup>135</sup> Such outrageous numbers can only connote a state of chaos and urgency to tackle the crisis at hand. However, an

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<sup>135</sup> Naz, 7.

exact figure of IDPs in Pakistan cannot be calculated as all do not make it to the government set-up camps (Chaudhry 2015, 6). Huge throngs of local population had to be moved without a strategic plan within a couple of days in order to execute the operation in full throttle. The military demanded the locals to leave without taking into account the sheer inadequacy of the transportation provided which led to many having to bear the expense of the journey themselves and their families.<sup>136</sup> Large numbers of IDPs get scattered, move to other cities, reside with “host communities” or perish during the voyage.<sup>137</sup> Many families from North Waziristan found it more affordable to cross the border to Afghanistan, an issue which was completely overlooked by the military and the state and thus caused forced migration of innocent civilians.<sup>138</sup>

The actions of the military in response to “a situation that endangered the Republic”<sup>139</sup> with militant attacks and bomb blasts in various cities, marketplaces, religious schools and especially the Karachi airport in 2014, threatening a crumbling of the center and the iconic strength of the military forced them to launch an extensive operation in the northwestern areas. Agamben takes the example of a state of emergency declared in the republic of Rome, reflecting the context of the military operation, which in extreme cases urged not just the consuls and the authoritative bodies but the citizens of the Republic to take action: “Let them defend the state, and see to it that no harm comes to the state.”<sup>140</sup> This decree stemmed from the declaration of a “Tumultus” (state of emergency) leading to the proclamation of an “Iustitium” (suspension of law).<sup>141</sup> I would like to borrow this framework from Agamben’s exploration of the state of exception to understand the crisis of displacement and engage with it in a more theoretical manner. While facts and figures do

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<sup>136</sup> Naz, 12.

<sup>137</sup> Chaudhry, 6.

<sup>138</sup> Naz, 12.

<sup>139</sup> Agamben, *State of Exception*, 41.

<sup>140</sup> Agamben, 41.

<sup>141</sup> Agamben, 41-42.

make the case of displacement by exposing the trauma and injustice faced by the Pashtun people, it is also necessary to contextualize this pain and injustice as it was not only produced by displacement. This separation and the following production of Iustitium has a colonial legacy and a constitutional maintenance. As Agamben clarifies, a state of exception is not a dictatorship but a suspension of law under the guise of upholding the law (50-51). As explained in the previous chapter, via the FCR's presence in the constitution, FATA was maintained in a judico-political suspension, exposing the Pashtun community to vulnerabilities, within the parameters of legality.

The production and maintenance of a perpetual Iustitium in FATA has legitimized the exposing of an entire population for the security of the Republic i.e. the Islamic Republic of Pakistan. At first it was the Jirga system which gave unsolicited power to tribal elders to fend for themselves and thus defend it themselves. This also validates the instrumentalization of militant groups created by the government itself, at first the Imperial masters and then the government to protect the borderlands and execute power and intimidation. This manipulation of bodies would not have been possible for the state if FATA was under regular law and not an "anomic" space where the force of law functions by adhering to no law, thus making it an undefinable "non-place."<sup>142</sup>

Moreover, the benefit of maintaining a non-place is the blurring of the concepts of right and wrong, a blurring leading to the forced displacement executed in the name of protecting the state and then giving it a wrongful label of temporary dislocation as discussed in the first chapter. The undefinability of the space leads to the system functioning on the principle of the "impossibility...of clearly defining the legal consequences of those acts committed during the

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<sup>142</sup> Agamben, 51.



Institutium.”<sup>143</sup> This is embedded in many past practices of the military: from using the northwestern region as a battleground for the war on terror, from exposing the space to drone warfare and now to forced displacement. Pakistan, on multiple international forums, has been accused of “fostering, protecting and colluding with the Taliban” for many decades.<sup>144</sup> This has been scathingly termed as the “good Taliban, bad Taliban” policy employed predominantly by the Pakistani military as the good Taliban are said to be a “vital part of the army’s operational plans”<sup>145</sup> to stay relevant to international powers and create the narrative of protectionism to be needed by the masses.

Ayesha Siddiq, in her acclaimed work coins the term “Milbus” to investigate the military’s internal economy which heavily influences the narrative of national security upheld in the face of a sustained threat to state sovereignty which always tops the “peculiar nationalist agenda” of comparatively young and nuclear states like Pakistan, who is always pitted against the “Indian threat.”<sup>146</sup> This very principle not only strengthens the military’s political ambitions but also perpetuates the logic of protectionism which fuels the double capture of vulnerable groups like female Pashtun IDPs who are made to rely on camps set up by the military which wholly ignore their specialized requirements and needs. As explained in Chapter 1, the military, in exchange of aid from the U.S, strengthened its position in the state, especially during the dictatorship of General Zia-ul-Haq, and colluded with militant factions to maintain its relevance and grip on the center. FATA, neighboring Afghanistan, and being a spatial entity in suspension, at the periphery, became the laboratory for this military experiment. However, the displacement

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<sup>143</sup> Agamben, 49.

<sup>144</sup> Chaudhry, 17.

<sup>145</sup> Siddiq, 156.

<sup>146</sup> Ayesha Siddiq, *Military Inc.: Inside Pakistan’s Military Economy*, (London: Pluto Press, 2007), 244-245.

of millions during the operation Zarb-e-Azb brought the military under media scrutiny and placed FATA in the center of growing discussions on mainstreaming the region.

Despite having the third largest population of IDPs in the world, Pakistan is not only reluctant to sign the Refugee Convention of 1951 but also labels this population as Temporarily Displaced Persons to avoid investing in the establishment of a legal framework and consequent institutions recognizing and addressing the plight of IDPs.<sup>147</sup> The situation is only exacerbated since the majority of the IDPs are not registered. Furthermore, a majority of displaced persons do not hold Computerized National Identity Cards (CNIC). In addition, the military in its desire to keep a strong hold in the area is not shy to show their aversion to humanitarian workers in the region and makes camps inaccessible by making the process of obtaining the No Objection Certificate extremely bureaucratic and difficult.<sup>148</sup> Hence, the camps that were established were under the complete control of the military, even though it is the responsibility of state and government institutions within a democratic framework. Torpey builds upon the relationship between modern citizenship, identity and the papers that inherently construct a national's identity and validates his/her citizenship status. This "bureaucratic construction,"<sup>149</sup> which ironically is being upheld and safeguarded by the military, makes migration fit into the binary of legal and illegal, even within the same sovereign state, thus producing bodies both local and foreign.

Torpey's work is infused with Foucault's notion of the 'Panopticon' of institutional power, where the individual as a prisoner is under constant surveillance by a guard invisible to them but known to them. As Foucault initially argued, this foretells the nature of state discipline embodied in the burden of bureaucracy through the volume of papers, and the constant surveillance of the

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<sup>147</sup> Naz, 11-13.

<sup>148</sup> Naz, 12.

<sup>149</sup> Torpey, 243.

categories of ‘citizen’ and ‘alien.’<sup>150</sup> In modern day statehood, it is the looming threat of having ‘your papers on you’ which makes you safe or vulnerable within the nation-state to which you supposedly belong. In my interview with Naz, she disclosed that many women from tribal areas have identification papers, owing to Benazir Income Support Program, a state-run welfare program directed towards women.<sup>151</sup> This strengthens the importance of documentation which Torpey brings forward, to decipher “who belongs and who does not” in order to construct identities and make them “intelligible and enforceable” within the discourse of state power.<sup>152</sup> The important aspect of this connection is that despite the parallel jirga system, women belonging to tribal areas have found their space in the state narrative, recognizable to the government, worthy of welfare programs and repatriation. The need for documentation and the exclusion maintained by the entire process reveals the gendered aspect of internal displacement, where an already marginalized group is pushed to the limit of invisibility, which will be explored in further detail in the next section.

### **3.2 Gendered Analysis of Enforced Displacement**

In the midst of mass displacement the system fails to go deep and tries to implement a one-size-fits-all solution to project efficiency. Failure to acknowledge important categories of analysis can lead to incomparable and unsolvable complexities which can only make the situation worse. One such nuance is the question of gendered experiences sewn into the fabric of the collective IDP experience. The women belonging to the said geography are from a “conservative” society, ordained by customs and traditions and if special attention is not paid to their specialized turmoil, along with including their voices in the construction of their future, then it can only lead to a shallow solution. While it is understandable how such questions can initially remain unaddressed

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<sup>150</sup> Torpey, 248.

<sup>151</sup> Rukhshanda Naz, interview by author, WhatsApp Call, Budapest, November 12, 2017.

<sup>152</sup> Torpey, 249.

– with seas of people displaced from their homes and villages – but to ignore them completely can only make matters worse, the proposed solutions ineffective, and the chaos intact.

Naz’s report is an important source of information as it solely focuses on female IDPs from North and South Waziristan, residing in the camps of Bannu, Dera Ismail Khan and Peshawar, and highlights the gendered nature of inequalities with respect to economic and social repatriation of IDPs. The forced displacement of a number of people belonging to traditional tribes, where cultural conservatism is understood to be synonymous to the oppression of women, circumstantially, gave rise to female-led households. Twenty one percent of women-headed households have been recorded, with majority of men either working abroad, being enrolled with militant groups, or having simply died during the conflict.<sup>153</sup> Therefore, rather than superfluously labeling female family heads as “women ‘left behind’”<sup>154</sup> as it is a general practice in security studies and post-conflict literature, special attention needs to be paid to include women in financially emancipatory processes as they are not only the primary caregivers but are also responsible for the economic sustenance of the household thus bearing the burden of the double yoke while being bound to a “custom of seclusion.”<sup>155</sup> Owing to lack of opportunities and severe immobility, women IDPs are forced to take up work for very low wages, which ultimately results in their unabashed exploitation. Only 2% of women<sup>156</sup> belonging to the tribal areas take up the position of teacher or tailor and manage to earn around PKR 400 to 1,200 (EUR 3-9) a month. This is not the case for the majority of illiterate tribal women, who especially in camp sites and host communities, are

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<sup>153</sup> Naz, 15.

<sup>154</sup> Lourdes Beneria, Gunseli Berik and Maria S. Floro, *Gender, Development, and Globalization: Economics as if All People Mattered*, (London: Routledge, 2015), 11.

<sup>155</sup> Chaudhry, 22.

<sup>156</sup> Naz, 19.

paid significantly less – less than one US dollar for tailoring – in contrast to normal prices given to women in cities.<sup>157</sup>

According to Naz's findings, male IDPs were engaged in "Cash for Work Scheme" where they would be employed for hard labor in return of a cash stipend of Rs. 1,000 per day.<sup>158</sup> Initially, training camps were also established to train men in "wiring, computing, driving, tailoring, fixing generators and driving."<sup>159</sup> The women on the other hand are usually given sewing machines, which mostly do not even work or are very few to begin with.<sup>160</sup> While the practice is established on the grounds of a good initiative to reduce the dependency of IDPs on government welfare system or driving them to the point of selling their food packages for cash,<sup>161</sup> the gendered biases of the government policies are hampering and complicating the everyday life of female IDPs by making them more vulnerable, economically and socially. In a recent interview conducted with Naz, she reflected that women raised their voices against this bias where their experiences of working in the fields and engaging in other strenuous agricultural activities back home were ignored while enforcing faulty gendered norms on them.<sup>162</sup> This bias is also reflective of the "global and local inequalities" which frame the feminized discourse of gendered migration, where heteronormative expectations categorize women as caregivers and not bread-winners, thus leading to the development of a biased policy discourse locally and internationally.<sup>163</sup>

However, according to Chaudhry's research in the camps of Jolazai and Bakka Khel, where the military and civil government repatriation stations were most active, many camp residents were

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<sup>157</sup> Naz, 20.

<sup>158</sup> Naz, 13.

<sup>159</sup> Chaudhry, 7.

<sup>160</sup> Naz, 13.

<sup>161</sup> Naz, 14.

<sup>162</sup> Naz, Interview.

<sup>163</sup> Beneria, Berik and Floro, 27.

not engaging in economic activities because of the uncertainty of their future. They were unsure as to how the skills that are being taught to them in camps will be helpful once they go back and what exactly does the concept of “going back” entail.<sup>164</sup> They asked questions such as the following: When will it happen? What will their homes look like? Will they ever be able to live a normal life there? All these grave uncertainties were not incorporated in the planning of such activities thus producing shallow practices only to check off mandatory welfare tasks off a list without considering if they suit the current mental and physical state of the IDPs or not. More so, the air of uncertainty not only overshadows the future but also the current status of being in limbo where one day you are forced to leave your home and village and taken to a camp or left to fend for yourself the next.

Female IDPs, either residing in host communities or living in camps, are always faced by the looming threat of sexual harassment, heightened by the patriarchal needs of saving women from other men’s gaze. This, in turn, limits their lived experiences and mobility and confines them to women-specific areas while implementing the observance of *Purdah* in a strict, regimental way.<sup>165</sup> Women in rural spaces are not subjected to such strict and overbearing notions of male surveillance and can engage in agricultural work, but, as can be expected, IDPs have to live in cramped-up spaces with other families, where men have the liberty to move around in public spaces, but women do not.<sup>166</sup> This consequentially also affects the education of young girls, as when it was acceptable for girls to go to school in their own villages, it is not possible for them to do so in “urban settings,” owing to the anxiety of patriarchal constraints heightened by the fear of the unknown that developed and unfamiliar spaces hold for them.<sup>167</sup> With an interest in education

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<sup>164</sup> Chaudhry, 9.

<sup>165</sup> Naz, 20.

<sup>166</sup> Naz, 20.

<sup>167</sup> Naz, 21.

and work, tribal women are making use of this “space of nonexistence,” moving “in and out” of it, thus adapting to it and making it adapt to the changes they themselves are putting in motion.<sup>168</sup> Coutin’s concept of the space of nonexistence, even though originally applied in a U.S – alien context, is very apt for the internally displaced, as they are in a “space of subjugation,” which is both imagined and real, within and without, acknowledged and ignored.<sup>169</sup> As Coutin argues, these spaces of nonexistence are impossible to be sustained and the said forced migration has placed the tribal Pashtun woman in big cities for refuge, away from the comfort of their homes and ways, challenging their existence by simultaneously redefining it in a new spatial context. In this particular scenario, where IDP women are forced to stay in cities they have not visited before nor are accustomed to, it pronounces their vulnerabilities, instead of providing temporary protection.

When tribal women are hosted in more developed areas like the cities of Bannu and Peshawar, they are subjected to the stereotype of having relations with the Taliban, who look like the Pashtun people in physical appearance. The locals have the fear of colluding with ‘dangerous people’ and thus stigmatize them by not renting them spaces to live.<sup>170</sup> Most Pashtun women also adorn the Afghan-influenced burqa commonly called a shuttlecock burqa as a derogatory term to mock Pashtun women, also followed by prolonged stares in open spaces, something I have personally witnessed on the streets of Lahore. The burqa automatically highlights them as the other, as people not from the city and not of the city.

It is interesting to notice that different cities within the same territorial boundary can embody different meanings of belongingness. Different cities can also function as different states,

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<sup>168</sup> Susan Bibler Coutin, “Illegality, Borderlands, and the Space of Nonexistence,” in *Globalization under Construction: Governmentality, Law and Identity*, ed. Richard Warren Perry and Bill Maurer (Minneapolis: University of Minnesota Press, 2003), 186.

<sup>169</sup> Coutin, “Illegality, Borderland,” 173.

<sup>170</sup> Naz, 15.

projecting their own identity and city-ness which ironically does not sit well with the homogenization of the nation-state as a wholesome category of identity. Wimmer and Glick Schiller discuss methodological nationalism with the nation-state being the “natural social and political form of the modern world,”<sup>171</sup> being the breeding ground of varying identities and modalities of citizenship but mostly highlight this within the limitations of transnational and global migration. They do not include “internal migration” by deeming it a problem of urbanization<sup>172</sup> but the pressures and repercussions of forced displacement are perhaps as grave as cross-border migration. Internal displacement, as explained before, seems to be a bigger anomaly as it limits the space where exclusion and othering can occur, by those who share a national identity with you. They describe how migrants are labeled as “potential security risks”, “culturally others” and as an “exception to the rule”<sup>173</sup> but in the case of IDPs, the people of FATA who give away their identity by their appearance and dress are being labeled the exact same things as cross-border migrants coming to another country.

Lack of health facilities is a major issue which is faced by IDP women in a much more intense, perilous manner. While the government is trying to grapple with the problems pertaining to registration and cash grants, poor medical facilities, lack of proper medicines and dearth of doctors in camp sites and in host communities is being ignored.<sup>174</sup> Many women were pregnant at the time of displacement which resulted in an increase in miscarriages, owing to sudden evacuations with no facilitation of sufficient transportation to camp sites, medical negligence and unprecedented physical trauma.<sup>175</sup> Majority of women also suffer from many other physical

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<sup>171</sup> Andreas Wimmer and Nina Glick Schiller, “Methodological Nationalism and Beyond: Nation-State Building, Migration and the Social Sciences,” *Global Networks* 2, no. 4, (2002): 301.

<sup>172</sup> Wimmer and Glick Schiller, “Methodological Nationalism,” 311.

<sup>173</sup> Wimmer and Glick Schiller, 311.

<sup>174</sup> Naz, 16.

<sup>175</sup> Naz, 17.



ailments like stomach ulcers, skin diseases, body aches and abnormal fluctuations in body weight.<sup>176</sup> Anxiety, depression, and PTSD are encountered by women on a daily basis which leads to terrible mood swings and unpredictable behavior, resulting in hostile relationships between families cramped up in the same camp or house.<sup>177</sup> Moreover, the current psychological trauma faced by IDP women has also increased the number of child beating incidents, as women are left to be the primary caregivers at all times, without emotional and financial support.<sup>178</sup>

Naz also points out that while the Pashtun women experience hostility from the locals, they are also disadvantaged by a “communication gap” owing to a difference in language, dialect and cultural practices. One Pashtun woman explained that the reason behind them distancing themselves from the local women is that they make fun of them and tease them by calling them derogatory names like “pahari bakriyan” (mountain goats).<sup>179</sup> This is further accentuated by the economic gap between the locals and the Pashtun community as some locals hire the IDPs as house help and exploit their status by paying them much less than they would pay a local house helper. This practice is very common despite the government setting a minimum wage for laborers and giving required directives in this regard. However, its implementation is not taken seriously, and locals do not have to face any accountability on this charge. Unfortunately, this practice is very common even in metropolitans like Lahore, having observed this in many households of middle and upper middle classes within my own social circle. Moreover, locals of the host communities are also afraid of “demographic changes”<sup>180</sup> causing a resultant “imbalance” between local and migrant population which shows that the demography of a town or a city is supposed to exude an

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<sup>176</sup> Naz, 17.

<sup>177</sup> Naz, 17.

<sup>178</sup> Naz, 17.

<sup>179</sup> Naz, 21.

<sup>180</sup> Naz, 21.

ethnic solidarity or a territorially-bounded homogeneity just like a modern-day nation-state is supposed to embody this very homogeneity which impacts the entire migration narrative by creating and perpetuating the category of the alien.<sup>181</sup> The next section will elaborate on the theme of separateness by employing a theoretical framework to investigate the intersecting nature of vulnerability experienced by the female Pashtun IDP.

### 3.3 Homo Sacer: Internally Displaced Pashtun Women

The practice of ‘Honor killing’ has made many headlines in the recent past where women are commodified as objects and used in transactions and deals revolving around family honor and name. It is mostly understood as murder of a female member of the family “for actual or perceived illegitimate sexual behaviours and relationships,”<sup>182</sup> or as punishment against rebellious behavior like seeking employment or refusing to a prearranged marriage. Following is one of the most recent incidents recorded in the extensive report made by Dawn on FATA and the upcoming reforms:

“Hina Shah Nawaz was 27-years-old when she was murdered in Kohat in February 2017. Working for a non-governmental organization in Islamabad, she was her family’s sole breadwinner. Educated and with a promising career trajectory, hers was an extraordinary achievement for an unmarried tribal woman — so extraordinary that it evoked the anger of her semi-educated male cousin. When she refused his marriage proposal, he shot her in the heart in her own home because, according to *rewaj* (tribal custom), she was a blot on his clan’s honour.”<sup>183</sup>

The incident mentioned above illustrates the exploitation of women by making their presence a threat to the perceived notions of masculinity commonly celebrated and decorated. In popular western discourse, practices like honor-killing in Pakistan and death because of dowry in India are not problematized and attributed to primitive cultural ways. Uma Narayan elaborates on

<sup>181</sup> Wimmer and Glick Schiller, 311.

<sup>182</sup> Arshad Khan Bangash, “Socio-Cultural Values and Its Relation with Honor Killing in Federally Administered Tribal Areas (FATA) of Pakistan,” *The Pakistan Journal of Social Sciences* 8, (2017): 85.

<sup>183</sup> Razeshta Sethna, “FATA’s Forgotten Women” in *The FATA Merger: Towards a Brave New World*, *Dawn*, May 24, 2018, <https://www.dawn.com/news/1333925>

the concept of “Death by Culture,”<sup>184</sup> which is seen as the biggest oppressor of third world women. Writing about such issues problematizes the stance of a native informant or third world feminist like me and makes us feel as if we are contributing to the churning of stereotypical discourse created to frame third world women in a fixed category. On the other side, accounts of gender inequality and women’s oppression in the West are attributed to “non-nation-specific, secularized, general patriarchy”<sup>185</sup> whereas similar modes of oppression occurring in the global South are directly related to religious and cultural frameworks, upholding the oppression of women as an intrinsic trait. This account shows that the woman being attacked by her immediate family members for being economically active, who were being supported by her, the reason behind the murder was her rejection to marry the cousin, who’s notion of masculinity was threatened and attacked by her autonomy unhindered by her parents. “General patriarchy” only gives such criminals a ruse to hide behind and legitimize their delinquencies under the guise of protecting the “honor” of the family and thus manipulating the cultural values which are upheld in a broader sense. The criminalizing and demonizing of certain cultures maintain and perpetuate the demands of toxic masculinity as a norm and disables a deeper inquiry into the embedded modes of inequalities that are common all over the world, in all cultures and societies.

This in turn is validated by colonial literature produced on such cultures along with local othering of tribes to create a distinction between the urban and the rural. The FCR, the rule of law established and implemented by the colonial masters and then upheld by the government for 70 years, mentions women in only one of its articles:

“Article 30, Chapter IV: “any married woman, who knowingly and by her consent, has sexual intercourse with any man who is not her husband, is guilty of adultery, and shall be

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<sup>184</sup> Uma Narayan, *Dislocating Cultures: Identities, Traditions, and Third World Feminism*, (New York: Routledge, 1997), 117.

<sup>185</sup> Narayan, *Dislocating Cultures*, 115.

punished with imprisonment for a term which may be extended to five years or a fine or both.”<sup>186</sup>

The complaint, according to FCR, must either come from the husband or a father/brother as women come directly under their male guardianship. This law was made by the occupiers, not the occupied. Those who celebrate themselves as the saviors of Hindu women from the inhumane practice of Satti<sup>187</sup> are also the ones who legalized the blatant oppression of women and made her a scale of measuring tribal honor. The imperialists via the FCR codified the category of women as a representation of honor and made Pashtun women “transfixed by the (colonialist) gaze” into a “reduced, exaggerated, exoticized, eroticized, romanticized, truncated, and always decontextualized” being, thus revealing the violence embedded in the politics of representation.<sup>188</sup>

The fact that the FCR does not address half of the population that comes under its legitimized control and makes a mere mention of them only related to their sexual conduct in relation to the tribe at large is a testament to the treatment of marginalized women being represented “in defined and bounded groups or categories,”<sup>189</sup> herded together to exercise absolute control. The irony is that “gender remains central to the institutionalization of citizenship, informing its ideological construction and the structural processes through which it acquires meaning and content”<sup>190</sup> but perhaps remains central to the debate in its very absence. The absence is not natural but is enforced in order to create and resultantly legitimize the “hierarchies of citizenship”<sup>191</sup> where the woman is seen as a citizen but is limited to a shallow meaning of the

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<sup>186</sup> Sethna, “FATA’s Forgotten Women.”

<sup>187</sup> Gayatri Chakravorty Spivak, “Can the Subaltern Speak,” in *Marxism and the Interpretation of Culture*, ed. C. Nelson and L. Grossberg (Basingstoke: Macmillan Education, 1988).

<sup>188</sup> Sondra Hale, “Edward Said-Accidental Feminist: Orientalism and the Middle East Women’s Studies,” *Amerasia Journal* 31, no. 1, (2005): 3.

<sup>189</sup> Hale, “Edward Said,” 3.

<sup>190</sup> Anupama Roy, “Liminal and Legible: Gendered Citizenship and the State Formative Practices in the 1950s,” in *Gender and Citizenship in Historical and Transnational Perspective: Agency, Space, Borders*, ed. Anne R Epstein and Rachel G. Fuchs (London: Palgrave, 2017), 121.

<sup>191</sup> Roy, 121.

term which sustains itself on these very fixed groups that are easy to control and manipulate to the state's advantage.

The silence on the oppressive practices such as “swara, badala-i-sulh (‘exchanged’ to settle feuds), Walvar (‘exchanged’ for money), ghag (being forcibly ‘claimed’) and honour crimes”<sup>192</sup> is what creates and maintains the hierarchies of belongingness to a community, where a body is treated as a commodity by the virtue of its beingness and biology. Moreover, gender is not only a maintainer of social and political hierarchies but is also a tool of “exhibitionism,”<sup>193</sup> ranging from the might of one category against the oppressive state of the other to the categorization of human life facilitating daily lives and the jurisdiction that validates it. It is an exhibition of the new subject of politics: “the assertion and presentation of the body.”<sup>194</sup> For Agamben, the camp may be the “pure, absolute and impassable biopolitical space”<sup>195</sup> on the basis of being founded on the principle of “state of exception” but FATA too qualifies within that very realm by the virtue of existing outside the constitution of Pakistan. With drones hovering above, land mines blasting at the touch, and forceful displacement implementing an oscillation of bodies, who is to say what citizenship really means and entails?

The fact of the matter is that the internal refugee (IDP), “the very figure who should have embodied the rights of man par excellence”, the very inalienable rights that are given to man as a being born into this world are unacknowledged when he/she is not a citizen of a sovereign state.<sup>196</sup> However, these very “sacred and infeasible”<sup>197</sup> rights bestowed on man are protected by his

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<sup>192</sup> Sethna, “FATA’s Forgotten Women.”

<sup>193</sup> Hale, 4.

<sup>194</sup> Agamben, *Homo Sacer*, 124

<sup>195</sup> Agamben, *Homo Sacer*, 120

<sup>196</sup> Agamben, 126-127.

<sup>197</sup> Agamben, 126.

belonging to a state and thus the oscillation between human and citizen happens on a loop. But, what is most interesting about this case is that the Pashtun, even before his/her internally displaced status, was not a full citizen of the sovereign state of Pakistan and therefore did not have a state to sanction and back his/her inalienable rights to begin with. As discussed in the previous chapter, the Pashtun community has lived under the legality of the FCR, a judicial consequence of the postcolonial encounter legitimized by the constitution of the nation-state. The laws and legal institutions and protective privileges enjoyed by the majority of the country, especially by the provinces who have a direct connection with the center, are not enjoyed by the Pashtun. They already existed outside the realm of the constitution, under the FCR supported by the elderly council system and thus were already in a state of exception when they were further marginalized or rather exposed to death but not formally sacrificed for that would be an acknowledgement of the state-sanctioned separatism executed against the Pashtuns.

The Pashtun woman is a further marginalized category within that very state of exception. The literature dedicated to Pashtun women primarily focuses on the plethora of monstrosities they have to succumb to but does not engage her or include her in the conversation as a subject of identity politics or show her as a participant, an active agent within the socio-economic-philosophical-political framework of the space she occupies.

The absence of Pashtun women from the table, the jirga, the roads, the schools, the social and political spaces can be attributed to the constructed religiosity that is wrapped in the multilayers of customs and traditions which are a direct indicator of the honor she represents for her kin and tribe-the “sacred horror” of her life.<sup>198</sup> During Agamben’s extensive exploration of the “ambivalence of the sacred”-what makes a being sacred to be “situated at the intersection of a

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<sup>198</sup> Agamben, 77.

capacity to be killed and yet not sacrificed,”<sup>199</sup> he divulged in the complex relationship between horror, disgust and sanctity interplayed into the “psychologization of religious experience.”<sup>200</sup> By bringing a historical discussion on this complicated connection possessed by sacred and impure, taboo-making and banning, devotion and horror discussed by Smith in connection to Semitic religions,<sup>201</sup> this mode of control can also be identified playing its due part in defining Pashtun women as sacred and yet impure, not to be sacrificed and yet exposed to death with impunity. From the Burqa to the Hujra, Pashtun women are treated as a totem of honor and are simultaneously kept at bay. They are said to “personify the honor of the tribe” which is “an issue on which the tribal people are the most sensitive and uncompromising”<sup>202</sup> as it is taken personally by every male individual of the clan. Despite being the human embodiment of honor, something profoundly sacred within the code of customs of Pashtunwali, preceding all other doctrines and commandments, women are mistrusted, belittled, and exposed to a variety of violence customized to their sin:

“The worst crime a woman can commit is to indulge in an illicit sexual relationship (“tor” literally “black”). If discovered and apprehended, the couple is killed. Tor is the one instance in which killing does not provoke “badal” (revenge). If a woman’s honor is compromised, even though she is the unwilling victim, she is killed, as it is the only way that the honor of the tribe (or a relevant segment) can be redeemed.”<sup>203</sup>

As discussed in the previous chapter, one of the few main tenets of Pashtunwali is Badal which translates into revenge: an eye for an eye, blood for blood method to maintain justice and balance in the society. The only time the practice of Badal is not observed is when the honor of a woman is unredeemable; the religious purity ascribed to her once is shattered and enters the sphere

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<sup>199</sup> Agamben, 73.

<sup>200</sup> Agamben, 78.

<sup>201</sup> Agamben, 76-78.

<sup>202</sup> M. Maqbool Khan Wazir, “Violence against Women: Violation of Right to Life of Women in FATA,” *Pakistan Journal of Criminology* 2, no. 2, (2010): 39.

<sup>203</sup> Wazir, “Violence against Women,” 39.

of “shivers and goosebumps”<sup>204</sup> where instead of honor, the woman becomes an emblem of disdain and horror, and thus she is exposed to death as she is not pure enough to be a sacrifice, a status enjoyed by goats in Semitic religions. At such a point one is forced to ask: Is the protagonist of this thesis, then also the protagonist of Agamben’s theory?

The religious tradition of having multiple wives has also been revived and strengthened by the case of forced displacement. The practice of Walwar (bride price) allows men to purchase women as “wives,” at tragically low prices from IDP communities, ranging from PKR 30,000 to PKR 50,000 (EUR 220-365)<sup>205</sup> as opposed to the usual price of PKR 60,000 to PKR 70,000 (EUR 440-512).<sup>206</sup> Families are forced to give away their daughters for monetary gains in order to sustain entire households, but for a limited amount of time only. These women are subjected to abuse and made to bear children at a very young age, and these trends have resulted in an increased rate of miscarriages.<sup>207</sup> In addition, first wives also get abandoned in this process where the man directly receives aid as the registered head of the house by the state authorities, but the first family remains without welfare. Such complexities are not acknowledged by the state welfare programs which leave women, as a category, more vulnerable and exposed to gendered inequalities. The practice of Walwar has taken a more sinister turn due to displacement. Many a times, owing to the low price demanded by IDP communities, young girls are married off to Uzbek militants, who are financially well off.<sup>208</sup> However, most of them either left the area in the initial stages of the conflict, or were killed in attacks, leaving women behind without any proof of marriage, which not only creates an obstacle during the registration process but also subjects them to social stigma

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<sup>204</sup> Agamben, 78.

<sup>205</sup> Chaudhry, 8.

<sup>206</sup> Naz, 21.

<sup>207</sup> Naz, 21.

<sup>208</sup> Naz, 18.



and abuse.<sup>209</sup> After conducting interviews with women belonging to such communities, the report also concluded that such women are sent back to their families after being repeatedly abused by their husbands, who are also infamous of “sharing wives” within militant groups, owing to limited funds.

This intentional manipulation of a cultural custom in order to exploit vulnerable young women is a clear indicator of the entrenchment of patriarchal norms. This is a growing problem within Muslim marriages more generally for populations that are marginal and without sufficient legal representation. Especially when women do not have identity cards,<sup>210</sup> they cannot be registered to the state authorities for a marriage license. Moreover, since FATA has not been mainstreamed and the people go to the Jirga, which as an informal court, for their legal activities, it is easier for such men to marry women and then leave them without any documentation as only the religious ceremony is performed. In the prevalent misogynist culture which is exacerbated by state negligence, women are seen as “desirable commodities,”<sup>211</sup> and forced to go through such trauma without having the right to get a divorce, not only because of the social backlash but because in such emergency situations it is impossible to go through a legal procedure.

The practice of Walwar should be contested vehemently by the state as sexual exploitation executed on these bodies is being neglected and is casually merited to cultural practices, thus pinning the blame on the families and their norms and mores.<sup>212</sup> Therefore, it would be safe to say that certain atrocities are inherently gendered, making female more vulnerable, and if the structures

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<sup>209</sup> Naz, 18.

<sup>210</sup> Waseem Abbasi, Study Highlights Impact of Drones, Military Operations on Pak Women,” The News, September 06, 2016, <https://www.thenews.com.pk/print/150267-Study-highlights-impact-of-drones-military-operations-on-Pak-women-IDPs>

<sup>211</sup> Wazir, 39.

<sup>212</sup> Beneria, Berik, and Floro, 27.

fail to acknowledge gendered violence and provide security to IDP women then state complicity can be affirmed to be the reality of the tribal areas in Pakistan. However, this phenomenon can also be understood effectively by acknowledging the “double exception” to which female Pashtun IDPs are subjected. As mentioned previously, the FCR only includes women once within its doctrines which exhibits a gross distance from the existence and issues of women, a judicial exclusion of sorts. Furthermore, as per the earlier discussion, women are taken as objects of honor, exchanged and killed for its maintenance and protection for the entire tribe. Therefore, Pashtun women pre and post displacement, are expelled from legal identity and status and are also not included as independent entities in the tribal realm. Here the state complicity which attributes its exclusion of female voices to tribal culture meets the exclusion that such rules and mores perpetuate which are then not challenged by the state as well. This double exclusion is maintained by both to make Pashtun women as “life that may be killed but not sacrificed” which keeps them captured “in this sphere” of inclusion by exclusion.<sup>213</sup>

They are outside the circles of decision-making and settlements, lawful recognition and state acknowledgement but they are also part of the sphere as totems of honor used in these settlements and bodies with no political forbearance yet alive within territorial boundaries (bare life) by this very double exclusion. Both entities have upheld this hierarchy by using each other in order to keep Pashtun women as the “referent of sovereign decision” (85), the status of the sovereign shared by both the state and the tribal jurisdiction as the “homo sacer is the one with respect to whom all men act as sovereigns.”<sup>214</sup> Therefore, the entity of the homo sacer is used by both sovereign bodies to perpetuate the political relationship, validating their right to create bare

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<sup>213</sup> Agamben, *Homo Sacer*, 83

<sup>214</sup> Agamben, 84.

life which can be exposed to killing but its sacrifice cannot be celebrated as religious sacrilege. The female Pashtun IDP can be sold off in marriage but can also be sent back with the state turning a blind eye by not including this grave issue when formulating repatriation policies that are meant to protect the displaced population. The reason to use Agamben's complex theories with the issue of IDP women from FATA is to not show them as analogous as Agamben himself discusses archaic Roman laws and mores, but to put forth an account of displacement from the global south which has not been academically or theoretically explored. Such comparisons can help the readers to understand the nature of displacement and what it entails for people coming from different contexts and background.

This chapter primarily deals with the consequences of displacement faced by the Pashtun community, specifically female Pashtun IDPs, by engaging with the analytical evidence with the help of a theoretical framework to foreground the grim realities and their roots. With the colonial past and the state having fixed the modalities of belongingness, Pashtun women who are considered to be invisible to the system, are exposed to more vulnerabilities than any other group. A blindness towards this reality creates a narrative of oppression supplemented by ignorance. The next chapter will be presenting a more recent development in the narrative, a narrative displaying agency and resistance. Despite many limitations and manifolds of oppression and silencing, the Pashtun voice is reaching the center and is publicly positioned against the oppressors. This will be further explored in the next chapter, with its limitations followed by the conclusion.

## 4. From Movement to Merger

The final chapter of this M.A thesis bridges the past and present of the crisis of displacement within FATA, with respect to the changing political atmosphere in Pakistan. A growing social movement along with an unprecedented political move on the status of FATA will be discussed here to look into internal displacement with a new lens. The following analysis is based on journalistic endeavors of local media and thus have never been academically dealt with before. The events covered below are as recent as the 5<sup>th</sup> of June 2018 and provide a climax to the history, plight and resistance of the Pashtun community discussed in previous chapters.

### 4.1 Pashtun Tahaffuz Movement and the Right to Mourn

Under sustained facade of being under attack by external enemies,<sup>215</sup> institutions like the military and government expect citizens to “trade their liberty of movement and right to protest and hold leaders accountable in return for such security.”<sup>216</sup> The greatest and most current example of retaliation to this dogma is the growing “Pashtun Tahaffuz Movement” (PTM), which is getting attacked for being anti-state by the virtue of “protesting against the oppressors”<sup>217</sup> and demanding to not be treated as second-class citizens. By primarily using social media, a young Pashtun man Manzoor Pashteen has managed to create a movement where the people of Khyber Pakhtunkhwa and FATA (ethnically Pashtun) are being inspired to rise against marginalization and demand their rights. The Pashtuns, owing to their ethnicity being very similar to those residing in Afghanistan, have always been questioned on their sentiments regarding Pakistan, with vitriolic parochialism

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<sup>215</sup> Siddiq, 149.

<sup>216</sup> Iris Marion Young, “The Logic of Masculinist Protection: Reflections on the Current Security State,” *Signs* 29, no. 1, (2003): 22.

<sup>217</sup> Arif Hayat, “We are Against the Oppressors!: PTM Leader Manzoor Pashteen Tells Thousands at Peshawar Rally,” *Dawn*, April 8, 2018, <https://www.dawn.com/news/1400349>

now being channeled by labeling peaceful protestors as anti-state actors. The movement demands to know of the missing persons and enforced disappearances from their community, supposedly sanctioned by the military and is treated as an open secret. Pashteen, during the latest march in Peshawar said, "In Waziristan, the 'good Taliban' are threatening the people," and also stated that they (the Pashtuns) are the agents of the nation and are not against it.<sup>218</sup>

What stands out about this movement is the prominence of women and the elderly in the public marches, who are being photographed holding placards and pictures of their missing family members. The pictures of women dressed in their cultural attire and participating political and public forums calls into question, as did the late Saba Mahmood, a western-centric definition of “agency-as-resistance,” and it promotes the right to be political without the necessary components of being ‘modern.’<sup>219</sup> The metropolitan Pakistani is conveniently of the view that tribal women cannot be political or that women who practice religion cannot be resistant to the state but Naz’s report based on the model of community conversations engaged women who were of the opinion of standing up for their rights and investing in education once they go back to their homes.<sup>220</sup> As Mahmood observes resistance to be a “capacity of action,”<sup>221</sup> which can and cannot be rooted in an individual’s understanding of religion, Pashtun women too, participate in rallies to express their solidarity with the cause and take action.

However, the movement is already showing signs of the limits of its ability to expand and incorporate all of the issues that women want to address. Upon having a conversation with a local supporter of the PTM but not a member of the administration of the movement, he expressed how

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<sup>218</sup> Hayat, “We are against.”

<sup>219</sup> Saba Mahmood, “Feminist Theory, Embodiment, and the Docile Agent: Some Reflections on the Egyptian Islamic Revival,” *Cultural Anthropology* 16, no. 2, (2001): 211.

<sup>220</sup> Naz, 23.

<sup>221</sup> Mahmood, 203.

“women’s issues” are not a priority in the present moment and the movement should be dedicated towards bringing change for the entire community. While his sentiments were in the right place, his language and tone indicated that he considered “women’s issues” to be separate from the issues of the entire community, something that can be dealt with when prosperity has been ensured. This idea is not only limited to Pashtun men but to a distinct majority of Pakistani men, who believe in this categorization and do not prioritize equality as there are always bigger battles to fight in a country like Pakistan. However, while men from larger and more developed cities know how to hide this sentiment or phrase it in more diplomatic terms, men from rural and tribal areas are stigmatized by metropolitan Pakistani’s to project a better image of themselves by comparison. This is a standing example of the “double colonization”<sup>222</sup> to which Pashtun women are subjected. Colonization is inherently a “masculine phenomenon”<sup>223</sup> which finds its sustenance in “dominant modes of ideology”<sup>224</sup> like patriarchy. Both dogmas support and maintain each other by constructing the right model of oriental subjects that are “recognizable roles, images, models, and labels”<sup>225</sup> that can be relied upon for a fixed identity. In a postcolonial context, this double oppression still exists as the traditional woman is made to “stand in for”<sup>226</sup> a reliable identity that can be maneuvered around to fit a narrative of national pride, which can be shared by everyone.

The problematic category of the metropolitan Pakistani mentioned above is important to explore as it is a category which is not only taken for granted but is synonymous to the “native intellectual” constructing varying and competitive futures for the nation-state.<sup>227</sup> As Fanon further

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<sup>222</sup> Ensieh Shabanirad and Seyyed Mohammad Marandi, “Edward Said’s Orientalism and the Representation of Oriental Women in George Orwell’s *Burmese Days*,” *International Letters of Social and Humanistic Sciences* 60, (2015): 24.

<sup>223</sup> Shabanirad and Marandi, “Edward Said’s Orientalism,” 24.

<sup>224</sup> Shabanirad and Marandi, 24.

<sup>225</sup> Shabanirad and Marandi, 24.

<sup>226</sup> Hale, 2.

<sup>227</sup> Frantz Fanon, “National Culture,” in *The Wretched of the Earth*, (New York: Grove Press, 1968), 155

explains, national consciousness is always understood as “the all-embracing crystallization of the innermost hopes of the whole people” but in reality, is only an “empty shell” of this mighty ambition as the national consciousness can be and is monopolized by a selected few.<sup>228</sup> The “national middle class” which in Pakistan, is mostly the Punjabi, Sunni, patriarchal, metropolitan middle class, is the one that considers it their intellectual and national right to construct a national consciousness befitting to all. National unity thus becomes a smokescreen behind which all minorities are a mere blur and the “emergence of a new imagination”<sup>229</sup> is evident where new heroes are celebrated, and new villains resuscitated, and some are simply less Pakistani than others.

Thus PTM, whilst challenging the norms of citizenship and national hegemony also attempts at addressing the grave economic, social and human losses inflicted upon the Pashtun community via the IDP crisis and its mismanagement. According to one of the central leaders of the PTM, “the people of FATA have been rendered homeless while their belongings have been destroyed.”<sup>230</sup> He also demanded for a human rights commission to investigate the real plight of the people of FATA and provide them with due recompenses, most importantly a significant place in the discussions and formulations of a repatriation process. Tooba Syed, visiting professor at Quaid-e-Azam University, Islamabad in Gender Studies and an active participant of PTM, in a detailed interview reflected upon one of PTM’s core demands of removing land mines from areas where the military operations were executed. She elaborated:

When they (the military) repatriated some people from the camps to villages where the operation had ended, they did not remove the land mines spread around the borders of the villages. There have been many incidents when stray cattle or children come in contact

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<sup>228</sup> Fanon, 156.

<sup>229</sup> Fanon, 156.

<sup>230</sup> Hayat, “We are against.”

with them and get badly injured. It is not possible to have a normal life in your own home if you are so vulnerable to an explosion waiting to happen.<sup>231</sup>

PTM also has an active and brave woman leader, Sanaa Ejaz, who demanded for equal treatment for all citizens of Pakistan, be they Punjabis or Pashtuns.<sup>232</sup> According to Syed, Ejaz handled the stage during the Jalsa<sup>233</sup> in Peshawar and was respected as an equal and a worthy participant and supporter of the movement. However, recently it has been brought to news that Ejaz has been fired from her day job as a news anchor on Pakistan National Television, a state-owned media corporation, because of her involvement with the PTM.<sup>234</sup> According to her, she has been terminated from her position, without adhering to the general protocol because of her activism. Despite such obstacles, women like Ejaz and Syed are vehemently supporting the movement with local feminist groups like The Feminist Collective,<sup>235</sup> Aurat March 2018,<sup>236</sup> and Feminists for Pashtun Tahaffuz Movement,<sup>237</sup> publicly issuing statements of solidarity and actively participating in all jalsas and covering the events on their popular social media platforms. Feminist movements in Pakistan usually do not associate themselves with political parties or mainstream political propaganda and focus more on social media activism and grassroots work to help women in need. However, with PTM, feminist movements and organizations have recognized an opportunity to step forward and ally themselves with a cause that resonates with their message.

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<sup>231</sup> Tooba Syed, interview by author, WhatsApp Call, Budapest, May 07, 2018.

<sup>232</sup> Hayat, "We are against."

<sup>233</sup> March or procession; a huge political gathering.

<sup>234</sup> "PTV Fires Anchor Sanna Ejaz Over 'PTM Activism'", *Pakistan Today*, May 09, 2018, <https://www.pakistantoday.com.pk/2018/05/09/ptv-fires-anchor-sanna-ejaz-over-ptm-activism/>

<sup>235</sup> The Feminist Collective's Facebook page, accessed June 11, 2018, <https://www.facebook.com/tfclahore/photos/a.821098041378576.1073741829.770873803067667/1000328430122202/?type=3&theater>

<sup>236</sup> Aurat March 2018's Facebook page, accessed June 11, 2018, <https://www.facebook.com/AuratMarch2018/photos/rpp.2102210893344912/2151970078368993/?type=3&theater>

<sup>237</sup> Feminists for Pashtun Tahaffuz Movement's Facebook page, accessed June 11, 2018, <https://www.facebook.com/Feminists-for-Pashtun-Tahafuz-Movement-181757769113317/>



Syed's presence and active involvement as a non-Pashtun is an example of the inclusivity and widespread nature of the movement which can be seen as a new wave of national activism in Pakistan. Despite the burdening shackles of parochialism and prejudices, many young individuals from more privileged provinces are participating and lending their arms to the movement. Limiting it to one section or ethnic community is repeating the same trumpet reverberating the age-old divide. Owing to this Pashteen did not limit his Jalsas to Peshawar or FATA only but went to Swat, Lahore and recently to Karachi to exude the national rhetoric he is trying to promote against the accusations of being anti-state. In the words of Syed, "this movement is not an ideology driven movement but comes from a personal trauma. It is a gathering of bodies who collectively mourn the loss of those they have lost. The atmosphere is not political but of mourning and grieving."<sup>238</sup>

The national reach can also be seen as a rational outcome of this very act of collective mourning which is inviting citizens from all political, religious and ethnic backgrounds to join them in defiance by bearing their loss to the world so as to not let it be shrugged off. The inclusivity that the movement is projecting is, thus, admirable but the fact that it is so vulnerable to being labelled as anti-state is not only disturbing but eye-opening. Unfortunately, this is not where the subjugation ends as prominent media channels have ruthlessly ignored the march and have not given it any due coverage which is a testament of the penchant state-sanctioned marginalization, practiced so casually against the Pashtuns. Many journalists have been left with no option but to post their articles and op-eds on the movement on social media forums like Twitter and Facebook as some media enterprises are either too afraid or are practicing the principle of self-censorship to not attract any malicious attention from the higher ups.<sup>239</sup>

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<sup>238</sup> Tooba Syed, interview.

<sup>239</sup> Abubakar Siddique, Censorship Gaining Foothold In Pakistan, Gandhara, April 17, 2018, <https://gandhara.rferl.org/a/censorship-gaining-foothold-in-pakistan-ptm/29173264.html>

The most recent Karachi Jalsa of the PTM, May 13, faced many speed bumps as initially Manzoor Pashteen was denied a boarding pass from a private airline on account of missing information and had to travel by road for more than 40 hours.<sup>240</sup> The jalsa also faced initial complications when the city authorities were on edge to arrange an area for the jalsa but eventually gave permission.<sup>241</sup> Syed also reflected on the media self-censorship and explained how activists and young participants simply took to social media and went live at Jalsas or wrote Twitter threads to let Pakistanis know the intent and content of their protest.<sup>242</sup> According to Valenzuela, “social media can facilitate access to a large number of contacts, thereby enabling social movements to reach critical mass...social media can also promote personal and group identity construction,”<sup>243</sup> which is exhibited in the Pashtun Tahaffuz Movement as they managed to create an identity outside the ethnic borders of being Pashtun and managed to infiltrate the masses without having mainstream media in tandem. Social movements might still reach their climax on the streets, but they have started to take off from social media forums thus increasing youth participation and debate.

However, this raises another question: is Pashtun loss as grievable as the Punjabi victims of any similar atrocity in a city like Lahore? Is a Pashtun life a “grievable life” to the state of Islamic Republic of Pakistan? Thousands joined Manzoor Pashteen in the biggest city of Pakistan i.e Karachi despite all odds against the Jalsa as the establishment did everything to deter their efforts, from detaining Pashteen in a Punjab airport to changing the venue of the Jalsa on the final day but the people waited for him and made their presence felt and their politics heard because

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<sup>240</sup> Imtiaz Ali, “PTM Leader Manzoor Pashteen Prevented from Boarding Flight to Karachi,” *Dawn*, May 12, 2018, <https://www.dawn.com/news/1407227>

<sup>241</sup> Ali, “PTM Leader.”

<sup>242</sup> Tooba Syed, Interview.

<sup>243</sup> Sebastian Valenzuela, “Unpacking the Use of Social Media for Protest Behavior: The Roles of Information, Opinion Expression, and Activism,” *American Behavioral Scientist* 57, no. 7, (2013):922.

they are not just “socially constituted bodies” exposed to the terror of their own vulnerability, something that they themselves face on a daily basis.<sup>244</sup> To them, their bonds are what composes them, as beings and as a community, revealing their own vulnerabilities and subjectivities, their own core and perhaps their perpetual undoing in a society that rejects them.<sup>245</sup>

Butler tells us that certain lives never receive the “fast and furious support” which qualifies them as “grievable”<sup>246</sup> because of the undue “distribution of the human species into groups” and subgroups in order to establish a biological hegemonic control that justifies racism as the ultimate technology of the state exercising its sovereignty over the governable mass of bodies.<sup>247</sup> Racism is thus established as the litmus test, the one true standard over which bodies are made comprehensible within the spectrum of the politics of life and death. The “violence of derealization”<sup>248</sup> that Butler proposes, exposing a technology worse than excluding beings: making beings “dereal” that is not to undo their existence but to remove them from the narratives of realness and life, is what the Pashtun community in Pakistan is subjected to.<sup>249</sup> Bodies already negated from the center, from the history and perhaps even the coming future, can only be mourned in their deadness or in their absence, embodying a negation of their lives. As Butler purports, the constant violence that the negated bodies of the Pashtuns are subjected to is an attack on their inannihilable “animatedness” that feeds the “spectral infinity” of the Pashtun as the alien, the outsider, the tribal and the enemy of the state, as the physical embodiment of the opposition to state identity and sovereignty.<sup>250</sup>

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<sup>244</sup> Judith Butler, “Violence, Mourning, Politics,” in *Precarious Life* (London: Verso, 2004), 20.

<sup>245</sup> Butler, 22.

<sup>246</sup> Butler, 32.

<sup>247</sup> Achille J. Mbembe, “Necropolitics,” Public Lecture 15, no. 1, (2003): 17.

<sup>248</sup> Butler, 33.

<sup>249</sup> Butler, 33.

<sup>250</sup> Butler, 33-34.

Like the Palestinians, the Pashtuns are also not publicly grievable because an open mourning of their insurmountable loss can be taken as “offensive” to the protectionist ideology followed by the majority of the state population including some political parties and agents whose manifestoes include a flourishing of this parochial hegemony and thus can cause problems for the state.<sup>251</sup> However, PTM by including women with pictures of their abducted or dead family members, who can especially be framed as the victimized widows and orphans of their male family members, is challenging the state-conducted dehumanization.<sup>252</sup> The “norms of grieving” produced by the state and religious bodies were abandoned and the dead spoke for the living and demanded the violence to end but the melancholia to remain.

Like Daniel Pearle, a similar being to academics and local sympathizers in America,<sup>253</sup> a Punjabi or Sindhi is easy to mourn, he looks like us, he talks like us, he prays like us, he is what a Pakistani is imagined to be: a citizen, a contributive member of society, a Sunni, a majority. But the Pashtuns of FATA are different and against them a celebrated, significant One is created that is to be protected and revered by the democratic state and the plethora of institutions attached to it. The educated, modern, metropolitan women have the right to be political and hold protests against the state as is their fundamental right secured by the constitution, but the Pashtun women are never seen to be agentic or political; they are the inhabitants of the many death-worlds comprising of many a group of minorities in Pakistan, represented in the whiteness of the national flag.

#### **4.2 FATA-KP Merger: “Brave New World”?**

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<sup>251</sup> Butler, 35

<sup>252</sup> Butler, 36.

<sup>253</sup> Butler, 37.

24<sup>th</sup> May 2018 will go down in the history of Pakistan as the day democracy worked for all the people residing within the territory of Pakistan. On this day the National Assembly of Pakistan voted to abolish the Frontier Crimes Regulation, the draconian law of oppression and separation inherited by the colonial masters and protected since the past 70 years. As of now, FATA is not a tribal region existing outside the constitution of Pakistan but has been merged with Khyber Pakhtunkhwa, one of the four provinces of the state bordering FATA geographically and sharing ethnic and cultural similarities. The 31st Constitutional Amendment Bill 2018 was passed by the National Assembly by two thirds of a majority with 229 members voting in favor of the bill.<sup>254</sup> The bill was approved clause by clause outlining increased representation for FATA lawmakers within KP government increasing total National Assembly seats of the province to 147 from 126.<sup>255</sup> With the bill having passed by a majority, KP laws which are the laws of the state, will be enforceable in FATA. The regional government would also be granted Rs. 100 billion under the National Finance Commission awards granted to all four provinces of the state in addition to Rs1 billion every year for 10 years which will be exclusively used for the development in FATA.<sup>256</sup>

As discussed in the first chapter, the FCR has been under the microscope for quite some time since changes involved a political mandate and popular support. Only recently, a parliamentary discussion on abolishing the FCR began but was eclipsed by the Panama Papers leak which caused a mass controversy and political upheaval in Islamabad leading to the removal of the then Prime Minister Mian Muhammad Nawaz Sharif. Despite the removal his party held the majority in the parliament and managed to keep the reforms on the table but was also met by antagonist pressure from the Jamiat Ulema-i-Islam-Fazl (JUI-F) leader, Maulana Fazlur Rehman,

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<sup>254</sup> Dunya News, “National Assembly Passes FATA-KP Merger Bill,” May 25, 2018, <https://dunyaews.tv/en/Pakistan/440912-National-Assembly-passes-FATA-KP-merger-bill>

<sup>255</sup> Dunya News, “National Assembly.”

<sup>256</sup> Dunya News, “National Assembly”

who is one of the closest allies of Nawaz Sharif.<sup>257</sup> His opposition was also accompanied by Pakhtunkhwa Milli Awami Party (PkMAP) leader Mehmood Khan Achakzai who with Fazl will not just lose their popularity base for future elections<sup>258</sup> but will also be sidelined by the political prowess of Pakistan Tehreeq-e-Insaf (PTI) under the leadership of famous cricketer turned philanthropist/politician Imran Khan, which holds the majority of seats in KP. JUI-F and PkMAP will have to live in the shadow of formidable PTI will lose the hope of gaining a substantial representation in the Parliament as the seats reserved for FATA as part of its special status will be revoked and subsumed into the collective number of seats withheld for KP. Both parties voted against the bill on the day of voting in the National Assembly, with another political party MQM, only voting in favor of the bill for the sake of maintaining “political unity.”<sup>259</sup>

According to the above-mentioned opposition, with JUI-F even calling the legislation “contrary to ‘Quran and Sunnah,’”<sup>260</sup> both parties emphasized on the will of the Pashtun people being compromised in merging FATA with KP. Their major demand was a referendum, that should have been held in all agencies of FATA to decide its fate, which to them was not met by the parliament and the merger was rushed to secure the promising portfolio of PML-N for the upcoming elections in July’18 as the current government was to dissolve four days after the merger i.e. 28<sup>th</sup> May 2018. The merger was also met with scathing criticism by the two parties in opposition by derailing the debate and putting unwarranted importance to international pressure, which can be seen as groundless because “members from both parties have, in the past, suggested that since no woman in FATA can dare step outside the home without her husband’s permission

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<sup>257</sup> Ismail Khan, “Govt Not to be Dictated by Two Allies over Fata-KP Merger,” *Dawn*, May 20, 2018, <https://www.dawn.com/news/1408784>

<sup>258</sup> Khan, “Govt. Not.”

<sup>259</sup> Pakistan Today, “JUI-F Chief Calls for Referendum on FATA’s Merger with KP,” May 16, 2018, <https://www.pakistantoday.com.pk/2018/05/16/jui-f-chief-calls-for-referendum-on-fatas-merger-with-kp/>

<sup>260</sup> Pakistan Today, “JUI-F Chief.”

— those who have expressed interest in the merger have been co-opted by a foreign-driven agenda.”<sup>261</sup> This demonstrates the “logic of gender difference”<sup>262</sup> being implemented to construct a national identity that serves the agenda of political oppression. Like Kapur uses the category of the “traditional woman”<sup>263</sup> as the nucleus of the Indian national identity in a postcolonial context, political leaders like Fazl are also guilty of exploiting the category of the traditional tribal woman as the foreground of Pashtun identity. According to Kapur, the colonizers attributed the gender difference to “civilizational difference”<sup>264</sup> in order to construct an identity against the other, which is evident in the political opposition of the merger as this civilizational difference is being protected to limit the identity of the Pashtun for personal gains by those in power. Such a blatant exploitation of gender relations not only hinder progressive democratic processes but malign tribal practices by categorizing them as primitive and backwards (read oppressive).

However, their call for a referendum, though a fair democratic demand that should have been ideally met with, was not stemmed from democratic or Pashtun-empathetic intentions as it was suggested only as a ploy to delay the merger and maintain the status quo of their parties in the tribal areas. Moreover, if not a referendum in the strictest sense of the word, a Committee on FATA Reforms was constituted in 2016 which “held extensive consultations with different stakeholders from FATA”<sup>265</sup> before proposing effective mainstreaming of the area. An extensive report consolidated and published by the committee on FATA Reforms chaired by Mr. Sartaj Aziz, Adviser to the Prime Minister on Foreign Affairs, held sessions with the abovementioned stakeholders and with existing parliamentarians from FATA to discuss the political nature of the

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<sup>261</sup> Daily Times, “FATA Merger Not Off the Table,” May 18, 2018, <https://dailytimes.com.pk/241477/fata-merger-not-off-the-table/>

<sup>262</sup> Kapur, 546.

<sup>263</sup> Kapur, 547.

<sup>264</sup> Kapur, 546.

<sup>265</sup> Government of Pakistan, 28.

merger. Interestingly, the plight and due rehabilitation of the “TDPs”<sup>266</sup> (temporarily displaced persons) is mentioned a number of times in the report, topping many policy suggestions as well.

In each Agency two sessions were organized: one with around 200 to 300 tribal Elders and Maliks and another with civil society stakeholders including representatives of political parties, traders, journalists, and youth. The Committee also held a combined Jirga with Elders/Maliks and representatives of political parties, journalists, traders and youth of all the six FRs at Governor House, Peshawar on 2nd May 2016.<sup>267</sup> The interesting results showed a divide within the population as the youth expressed their desire to be merged with KP while the elders wanted to maintain FATA’s special status. Moreover, the report also summarized other concluding facts reflecting the benefits of the integration such as more electoral representation for FATA via the provincial assembly of KP, and better economic and investment opportunities along with social mainstreaming.<sup>268</sup> The report also mentioned that the people of FATA also wanted that the transition be well-paced so that “displaced people”<sup>269</sup> get the required time to be repatriated. It is thought-provoking that the same report that mentions IDPs as Temporarily Dislocated Persons (TDPs) also refers to them as “displaced persons”<sup>270</sup> on other instances. This confusion can either be attributed to a lack of proper editing and review or as nonchalance practiced by the state for not handling the issue with the utmost of earnestness. This is also highlighted in one of the demerits of the rather haste merger as the displaced are being treated as a second priority with no separate agency or committee being dedicated to the problem of the IDPs and no similar official reports coming to voice their concerns and needs.

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<sup>266</sup> Government of Pakistan, 5, 8, 28, 33, 34, 56, 58, 59, 62, 63, 65, 66, 68, 69.

<sup>267</sup> Government of Pakistan, 28-29

<sup>268</sup> Government of Pakistan, 29.

<sup>269</sup> Government of Pakistan, 7.

<sup>270</sup> Government of Pakistan, 30.



The merger, nevertheless, is a welcome change but it also raises many questions that can only be answered after the professed transition period of a minimum of five years is completed. The report that has been used in this chapter met the criticism of Takrah Qabaili Khwenday (brave tribal sister), an all-women representative forum for all agencies of FATA who sent their recommendations to the official body compiling the report but were ignored.<sup>271</sup> According to them, the jirga system which was recommended by the report to remain along with implementation of the Rewaj Bill, a diluted version of the FCR as mentioned in chapter 2 of this thesis, is against female representation and will maintain the hegemonic status quo. The report along with such detrimental recommendations mentions the initiation of a Gender Development Unit that promotes the propagation of female representation in leadership forums with adequate quota and female-friendly spaces, put together in a one-page section of the almost 80-page report. The committee responsible for the report does not have a single woman on board. Therefore, such oxymoronic recommendations exist in the report, only as procedural mentions, without delving into the issues of practically implementing the policies of gender equality when the systemic inequalities are not redressed.

The purpose of this chapter is to acquaint the reader with the most current developments reshaping the discourse on FATA to better understand the impact of past oppression on newer models of representation that are being currently incorporated. This chapter has sought to fuse an older literature with a newer discussion informed by theoretical analyses like Butler and Agamben to problematize current literature on the topic. This chapter is full of journalistic accounts which need to be included into broader academia to start a well-informed debate on FATA.

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<sup>271</sup> The Express Tribune, "Reservations: FATA Reforms Criticized for Ignoring Women," September 1, 2016, <https://tribune.com.pk/story/1173753/reservations-fata-reforms-criticised-ignoring-women/>

The Pashtun Tahaffuz Movement and the merger of FATA with KP are not directly related and yet their timelines converge to demonstrate the importance of social mobilization as a catalyst to governmental implementation. However, the merger is not only an example of freedom for Pashtuns but can also be seen as a political ploy to validate the tenure of the government as a success. Furthermore, it distances the public interest from the crisis with which the IDPs are faced with and also the many trials and tribulations of the Pashtun community as a whole which are raised by the PTM. The merger can be taken as a way to provide an easy-fix to the issues of enforced disappearances, lawlessness, mass terror, lack of development and representation, and displacement among others without having to be accountable for their causes and perpetuation.<sup>272</sup> It also shows a shift in military policy as the PTM has opened a dialogue challenging military influence in the area since decades.<sup>273</sup> At such a crucial time of transition, academics should pivot to FATA to observe the many social, political and economic changes that are promised by the merger to investigate, ensure and better the wanted changes along with the creation of a nuanced account to enrich the policy recommendations and implementations with the locals.

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<sup>272</sup> Umair Jamal, “Understanding the Realpolitik Behind Pakistan's FATA-KP Provincial Merger,” *The Diplomat*, May 30, 2018, <https://thediplomat.com/2018/05/understanding-the-realpolitik-behind-pakistans-fata-kp-provincial-merger/>

<sup>273</sup> Jamal, “Understanding the Realpolitik.”

## Conclusion

On June 03, 2018, three supporters of the PTM were killed along with many injured when a peaceful gathering was attacked by a “peace committee” in Wana, South Waziristan Agency. According to the locals and senior journalists, this Aman committee is said to be the “good Taliban” still active in the area, dissuading locals from showing support to PTM.<sup>274</sup> As explained in previous chapters, the “good Taliban” have been said to be protected by the military for their own policy agendas. According to latest reports the same area of Wana is surrounded by armed men of the same committee and want to attack one of the prominent members of PTM, Ali Wazir, who has a strong political hold in the said area.<sup>275</sup> The attacks came at an inopportune time because PTM was gearing to have talks with the military to resolve the disputes and move forward.<sup>276</sup>

On June 06, 2018, social activist and journalist Gul Bukhari, was abducted from Lahore Cantt, which essentially is a residential area run by and for the military, while she was on her way to record a T.V show as an analyst.<sup>277</sup> Over the past few months, she has been very vocal in her criticism of military intervention and establishment-engineered anti-dissent acts, such as labeling PTM as an anti-state movement orchestrated by foreign agencies to harm the country. What is more disturbing is that her abduction occurred around 24 hours after a press conference conducted by Inter-Services Public Relations (ISPR) Director-General (DG) Major General Asif Ghafoor hinting that the military can be monitoring social media channels and will not accept “anti-military

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<sup>274</sup> Daud Khattak, “Pashtun Tahaffuz Movement Comes Under Militant Attack,” *The Diplomat*, June 05, 2018, <https://thediplomat.com/2018/06/pashtun-tahaffuz-movement-comes-under-militant-attack/>

<sup>275</sup> Khattak, “Pashtun Tahaffuz Movement.”

<sup>276</sup> Khattak, “Pashtun Tahaffuz Movement.”

<sup>277</sup> Asad Hashim, “Pakistani Activist Abduction Sparks Fear of Crackdown on Dissent,” *Al Jazeera*, June 06, 2018, <https://www.aljazeera.com/news/2018/06/pakistani-activist-abduction-sparks-fear-crackdown-dissent-180606122635686.html>

propaganda” rhetoric at any cost.<sup>278</sup> Commenting on the PTM incident mentioned above, DG ISPR defended the Aman Committee by stating that they were trying to stop members from chanting anti-state slogans which resulted in a violent scuffle, resolved by the trusted military presence in Wana.<sup>279</sup> He also stuck to the label given to PTM as a foreign-aided movement devoted to shake the writ of the state on the basis of it being aired and covered by foreign news channels.<sup>280</sup>

The abduction was popularly received as a sign given by the establishment to silence journalists, activists and voices of dissent by inspiring the method of self-censorship.<sup>281</sup> The general elections are scheduled to be held in the end of July 2018 and rumors of the military already maneuvering the results are circulating everywhere.<sup>282</sup> Pakistan, currently, is caught up in multiple narratives, intersecting and clashing all at once. It is home to multiple ethnicities, cultures, languages, values and classes. Dissent is difficult but not impossible. The citizens of Pakistan have gained freedom since the past 70 years but now the PTM asks, “Da Sanga Azadi Da”: What kind of freedom is this?<sup>283</sup>

The aim of this thesis has been to highlight the crisis of displacement that thousands have experienced within the territory of their own nation. Within this group is the further marginalized group of Pashtun women who bear the double burden of being synonymized to family honor and labeled as a lesser priority of the state. During a casual conversation from a Pashtun living in the city of Lahore and having gone to a well-reputed university in the same city, I became aware of

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<sup>278</sup> Daily Times, “Pen Not Mightier Than the Sword,” June 07, 2018, <https://dailytimes.com.pk/250038/pen-not-mightier-than-the-sword/>

<sup>279</sup> Dawn, “Army Will Continue to Exercise Restraint, Has No Role in Conduct of Elections: DG ISPR,” June 04, 2018, <https://www.dawn.com/news/1411983>

<sup>280</sup> Dawn, “Army Will Continue.”

<sup>281</sup> Daily Times, “Pen Not Mightier.”

<sup>282</sup> Dawn, “Army Will Continue.”

<sup>283</sup> Dunya News, “Da Sanga Azadi Da-What Kind of Freedom is This?,” February 16, 2018, <http://blogs.dunya.com/20155/>

his opinions based on deprioritizing the woman-issue with respect to FATA and displacement. I do not want to villainize people holding similar opinions, believing in a hierarchy where women's issues always fall short of making it to the top of the pyramid, but such opinions also open a window to a larger discussion of systemic inequalities embedded deep enough to formulate and maintain such opinions. Yes, men, women, children, elderly all have been displaced and deserve the status of being called IDPs, but some groups are more vulnerable than others. If this is not acknowledged, investigated and dealt with then such modes of oppression will continue.

The theoretical framework based on the works of Agamben's theories of State of Exception and *Homo Sacer* have been useful in humanizing female IDPs and bringing "the political out of concealment."<sup>284</sup> The aim of this thesis was to reveal a politics which cannot be gauged by stats and figures but needs to be investigated and pulled out. By opening a discussion on the double exclusion and capture of Pashtun women within the oppression of displacement and tribal mores, this thesis has attempted to step out of the traditional discourse on Pashtun women and has placed them within the displacement-migration nexus by engaging with the ongoing politicization of life.

The aim of this thesis is to not single out any one reason behind the current narrative of oppression and displacement faced by many women in FATA but to explore the variety of reasons which simultaneously contribute and maintain the systemic inequalities targeting and silencing women. These multitudes of subjugation are also investigated to show that any one factor like tradition or religion, which are the easy targets in such situations, cannot be held responsible as a historical analysis is necessary to trace the trends of patriarchal hegemony. This also enables the readers to understand the position of the female Pashtun IDPs within this complex web so as to realize the vicissitudes of oppression, trauma and resistance. The main aim of this thesis is to

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<sup>284</sup> Agamben, *Homo Sacer*, 4.

challenge the shared assumption that women are already a single group that can be easily “placed within religious, economic, familial and legal structures.”<sup>285</sup> This assumption is especially abused in situations of distress like displacement, which perpetuates heightened marginalization of an already vulnerable group, as exhibited by the analysis. Instead of victimizing female Pashtun IDPs or valorizing the tragedies they have to suffer from, we need to engage with different histories, rules, developments, and customs that make their lived experiences what they are right now.

The subject is too vast to be dealt justly with in a M.A thesis, therefore I would encourage all academics to deal with this complex narrative of displacement, loss, identity and existence. This thesis faced many limitations, be it the lack of primary literature on the subject or the inability to execute fieldwork, but this thesis also attempted to create links between western philosophy and modems of western politics while bringing forth unexplored categories of forced migration and Pakistani politics. As established before, internal displacement does not garner as much attention as other modems of migration, and this project’s goal was to pivot the attention towards internal displacement in Pakistan to highlight the systemic problems embedded in the discourse. I, as a “native informant,”<sup>286</sup> have struggled with the emotionally taxing nature of the subject matter and have tried to not regurgitate the victimization of those who are forced to leave their homes for some idea of greater good by exposing the variant modems of hierarchies at work to construct various narratives to be manipulated and recreated. Despite my limitations and complex positionality, I have tried to bring forth internal displacement in a Pakistani context thus contributing to local literature that we are in dire need of.

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<sup>285</sup> Chandra Talpade Mohanty, “Under Western Eyes: Feminist Scholarship and Colonial Discourses,” *Feminist Review*, no. 30, (1988): 78

<sup>286</sup> Khan, 17.

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