

**STATUS OF POLITICAL RIGHTS: A CASE STUDY OF NEWLY
MERGED DISTRICT SOUTH WAZIRISTAN**



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(2023)

TH-27891

MS

323

FAS

Political Rights

Human rights

Civil rights- Political science



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Discipline) Social Sciences with specialization in International Relations at the
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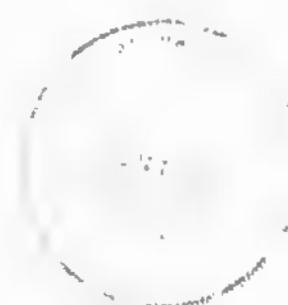
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DEDICATION

I dedicate my thesis to my beloved Parents

MR. & MRS. Your father name,

Who always supported and guided me in my whole life.

Acknowledgement

*I thank Almighty Allah for providing me courage to complete the thesis. It is really all His blessings and nothing else. I acknowledge with deep reverence and sincerity and feel much pleasure in expressing my heartiest gratitude to **Prof. Dr. Muhammad Khan** for his dynamic and affectionate supervision whose inspiring attitude made it very easy to undertake this research. His kind advice and polite behavior encouraged and motivated me to finally complete my work. I hereby acknowledge my research work to **my beloved whole family** who brought me not only in this world rather showed me the path to enter in the eternity and glorious life afterwards. I would also like to thank all the honorable teachers of International Islamic University Islamabad who imparted knowledge to me with their utmost dedication. I believe this effort of mine is not a success achieved by me alone, rather there is a galaxy of my friends, whose help one way or the other remained highly instrumental in completion of this work. Notably, I am highly grateful to my friends who worked with me during the survey for data collection; also thankful to **my all friends who** from rendering great services for my project. I pay special thanks to my whole family particularly **my mother and father** for being always there on my side, always praying success for me and whose support was very helpful in completion of this project.*

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Abbreviations

ANP	Awami National Party
CEDAR	Convention on the elimination of all forms of discrimination against women
CRC	Convention on the rights of the child
FATA	Federally Administered Tribal Areas
FCR	Frontier Crime Regulations
ICCPR	International Convenient on Civil and Political Rights
IDPs	Internally Displaced Peoples
ISARD discrimination.	International covenant against the elimination of all forms of racial
ISESCR	International covenant on economic, social, and cultural Rights
ISI	Inter Service Intelligence
JUI	Jamiat Ulema Islam
KP	Khyber Pakhtunkhwa
MI	Military Intelligence
NMDs	Newly Merged Districts
PPP	Pakistan Peoples Party
PTM	Pashtun Tahafuz Movement
TPP	Tehreek-e-Taliban Pakistan

ABSTRACT

This research proposal is based on the study of the Status of Political rights and its prevailing conditions in the newly merged district of Khyber Pakhtunkhwa; South Waziristan. The study also explores the dynamics of international politics in south Waziristan, spanning from the colonial era through the cold war to the post-cold war period. It was only in 2018 through the 25th constitutional amendment when the former FATA was merged with KP, its discriminatory status was demolished. This qualitative study proposes to examine through ground study, open ended interviews to answer to how in post-merger times the perception of political rights changed in the merged district: South Waziristan. Based on factual data, this inquiry analyses the factors which lead to the current Upsurge in protests in this territory of Pakistan. The final result is to have a deep understanding of whether or not the state of Pakistan ensures the political liberties of the people mentioned in the international human rights conventions and corresponding constitutional provisions of Pakistan. The main focus of this study is to answer to "What are the impacts of Merger on Political wellbeing of the people in the Newly Merged DistrictSouth Waziristan"?

Keywords: Merged Districts, South Waziristan, Colonialism, Cold war, Post-cold war, Militancy Merger, Political Rights, the Constitution of Pakistan

CHAPTER ONE

INTRODUCTION

1.1 Background of the study

This study will be focused on the ongoing transformations in newly merged district south Waziristan. The Researcher will try to study the transformations in this region of EX FATA POST 2018. This is an ongoing Process because it has been only four years but in this very time the indicators of transformation may it be the extension of constitution (Rule of law and formal justice) or Institutions (Police, judiciary and Health) are quite visible. The researcher will try to ascertain the impacts of Merger on the Political (freedom of speech and freedom of association) life of the people of merged district Waziristan. The former 'Federally Administrative Tribal Areas FATA is geographically and strategically located in such a way that it is the last physical barrier between Afghanistan and Pakistan. The invaders from the North, including Alexander the Great, used these routes. Geographically FATA is a vast stretch of rugged mountains starting from Bajaur in the North West and terminating in South Waziristan in the South (Khan ,2022). The Merged Areas (MAs), formerly known as Federally Administered Tribal Areas (FATA), are located in the northwest region of Pakistan, with an area the size of Belgium (27220 squares Kilometers) and a population (5.5 million) equivalent to New Zealand. The area has been deprived of basic constitutional rights since its independence in 1947. The absence of these rights paved way for the archaic laws, such as the Federal Crimes Regulation 1901 (FCR 1901), to exist up until the merger in 2018 (Khan, 2021). The newly merged districts, 'comprising seven agencies and six frontier regions were merged (through the 25th constitutional amendment in 2018) in Khyber Pakhtunkhwa. A historic opportunity to stabilize the region and provide solace to a population weary of conflict and displacement. (Moolji, 2021).

The newly merged districts of Khyber Pakhtunkhwa were for so long as 70 years kept marginalized by giving them a discriminatory status of federally administered tribal areas, ruled under the British laws of frontier crime Regulations (FCR), the people were devoid of equal rights before the constitution, and laws of Pakistan (Khan, 2021). Before their merger and the abolishment of the discriminatory laws and status, the people there had no access to basic human rights. These areas had no agencies, units, or departments to investigate and monitor human rights situations and

human rights violations, particularly against internally displaced people, women, children, girls, special persons, and old persons (Khan, 2022).

The former FATA (South Waziristan) was globally in the headlines for being remained the haven for terrorists and militants, many operations were carried out against these militants by the Pakistani military in addition to the American drone strikes against the terrorists. Success over the militants is a myth or reality; it has now become a matter of great debate multitudes of opinions can be found regarding this (Gartzke, 2022). The only sure thing is the collateral damage, thousands of people were killed, and millions of people left their homes, the worst humanitarian catastrophe. Insecurity, wars, enforced disappearances, people's grievances regarding their freedom to peacefully live, work and educate, to have equal opportunities, broken civil-military bridges, democratic deficit, and the lack of institutionalization of Political rights were the prevailing trends (Amin ,2021).

It was only in 2018 through the 25th constitutional amendment when former FATA was merged with KP, its discriminatory status was demolished, people were given full citizenship rights, and basic rights were institutionalized in the merged districts, though underdeveloped these districts people can peacefully voice their concerns, protest for their rights and raise their concerns. The police system has just been brought to the merged districts due to which people feel comparatively safe and secure. People feel a greater sense of belonging (Khan, 2022).

1.2 Statement of the Problem

The Newly merged district South Waziristan remained war-torn, underdeveloped and lawless area of Pakistan. For a long time, the people were marginalized, devoid of full citizenship rights and equality before the law. The state had disregarded their fundamental rights then, particularly the freedom of speech and expression in addition to having no access to justice. This research is aimed at investigating the status of Political rights in the newly merged district, South Waziristan and the relative gains in terms of the rights after their Merger with KP. The researcher will bring forth the perception of the people regarding their political rights guaranteed legally in the constitutional provisions of Pakistan. Moreover, the factors which cause a great Upurge in the protests in the newly merged districts will be brought to the lime limelight.

1.3 Significance of the study

The particular significance of this study lies in deepening the understanding of how currently after the merger the conditions of Political Rights work in this area of Pakistan which was kept

for a long time under the black laws of Frontier crime regulation set by the British colonial power. We argue that based on factual findings this study is groundbreaking in bringing to the surface the grievances of the local population regarding their fundamental freedoms (Security, Freedom of Expression, Equality before the law) This study is substantive regarding how women's rights are ensured at the state and societal level in these predominantly patriarchal areas.

1.4 Objectives of the Study

This study is aimed at the following objectives.

1. To scrutinize the transition of South Waziristan from a lawless region into a region where the constitution (Rule of law and formal justice) and institutions (Police, judiciary, and health) of Pakistan has been extended
2. To evaluate the State endeavors and related constraints regarding the implementations of laws and protections of Political Rights of the people and the people grievances regarding their Rights and freedoms.
3. To ascertain the impacts of Merger on the Political (freedom of speech and freedom of association) life of the people of district South Waziristan of KP.

1.5 Research Questions

This dissertation intends to seek answers to the following the research questions:

1. What are the impacts of Merger on Political wellbeing of the people in the Merged District South Waziristan?
2. How far the KP Government succeeded in institutionalizing the Rights and liberties of the people in the Merged district South Waziristan?
3. Why a great upsurge has been seen regarding the protests in the newly in South Waziristan?

1.6 Delimitation(s) of the Study

This research due to its immense scope has a few limitations:

1. This research focuses on Post 2018 era only.
2. It is not possible to ponder upon all of the political rights provisions mentioned in the international conventions on human rights or in the constitution of Pakistan because it is quite a varied and vast topic.
3. Only major (serious) issues and challenges regarding the Political Rights in the Merged District Waziristan are taken under study.

4. Analysis would be qualitative rather than quantitative as per the design of the research.

1.7 Review of the related literature

In literature, there can be found a multitude of definitions of 'Political Rights' most basic definition of political rights is "Rights and freedom from government abuse and rights and freedoms to participation, these rights are expressed as individual freedom from government oppression and harm" (Aditya, 2021). Political and civil rights have long been part of the human rights discourse. The eminent scholar Noam Chomsky and many other human rights scholars several times raised concerns over the deteriorating conditions of human rights (Political rights) in Pakistan, particularly in the context of suppression of freedom of speech; intimidation of journalists, social media users, and political activists. A group of academics including Noam Chomsky wrote an open letter to Prime Minister Shehbaz Sharif urging him to take action against the worsening conditions of human rights in Pakistan (Hassmann, 2022). Before the merger of FATA(South Waziristan) into KP, gross violations of human rights in data and other conflict zones were largely due to the presence of special laws and FCR. The local population suffered at the hands of militants in the first place. Secondly, the US drone strikes killed thousands of innocent civilians, and thirdly millions of people were displaced due to full fledged operation of the Pakistani military against the terrorists (Pirnay, L.2022). Now after the merger, However, case files from courts established in NMds indicate that most litigants now enjoy much greater protection of their rights and civil liberties. Women's access to justice has dramatically increased (Khan, 2021).

United Nations adopted the international covenant on civil and political rights (ICCPR) in 1966 it has been ratified by 174 countries including Pakistan in On June 23, 2010. The ICCPR is a widely known and important treaty that ensures the protection of the rights of all classes (KHAN, 2021). It comprises civil and political rights like freedom to live, freedom from arbitrary detention, and freedom of expression. Articles 6-27 of the covenant comprise the substantive rights and fundamental freedoms guaranteed by the treaty. Individuals invoke these articles if their freedom has been violated, particularly in the context of deprivation of liberty, commonly by arrest and intention. Regarding the implantation of ICCPR, the Pakistani constitution has well enough provisions to meet the requirement for human rights (Khan, 2021).

Elimination of exploitation (article 3) equal protection of the law (article 4) the right to life, liberty, and security of a person (article 9) safeguard as to arrest and detention (article), right to a fair trial

(article 10A) freedom of speech (article 19), equality of citizens (article 25) women rights and full participation in national life (article 34). (Government of Pakistan ministry of human rights, 2022). Pakistan has ratified seven UN human rights treaties out of nine treaties. Pakistan is a signatory to the following human rights convention.

- 1) International covenant against the elimination of all forms of racial discrimination. (ISARD).
- 2) Convention on the rights of the child. (CRC).
- 3) Convention on the elimination of all forms of discrimination against women. (CEDAR)
- 4) International covenant on economic, social, and cultural Rights. (ISESCR)
- 5) International COVENANT ON CIVIL AND POLITICAL RIGHTS(ICCPR)
- 6) Convention against torture and other cruel, inhuman degrading punishment or treatment.
- 7) Convention on the rights of persons with disabilities.

1.8 Purpose of the Study

The purpose of the study is to illustrate and find answers to how the perception of political rights changed in the newly merged districts of KP. This study will unearth the concerns of the local population regarding their fundamental political rights. State-to-people relations and gender discrimination will also be brought to light. In the light of existing literature and the researcher's fieldwork, a substantive and refined study will be carried out to know about 'what gains the people of South Waziristan gained in terms of political rights after the merger with KP'. A component of this study will also disclose and bring to the surface all the factors which gave a great upsurge to the public protests in the merged district Waziristan.

1.9 Research Gap

A research gap is a problem or question that has not been answered by any of the research or studies in your field (Sørensen, 2022). Many research and studies have been done on the status of Political Rights in ex-FATA (newly merged districts of KP), but less have been written about Waziristan, few questions came to the limes light that were unanswered and problems that were not answered, this research will address those problems and seek an access to the answers mentioned in the research questions section.

1.10 Theoretical Framework

Theory of Legal Rights

The theory of legal rights holds that 'legal rights come into existence when the state recognizes them, once the state acknowledges the existence of a right, only then it can enforce it' (Okin, 2022). **Jeremy Bentham** and **Austin** advocate this theory. The theory is that the state is a better agency to regulate human rights than humans themselves and that the state must enforce such rights to protect the interests of the people (Beatty, 2021). In modern legal theory, the concept of legal rights is of fundamental significance. The most basic question is, 'what legal right is?' They can be a multitude of definitions of a legal right. Legal rights are common claims of the people which every cultured society recognizes as essential claims to their development and which are therefore enforced by the state (theories of legal rights, Hemant). Legal rights are equally available to all citizens they cherish them without any discrimination (Hamant, n.d.).

A legal right is a capacity residing in one man of controlling, with the assent and assistance of the state, the actions of others (Holland). According to Salmond, a right is an interest recognized and protected by law (Salmond). Pollock defines it as' Right is freedom allowed and conferred by law. (Pollock). According to Buckland 'A legal right is an interest or expectation guaranteed by law'. A legal right is different from a moral and natural right in the sense that it is recognized and protected by law.

Legal rights have the following features:

1. It is recognized by law
2. It is enforceable by law.

Thus, all fundamental rights, viz. The right to equality, right to live, right to security, right to education, and expression become legally guaranteed by law and enforced by some institutions.

1.11 Theory significance in this research

This theory is significant in the sense that it provides a broad spectrum for how the legal rights were extended to the Former FATA in addition to how the rights of the people of Merged district south Waziristan are protected under the law. The legal theory of rights also elaborates that the constitutional provisions regarding rights and liberties can be invoked if the constitutionally granted Legal-Political rights of the people are violated. This theory helps deepen our understanding of how legal rights are institutionally enforced.

1.12 Methodology

In International relations, two major methodological positions guide researchers: the positivist or behaviorist approach, and the post-positivist or interpretive approach (Mende, J.2022). The positivist approach is usually referred to as quantitative research. The post-positivist approach is also sometimes referred to as realist, hermeneutic, or narrative research (Ross, K.2022). The positivist and post-positivist approaches are the chief methodological approaches that political scientists follow to gain knowledge about the political world (Samra, 2021). This research proceeds with a qualitative approach, a case study methodology will be used to conduct this research. This inquiry will collect data from open ended interviews.

The research subject limits itself to the newly merged district South Waziristan (former FATA). The description, comparison, and evaluation of the different aspects of the research problems will use a case study methodology

1.13 Research Design

A research design is a plan that specifies how you plan to carry out your research project and particularly, how you expect to use your evidence to answer your research questions. The research design is a general structure or the main design of any research (Pandey, 2021). Since the research is in the realm of political rights in the newly merged district South Waziristan, Political rights scholars frequently use qualitative methods to contribute to research and they get greater value from them. Case studies are a family of research designs: the descriptive- interpretive case study, the hypothesis-generating case study, the least likely, the most likely, and deviant case studies. Case study methods offer several significant advantages. First, qualitative studies are equal or superior for generating valid theory (Pratt, 2022) more comprehensive and more detailed contact with concrete instances of the events and behavior about which wish to generalize helps sharpens distinctions. A case study of an event already analyzed can also uncover alternative views that force a rethinking of the received interpretation (Bommasani, 2021). Second, case studies are generally better than the alternatives for documenting the process. The subject of international relations is marked by the significant process – making human rights charters, bringing forth new conventions, ratification of human rights treaties, and institutionalization of human rights needs a complete process. When structures and institutions do change, case studies also provide our best knowledge of how those changes come about. The merger of new districts with KP, for example, changed the whole institutional setup of justice, security, and of fundamental rights (Bielefeldt, 2022). Third, a thorough case study preserves and reports more information about the case. Fuller

reporting makes it more likely that readers will construct alternative interpretations of the same events and generate new questions/hypotheses. Reporting this information also provides researchers with materials that can be used later to construct quantitative indicators (Sellar, 2021).

1.14 Operational definitions

Human rights: the rights inherent to one simply because one is a human being irrespective of any status, ethnicity, or nationality.

Political rights: Rights and freedom from government abuse and rights and freedoms to participation.

Merger: A merger is the voluntary fusion of two territories on broadly equal terms into one new legal entity.

1.15 Procedure (Data collection)

Data collection is the systematic approach to gathering and measuring information from a variety of sources and an accurate picture of an area of interest there are two types of data collection, primary and secondary. Primary data is the data that is collected for the specific research problem at hand, using a procedure that fits best the research problem (Tabuena, 2021). Secondary data means information that has already been collected by someone else and which is available for research (Sallis, 2021).

This study will use primary data collected through the open ended interviews; additional secondary data can also be put in for relevant descriptions.

1.16 Data analysis

Data analysis is an important part of any research. Data analysis summarizes and evaluates the collected data. This includes interpreting the data collected through the use of analytical and logical reasoning to determine patterns, relationships, or trends (Thomas, 2022).

Discourse analysis is the key method of analysis used by qualitative researchers, albeit in different ways. This analysis can be applied at different levels and domains such as state and societal levels. Discourses can help to perceive the opinions of a large number of people and institutions. Discourse analysis is usually to uncover particular ways of viewing, talking about, and understanding the world. or some aspects, particularly in the social and political domains.

CHAPTER TWO

SOUTH WAZIRISTAN - A HISTORICAL OVERVIEW

2.1 Overview

South Waziristan is a region located in the western part of Pakistan, bordering Afghanistan. It is a region with a rich history, characterized by a complex tapestry of tribal traditions, Global geopolitical significance, and a long-standing connection to insurgency and terrorism. This chapter provides an in-depth look at the historical context of South Waziristan, shedding light on its cultural heritage, socio-economic challenges, and its role in global politics.

2.2 Geography and Demographics

South Waziristan is a region in Pakistan's Khyber Pakhtunkhwa province, and it is primarily inhabited by various Pashtun tribes, with the Wazir and Mehsud tribes being the most prominent. The Mehsud tribe, in particular, is the dominant tribe in South Waziristan.

South Waziristan is part of Pakistan's former Federally Administered Tribal Areas (Ex-FATA), a historically autonomous region governed by its tribal councils known as "jirgas." The region covers an area of approximately 6,619 square kilometers and is characterized by its rugged terrain, with mountains, valleys, and deserts dominating the landscape. The population of South Waziristan is primarily Pashtun, and the Pashto language is widely spoken.

2.3 Tribal Society and Traditions

The social fabric of South Waziristan is deeply rooted in tribal traditions. The Wazir and Mehsud tribes are the predominant groups in the region, and they maintain a strong sense of tribal identity. The traditional jirga system, where tribal elders make decisions on disputes and governance, has historically held significant influence. There are six tribes residing in South Waziristan i.e., Mahsud, Ahmadzai Wazirs, Dotani, Sulaimankhel, Kamrani and Ormur (Burki). Pashtun family tree, in chronological order, connected with their founding ancestor Qais alias Abdur Rashid, who had four sons i.e. Ghurghusht, Bitan, Sarbanr and Karlanr. The popular two tribes Mahsud and Ahmadzai Wazirs are the descendants of Karlanr, Dotani and Sulaimankhel are the Pashtun sub-tribe of the Bitan, and Orinur is considered the adopted child of Sarbanr (Bangash, 2016)

Wazir Tribe:

Origin and Geography: The Wazir tribe is part of the larger Pashtun ethnic group and is primarily found in the border regions of Pakistan and Afghanistan. The majority of Wazirs reside in the

North Waziristan and South Waziristan tribal agencies of Pakistan, which are part of the Federally Administered Tribal Areas (FATA).

The Wazir tribe, originating from the broader Pashtun ethnic group, predominantly resides in the border regions straddling Pakistan and Afghanistan, particularly in North Waziristan and South Waziristan within Pakistan's Former Federally Administered Tribal Areas (Ex FATA). The Ahmadzai Wazir Tribe, located in South Waziristan Agency, historically traces its roots to the Birmal Valley in Afghanistan, with two-thirds of the Ahmadzais residing in the Bannu District and the remaining one-third in South Waziristan Agency. South Waziristan Agency, named after the Wazir Tribe, is the largest in EX FATA, with administrative headquarters in south Waziristan. It borders North Waziristan Agency to the north, Bannu and Lakki Marwat Districts to the northeast, and various tribal areas to the east, south, and west, including Afghanistan. Covering 6,619 square kilometers, the region features rugged terrain, a gradually increasing elevation from south to north, and notable plains like Zarmelan, Wana, Shakki, Zalai, Spin, and Tiarza (Tribe, 2007).

The Wazir tribe, like many Pashtun tribes, follows a traditional tribal structure governed by tribal councils known as "jirgas." These councils play a vital role in resolving disputes and making important decisions within the tribe. The Wazir people have a distinct Pashtun culture with a strong emphasis on tribal customs, hospitality, and the Pashto language. Pashto poetry and traditional dances are essential parts of their cultural heritage.

Historical Significance:

The Wazir tribe has played a significant role in the history of the region, including resisting British colonial rule during the late 19th and early 20th centuries. They have also been involved in various conflicts and alliances in the broader context of Afghan and Pakistani politics. The Wazir tribe, particularly in North and South Waziristan, has been associated with militancy and insurgency. These areas became known as havens for Taliban and other militant groups in the post-9/11 era. The Pakistani military conducted multiple military operations in these regions to counter militancy and restore government control.

Mehsud Tribe:

Origin and Geography: The Mehsud tribe is another prominent Pashtun tribe predominantly residing in the South Waziristan tribal agency of Pakistan, which is adjacent to North Waziristan. They are also found in smaller numbers in parts of Afghanistan. The Mehsud's, who share a close genealogical connection with the Wazirs, comprise three distinct branches known as the Alizais,

Bahlozais, and Shaman. Geographically, they inhabit the central and southern regions of Waziristan, situated to the west of the Bhittanis and generally extending to the south and east of the Wazirs. During the late 19th century, the Mehsud's engaged in a diverse range of occupations, including agriculture, pastoralism, trade, forestry, mining, small-scale manufacturing, and raiding. Notably, the Alizais held a prominent role as traders during this period, and the Mehsud's as a collective exported items such as iron and iron products, timber (utilized for roofing and bedsteads), matting, and various manufactured goods, while importing items like cloth and other manufactured products (Rehman, 2022).

Like the Wazirs, the Mehsud tribe follows a traditional Pashtun tribal structure. Jirgas and tribal elders play a central role in decision-making and conflict resolution (Fakhr-ul-Islam, 2013).

Culture and Traditions: Mehsud Pashtuns have their own unique cultural practices and traditions, closely aligned with Pashtun cultural norms. They are known for their hospitality, traditional attire, and oral storytelling traditions. "The Mehsud tribe, like the Wazirs, has a historical legacy of resisting external powers. They have been involved in various conflicts and alliances throughout history, including resisting British colonial rule" (Beattie, 2020)

During terror and war on terror when Pakistan became the ally of America, "the Mehsud tribal areas in South Waziristan became a stronghold for militant groups, including the Tehrik-i-Taliban Pakistan (TTP), which carried out numerous attacks in Pakistan. The Pakistani military conducted operations to counter this militancy and regain control of the region (Khan, 2005).

In recent years, both the Wazir and Mehsud tribal regions have witnessed efforts by the Pakistani government to bring development and stability to these historically marginalized areas. These initiatives aim to improve infrastructure, education, and healthcare while promoting a peaceful transition away from militancy and insurgency.

It's important to note that the situation in these tribal regions is complex and has evolved over time, with multiple factors influencing the dynamics, including geopolitical considerations and the broader Afghan conflict.

2.4 Historical Significance of South Waziristan

South Waziristan holds paramount historical significance within the realm of international politics due to its strategic geographical location at the nexus of critical trade routes connecting Central Asia and the Indian subcontinent. This strategic position has rendered the region a perpetual arena

of invasions and power struggles throughout centuries, catching the attention of the British Empire during its dominion over the Indian subcontinent (Kreft, 2007).

Within this intricate political landscape, South Waziristan has borne the imprint of Pashtun tribal traditions, the legacy of British colonialism, and the broader tapestry of regional geopolitics. The primary inhabitants of the area are Pashtun tribes, and their governance structures are characterized by decentralized tribal systems presided over by influential tribal leaders known as maliks. During the era of British colonial rule, the Frontier Crimes Regulations accorded a degree of autonomy to these tribal areas, while the influence of Islam played a substantial role in shaping the region's social and political norms (Harris, 2020).

South Waziristan also assumes a pivotal role in the context of the Afghan conflict. Historically, it has served as a sanctuary for militants, and this role gained prominence after the events of September 11, 2001. Consequently, Pakistan initiated military operations in the region with the aim of establishing government control. In 2018, administrative reforms led to the amalgamation of the tribal areas into Khyber Pakhtunkhwa, effectively replacing the Frontier Crimes Regulations. Nevertheless, South Waziristan grapples with persistent challenges, encompassing issues related to militancy, governance, and socioeconomic development. These difficulties are compounded by the region's rugged terrain and its porous border with Afghanistan (Akins, 2017).

This region remains a focal point within international politics, reflecting the complex interplay of historical legacies, tribal dynamics, and contemporary security concerns (Khan, 2007).

British Colonial Era:

During the colonial era, South Waziristan became a theater of contention in the international relations landscape as the British Empire endeavored to establish hegemonic control within the region. In response to these imperialistic pursuits, the Wazir and Mehsud tribes mounted resilient resistance against British incursions, resulting in protracted conflicts.

In the realm of international relations, particularly in the context of South Waziristan during the 19th and 20th centuries, it is important to note that this region initially enjoyed a significant degree of autonomy. "Within this period, some of its inhabitants engaged in destructive raids and incursions into areas that the British had annexed in 1849. The British government employed various strategies to address this issue, ranging from punitive military expeditions to resettlement initiatives in British-controlled territories. However, they did not attempt to establish a lasting presence within Waziristan.

A pivotal shift occurred in the late 1880s when imperial strategic considerations began to exert greater influence on British policies along the North-West Frontier as a whole. British officials believed that safeguarding against a potential Russian invasion of Afghanistan necessitated control over key passes leading from the Punjab. As Waziristan contained or was close to two important routes, local administrators were encouraged to enhance British influence in the region. "British regular troops were stationed at Miranshah in the Tochi valley and in the southern town of Wana to achieve this objective. In response, local religious leaders like the Shabi Khel Alizai Mahsud, known by the British as the Mullah Pow Indah, incited their followers to resist British influence. These leaders received intermittent support from the Afghan government, and there were also raids conducted by Waziristan émigrés based in Afghanistan.

A significant uprising occurred across much of the Frontier in 1897, prompting the British to adopt a less invasive approach and withdraw regular troops. However, this did not bring about lasting peace. "Suicidal attacks on British officials persisted, and a major insurrection erupted in 1919. Following the suppression of this uprising, the British established a substantial permanent garrison of regular troops in central Waziristan at Razmak in the early 1920s. The Royal Air Force (RAF) also became involved in the region's security efforts.

Partly due to the substantial military presence, the later part of the 1920s saw a relative calm. Additionally, "the British made efforts to enhance the local economy, provide medical services, and offer educational opportunities. During the inter-war period, "Mahsuds and Wazirs intermittently intervened in Afghanistan, such as in 1929 when they supported Nadir Khan's ascent to the throne. In the mid-1930s, an anti-British agitation emerged in northern Waziristan, incited by a religious leader known to the British as the Faqir of Ipi". Local authorities mishandled this situation, leading to another significant insurrection. Violence continued sporadically until the British withdrew in 1947 when Waziristan, along with the rest of the Frontier, became part of Pakistan. It is worth noting that "not everyone in the region embraced this change; some, including the Faqir Ipi, had hoped for the establishment of an independent Pashtun state, Pakhtoonistan (Khan, 2021).

The populace residing in South Waziristan, a part of Pakistan's tribal region, endured prolonged exploitation and suffering under the Frontier Crimes Regulations (FCR) and similar legal frameworks. Originally introduced during the British colonial period, these regulations persisted in various forms even after Pakistan gained independence. The FCR and related statutes came

under scrutiny due to their implications for the tribal areas, including South Waziristan, for the following reasons. Absence of Legal Protections: The FCR deprived the inhabitants of South Waziristan of many fundamental legal rights and protections enjoyed by citizens in other regions of Pakistan. These statutes authorized arbitrary arrests and detentions without due process, frequently denying suspects their right to legal representation and a fair trial. Collective Punishments: The FCR allowed for collective punishments, permitting entire tribes or communities to be held accountable for the actions of individuals. This led to widespread injustices, with innocent individuals bearing the consequences of the actions of a few. Arbitrary Detentions: Security forces routinely conducted raids and apprehended individuals based solely on suspicion, often without substantial evidence. Detainees could languish in custody for extended periods without formal charges or access to legal counsel.

Dependency on Traditional Mechanisms: The FCR heavily relied on traditional tribal councils, known as "*Jirgas*," and tribal elders to resolve disputes and administer justice. While these mechanisms were ostensibly intended to maintain order, they faced criticism for their susceptibility to corruption and favoritism, exacerbating instances of exploitation and inequality. South Waziristan's history, situated within what is now Pakistan, is marked by a complex narrative characterized by manipulation and exploitation by dominant global powers during various historical periods, including the British colonial era, the post-independence period, the Cold War era, and the post-Cold War era,

Independence Era (1947 onwards):

Partition and Pakistan: With the partition of British India in 1947, South Waziristan became part of Pakistan. The newly formed state continued to employ the colonial-era policies and maintained control over the region. Influence of Tribal Structures: Pakistan's central government continued to manipulate tribal structures and leaders to secure its interests in the border region, including maintaining control over the Durand Line and countering Indian influence.

The Cold War Era (1947-1991) and Its Impact on South Waziristan:

South Waziristan, found itself at the epicenter of global power struggles during the Cold War period. This analysis probes the intricate interplay of internal and international forces that unraveled the social and political fabric of South Waziristan, where Pashtun tribes, traditional governance structures, and external influences converged in a complex geopolitical tapestry.

Geopolitical Significance:

The strategic significance of South Waziristan during the Cold War lay in its proximity to Afghanistan, a battleground for superpower rivalry. "The United States and the Soviet Union sought to extend their influence in this region, often disregarding local autonomy in their pursuit of geopolitical dominance". (Haider, B., & Jameel, S. (2017). The Soviet invasion of Afghanistan in 1979 had far-reaching consequences for South Waziristan. "The region became a refuge for Afghan Mujahideen, supported by the United States and Pakistan, as they waged a war of resistance against Soviet forces"(Haider, 2017). This influx of armed militants altered the local power dynamics as Pashtun tribes rallied behind the Afghan resistance.

Pakistan played a pivotal role in shaping the Cold War dynamics of South Waziristan. As a frontline state in the U.S.-led effort to counter Soviet expansion, Pakistan offered safe havens to Afghan Mujahideen and facilitated cross-border operations. In doing so, Pakistan inadvertently weakened traditional tribal authority, giving rise to new power structures. "Throughout the Cold War era, Pakistan was deeply engaged in supporting the Afghan jihad against the Soviet Union's invasion of Afghanistan, which unfolded between 1979 and 1989 (Orakzi, 2009).

Pakistan's involvement in this conflict extended to the recruitment of individuals from regions like South Waziristan, among others. Pakistan's decision to back the Afghan jihad was influenced by several factors. First and foremost, the nation shared a border with Afghanistan and harbored concerns about its security, given Afghanistan's strategic importance in the region. Second, "Pakistan's alignment with the United States during the Cold War drove its interest in supporting the Afghan mujahideen to counter Soviet expansion (Orakzi, 2009).

Pakistan's intelligence agencies, particularly the Inter-Services Intelligence (ISI), played a central role in the recruitment and training of Afghan mujahideen, along with foreign fighters, including individuals from South Waziristan. These recruits were motivated by a range of factors, including religious beliefs, tribal affiliations, and opposition to Soviet Union. "Numerous individuals from South Waziristan and other tribal regions joined the Afghan jihad, driven by a combination of local religious leaders' influence, economic incentives, and a sense of duty to defend fellow Muslims against Soviet occupation (Orakzi, 2009). Pakistan's support for the Afghan jihad yielded short-term strategic gains, it also brought about unintended repercussions. The influx of foreign fighters and weaponry, coupled with the radicalization of certain elements, contributed to long-term instability within the region (Orakzi, 2009).

Following the Soviet withdrawal in 1989, Afghanistan plunged into civil strife, and the Afghan factions supported by Pakistan turned against each other, exacerbating instability. Additionally, some mujahideen who had received training and assistance from Pakistan later formed extremist groups with global aspirations, such as al-Qaeda.

Internal Dissent and Militancy:

The influx of foreign fighters and weaponry into South Waziristan cultivated an atmosphere of militancy and extremism. This contributed to the fragmentation of local society as some tribes and individuals embraced radical ideologies and violence, deviating from traditional Pashtunwali principles. The Cold War era further exacerbated inter-tribal conflicts in South Waziristan. Conflicting interests, alliances with external actors, and the pursuit of resources led to clashes among various tribes, further eroding social cohesion in the region.

Post-Cold War Era (1991 onwards):

In the realm of international relations, post-Cold War South Waziristan has emerged as a focal point of significance, defined by the following key elements: Militant Haven and the Afghan Civil War: South Waziristan continued to serve as a nexus for various militant groups, most notably the Taliban, during the post-Cold War era. Its strategic location allowed it to play a pivotal role in the protracted Afghan Civil War, where competing factions received support from external actors. "The Taliban, initially a product of the Afghan resistance against the Soviet Union, found refuge and backing in South Waziristan, particularly under the leadership of Mullah Omar" (Ahmad, S. (2013). Several interconnected factors contributed to the radicalization of South Waziristan's youth, including socio-economic challenges, ideological influences, tribal dynamics, external support, and the limited presence of the Pakistani state in the region." (Ahmad, 2013).

In response to the escalating militancy, Pakistan initiated military operations like Operation Rah-e-Nijat and Operation Zarb-e-Azb to eliminate militant strongholds in South Waziristan. The transformation of South Waziristan into a safe haven for militant groups had international ramifications. The region became a significant theater of operations in the U.S.-led War on Terror, marked by drone strikes and cross-border raids against militants. (Siddiqa, 2011). Pakistan's counterterrorism strategy: Separating friends from enemies.

The transition of South Waziristan into a hub for militancy in the post-Cold War era can be attributed to a blend of historical, socio-economic, ideological, and geopolitical factors. The radicalization of its youth and the rise of militant groups in the region have engendered far-

reaching consequences for both domestic and international politics, rendering it a substantial and ongoing challenge for Pakistan and the broader region. However, it's essential to recognize that developments in this region may have evolved since my last knowledge update in September 2021, and consulting recent sources is advised for the latest information.

Post-Independence Period:

Following the independence of Pakistan in 1947, South Waziristan became a part of the newly formed state. However, "the region's autonomy and tribal governance structure continued to persist, which often conflicted with the central government's efforts to assert control". (Beattie, H. (2013). The region remained largely underdeveloped, with limited access to basic services like education and healthcare. The issue of underdevelopment and "instability in South Waziristan, a region in Pakistan's tribal areas, is a complex and multifaceted one, and it cannot be attributed to a single factor or a lack of interest (Beattie, 2013). Several historical, political, and social factors have contributed to the challenges faced by South Waziristan. The tribal areas, including South Waziristan, have historically been governed by tribal codes and customs. This made it challenging for the Pakistani government to exert direct control over the region, including implementing institutions and constitution. "South Waziristan has a long history of being a tribal and semi-autonomous region, with its own tribal governance structures and traditions" (Beattie, 2013). This autonomy was maintained even after the creation of Pakistan in 1947, as part of the broader Federally Administered Tribal Areas (FATA) (Beattie, 2013). Imperial frontier: tribe and state in Waziristan. Routledge.

2.5 Administrative Difficulties: The Merger

The tribal areas were governed by a separate legal and administrative framework until 2018 when the Pakistani government merged FATA with Khyber Pakhtunkhwa province. This transition brought its own set of administrative and legal challenges. In recent years, Pakistan has taken steps to address some of these issues. "The merger of FATA with Khyber Pakhtunkhwa aimed to bring the region under the same legal and administrative framework as the rest of the country. Efforts have also been made to improve security, infrastructure, and governance in the region. However, these efforts continue to face challenges due to the deeply entrenched issues in South Waziristan (Noor, 2018).

It's important to recognize that "the situation in South Waziristan is not solely the result of a lack of interest but rather a complex interplay of historical, political, social, and security factors.

Addressing the region's challenges, "it requires a multifaceted and sustained approach that goes beyond simply "bringing institutions and constitutions" but also includes addressing the root causes of instability and underdevelopment" (Noor & Hashmi, 2018).

Regarding to Post-Conflict Reconciliation and Development South Waziristan faces numerous socio-economic challenges. "The decades of conflict have left a trail of destruction, with infrastructure, schools, and healthcare facilities severely affected". (Anwar, Z., & Khan, M. Q. (2017). Unemployment and poverty are prevalent, and there is a need for extensive reconstruction and development efforts. In recent years, the Pakistani government has initiated efforts to bring stability and development to South Waziristan, "The region has seen a gradual return to civilian rule, with efforts to integrate the tribal areas into the national governance structure". (Anwar, Z., & Khan, M. Q. (2017) The Reconstruction Opportunity Zones (ROZs). initiative aims to create economic opportunities and improve the livelihoods of the local population (Anwar & Khan, 2017).

The status of fata in the 1973 constitution of Pakistan and the 2016 report: An explanatory and analytical study. FWU Journal of Social Sciences.

Conclusion:

South Waziristan's history is marked by a complex interplay of tribal traditions, conflict, and geopolitical significance. While the region has faced significant challenges, it also holds potential for development and progress. Its strategic location continues to be of interest to regional and global powers, making it crucial to regional stability and security. Understanding the historical context of South Waziristan is essential for grasping the complexities of its present and future (Ahmad, 2013).

CHAPTER THREE

THEORITICAL FRAMEWORK

3.1 Theory of Legal Rights

The theory of legal rights is a fundamental concept in the field of jurisprudence and philosophy of law. It addresses questions about the nature, source, and justification of rights within a legal system. This theory is crucial for understanding how rights function in a society and how they relate to individuals, the government, and other entities. Let's delve into the theory of legal rights in detail. A legal right can be defined as a claim or entitlement that an individual possesses within a legal system, which grants them the authority to do certain actions or to be protected from certain actions. Legal rights are typically enforceable and are often accompanied by corresponding legal duties on others. Legal rights can be broadly categorized into two main types: These are rights that impose an obligation on others to provide something to the right-holder. For example, the right to education, healthcare, or a fair trial are positive rights because they require the government or individuals to take affirmative actions to fulfill these rights. These are rights that require others to abstain from interfering with the right-holder's actions or interests. Examples include the right to freedom of speech, freedom from torture, or freedom of religion. Negative rights are often associated with individual liberties (More, 2023).

The theory of legal rights is a fundamental concept in jurisprudence and political philosophy. It deals with the moral and philosophical foundations of rights, their nature, sources, and their role in society and the legal system. Several theories have been proposed to explain the nature and justification of legal rights, and I'll discuss some of the most prominent ones in detail. This theory suggests that certain rights are inherent to human beings by virtue of their existence. These rights are often considered to be universal and unalienable, such as the right to life, liberty, and property. Natural rights theorists argue that governments should recognize and protect these rights. Legal positivists assert that rights are not inherent or moral in nature but are instead created and defined by the laws of a particular society or legal system. In this view, a right exists because the law recognizes it, and it may change or disappear if the law is altered. This perspective emphasizes the importance of individual rights as a primary ethical consideration. Legal rights, in this context, are seen as a way to protect individual autonomy and prevent the infringement of those rights by others or by the government. This approach challenges the neutrality of the law and legal rights, arguing

that they often serve the interests of the powerful and marginalized certain groups. Critical legal scholars seek to uncover and critique these underlying power structures (Herstein, 2023).

3.2 Proponents of Theory of Legal Rights

The theory of legal rights is a broad and complex field in legal philosophy, and there are many different proponents and schools of thought within it. Some of the prominent proponents and theories related to legal rights include:

Proponents of natural law theory, such as Thomas Aquinas and John Locke, argue that legal rights are derived from a higher, natural order and are inherent to human beings. They believe that certain rights are universal and fundamental, such as the right to life, liberty, and property.

Legal positivists like John Austin and H.L.A. Hart argue that legal rights are created and defined by the legal system of a particular society. They emphasize the importance of a clear and enforceable legal framework, and they don't necessarily see a connection between morality and law.

Utilitarian philosophers like Jeremy Bentham and John Stuart Mill focus on the consequences of legal rights and laws. They argue that legal rights should be designed to maximize overall happiness or utility within a society.

Philosophers like Ronald Dworkin and Robert Nozick are proponents of rights-based theories. Dworkin, for example, argues for the existence of "rights as trumps," where certain fundamental rights cannot be overridden by utilitarian considerations. Nozick's theory of justice emphasizes the importance of individual rights to life, liberty, and property.

Feminist legal theorists, such as Catharine MacKinnon and Martha Nussbaum, have contributed to the discussion on legal rights by focusing on issues related to gender and advocating for the recognition and protection of women's rights.

3.3 Core Assumptions

The Theory of Legal Rights is a fundamental concept in jurisprudence and philosophy of law. It seeks to understand and analyze the nature and basis of legal rights. There are several core assumptions associated with this theory, and these assumptions help shape our understanding of legal rights. Below, I will discuss these core assumptions in detail:

- The Theory of Legal Rights assumes that there is a structured legal system in place within a society. This legal system includes laws, rules, norms, and institutions that govern human

behavior and interactions. Legal rights are embedded within these legal systems and are created, recognized, and enforced by them.

- This theory often assumes that legal rights are social constructs rather than inherent or natural rights. In other words, legal rights are not something people possess innately but are created and defined by society through legal and legislative processes. They reflect the values, norms, and priorities of a particular society at a given time.
- Legal rights are not merely theoretical concepts; they are rights that are recognized and enforced by a legal authority, such as a government or a judiciary. The Theory of Legal Rights assumes that without such recognition and enforcement, a right may exist in theory but lacks practical significance.
- One of the central assumptions is that legal rights have a moral foundation. This means that legal rights are not arbitrary or solely a product of legislation or social conventions. Instead, they are grounded in some underlying moral principles or values. The nature of this moral foundation can vary depending on the ethical or philosophical perspective one adopts. For example, rights might be grounded in principles of autonomy, human dignity, utility, or justice.
- Legal rights are assumed to be enforceable through legal mechanisms. This means that individuals who possess legal rights have the means to seek redress or protection when their rights are violated. Enforcement can take various forms, including legal remedies, compensation, or injunctive relief. The availability of enforcement mechanisms is crucial for the practical significance of legal rights.
- Legal rights are often considered to be correlative in nature, meaning that for every right, there is a corresponding duty or obligation. If an individual has a legal right, someone else typically has a corresponding duty to respect or fulfill that right. This interrelation between rights and duties is crucial for understanding the balance and reciprocity inherent in legal systems.
- Legal rights are generally regarded as claimable by individuals or entities who hold them. This means that those with legal rights can demand or claim certain actions or non-actions from others or from the state. Claimability is closely linked to enforceability, as the ability to claim a right often depends on the availability of legal remedies.
- Legal rights can be both universal and particular. Universality implies that certain fundamental rights, such as the right to life or liberty, should be recognized and protected

universally. However, legal systems also acknowledge particular rights that are specific to certain contexts, legal systems, or relationships, and they may vary from one jurisdiction to another.

➤ Legal rights can be seen as having both instrumental and intrinsic value. Instrumental value refers to their role in achieving desirable social outcomes, such as justice, order, or individual autonomy. Intrinsic value suggests that legal rights are valuable in and of themselves, as they respect and protect individual dignity and autonomy. (Hannum, 2019).

Legal rights theory operates on political rights by providing a framework for understanding and protecting individual rights within a legal system. It ensures that individuals have the rights to participate in political processes, express their opinions, and have equal access to opportunities and resources. Legal rights theory, also known as legal positivism, is a philosophical and legal framework that focuses on the idea that rights and laws are derived from established legal systems, regardless of their moral or ethical justifiability. When applied to political rights, legal rights theory operates by defining and understanding these rights within the context of the legal system in which they are embedded. Legal Positivism: Legal positivism is a school of thought in jurisprudence that separates the law from moral considerations and argues that the validity of a law is determined by its source and acceptance within a legal system. Legal positivists emphasize that the validity of rights and laws comes from recognized sources such as legislation, constitutions, court decisions, and legal precedents. Political rights encompass a range of legal entitlements that pertain to participation in the political process, governance, and the protection of individual liberties in the context of government actions.

Examples of political rights include the right to vote, the right to run for public office, the right to free speech and assembly, and the right to a fair trial. Legal rights theory separates the concept of political rights from moral or ethical considerations. It does not judge the rightness or wrongness of these rights based on ethical principles but rather on their legality within a given legal system. Legislative Enactment: Under legal positivism, political rights gain their legitimacy when they are established through legislative processes. For example, the right to vote is typically granted through laws and regulations enacted by a country's legislature. Constitutions often play a central role in securing political rights. Legal positivists view constitutional rights as the highest form of legal rights, and these rights are typically protected and enforced by the judiciary. Interpretation by the Courts: Legal positivists believe that judges should interpret and apply the law based on its

expanding to encompass a broader spectrum of rights, including suffrage, freedom of speech, assembly, and equal protection under the law. In the modern era, political rights are considered indispensable to the functioning of democratic systems worldwide. They serve as a safeguard against authoritarianism and tyranny, allowing citizens to hold their governments accountable, express dissent, and actively participate in the decision-making processes that impact their lives. As such, understanding the theory of political rights is crucial for individuals, policymakers, and scholars alike, as it provides the intellectual framework necessary for the protection and enhancement of these rights in an ever-changing political landscape. This exploration of the theory of political rights will delve into its historical roots, philosophical foundations, contemporary applications, and the ongoing debates surrounding their scope and limitations. By examining the rich tapestry of ideas and principles that underlie political rights, we can gain valuable insights into the functioning of democratic societies and the enduring struggle for justice, equality, and freedom (Tushnet, 1989).

3.4.1 Origin of theory of Political Rights

The theory of political rights has a long and complex history that has evolved over centuries. It is closely tied to the development of political philosophy and the concept of individual rights. The idea of political rights can be traced back to ancient Greece and Rome, where thinkers like Aristotle and Cicero explored the concepts of citizenship and the rights and responsibilities of individuals in the political community. These early discussions laid the groundwork for later political thought. The Enlightenment era of the 17th and 18th centuries was a pivotal period for the development of political rights theory. Enlightenment philosophers such as John Locke, Jean-Jacques Rousseau, and Thomas Hobbes explored the nature of political authority, the social contract, and the rights of individuals in relation to the state. John Locke: Locke's work, especially in his "Second Treatise on Government," emphasized the idea that individuals possess natural rights, including the rights to life, liberty, and property. He argued that these rights were inalienable and that government's primary purpose should be to protect them. Locke's ideas greatly influenced the development of modern political thought, particularly in the United States. Jean-Jacques Rousseau: Rousseau's "The Social Contract" explored the idea of a social contract between individuals and the state, in which individuals willingly give up certain freedoms in exchange for protection and the common good. His work contributed to the development of democratic theory and the concept of popular sovereignty.

The American Revolution (1775-1783) and the French Revolution (1789-1799) played a crucial role in popularizing the idea of political rights. Documents like the United States Declaration of Independence and the French Declaration of the Rights of Man and of the Citizen enshrined the concept of individual rights and liberties. In the 19th century, political rights continued to evolve with the expansion of suffrage rights to broader segments of the population, including women and minorities, in many countries. Political philosophers like John Stuart Mill further refined ideas about individual liberty and the limits of state power. In the 20th century, the Universal Declaration of Human Rights (1948) and subsequent international treaties further codified the concept of political rights on a global scale. Political rights have its roots in the works of ancient philosophers and has been refined and expanded upon over the centuries. It continues to evolve as societies grapple with issues of individual liberty, democracy, and the relationship between citizens and their governments (Kairys, 2007).

3.4.2 Significance of Political Rights Theory

Political rights theory plays a significant role in the realm of political philosophy and democratic governance. It is a concept rooted in the idea of individual and collective rights that empower citizens to participate in the political process and influence the decisions that affect their lives. Political rights theory emphasizes the importance of protecting individual liberties and freedoms from government interference. These rights include freedom of speech, freedom of assembly, freedom of the press, and the right to privacy. These rights ensure that citizens can express their opinions, associate with others, and make informed decisions without fear of government repression. Political rights are essential for the functioning of democratic systems. They provide citizens with the tools to participate in the democratic process, such as voting, running for office, and engaging in political activism. Without political rights, democracy would be incomplete and non-responsive to the will of the people.

Political rights theory contributes to government accountability and transparency. It allows citizens to monitor the actions of their elected officials, question their decisions, and hold them accountable through various means, including elections and public discourse. This fosters a system of checks and balances and reduces the potential for abuse of power. Political rights play a crucial role in advocating for social change and justice. They enable marginalized and oppressed groups to organize, protest, and demand their rights. Movements for civil rights, women's suffrage, and other social justice causes have relied on political rights to challenge discriminatory laws and policies.

Political rights theory promotes a society where diverse viewpoints and perspectives can coexist and be expressed openly. This diversity of opinions and ideas enriches public discourse and allows for a more comprehensive exploration of policy options and solutions to societal problems. By providing peaceful avenues for citizens to express their grievances and seek redress, political rights contribute to the peaceful resolution of conflicts. When people have faith in the political process, they are less likely to resort to violence or other disruptive means to achieve their goals. Political rights theory is rooted in the idea that every individual possesses inherent dignity and worth. Recognizing and protecting these rights is a fundamental aspect of respecting and upholding human dignity, irrespective of an individual's background, beliefs, or identity. Political rights are also enshrined in various international human rights documents, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. These documents establish a global framework for the protection of political rights and hold governments accountable for their adherence to these rights. Political rights theory is significant because it underpins democratic governance, protects individual liberties, fosters government accountability, facilitates social change, promotes diverse perspectives, and upholds the principles of human dignity and international human rights. It is a cornerstone of modern political philosophy and a crucial aspect of building just and inclusive societies (Valentini, 2009).

3.5 Types of Political Rights

Political rights are a subset of human rights that pertain to an individual's participation in the political process and the governance of a country. These rights are essential for the functioning of a democratic society and ensure that citizens have a voice in shaping their government and society. There are several types of political rights, each serving a distinct purpose in the democratic system. Here's an in-depth explanation of some key types of political rights:

Right to Vote (Suffrage):

This is one of the most fundamental political rights. It grants citizens the ability to participate in elections and choose their representatives at various levels of government, from local to national. Universal suffrage, where all eligible citizens have the right to vote without discrimination based on race, gender, religion, or other factors, is a core principle of democracy.

Right to Stand for Election:

In addition to voting, citizens often have the right to run for public office themselves. This right ensures that political officeholders are chosen from a diverse pool of candidates, promoting representation and competition in the political arena.

Freedom of Political Expression:

This right allows individuals to express their political opinions and ideas freely without fear of censorship or persecution. It includes the right to freedom of speech, freedom of the press, and the right to assemble peacefully to discuss political issues.

Freedom of Association:

Citizens have the right to form and join political parties, interest groups, or other associations that promote their political beliefs and values. This is crucial for the formation of a civil society and for citizens to collectively advocate for their interests.

Right to Petition the Government:

People have the right to submit petitions, grievances, or demands to government authorities. This allows citizens to seek redress for grievances or advocate for changes in government policies.

Right to Access Information:

Access to government information is essential for informed political participation. This right ensures that citizens can obtain information about government actions, policies, and decisions. It may also encompass the right to request and receive public documents.

Right to Due Process and Fair Trial:

These rights are essential for a fair and impartial judicial system, which plays a crucial role in upholding the rule of law. They ensure that individuals accused of political offenses are given a fair opportunity to defend themselves in court.

Universal Adult Suffrage:

This means that all adult citizens, regardless of gender, race, religion, or socioeconomic status, have the right to vote. Universal suffrage is a fundamental principle of democracy.

Age Restrictions:

In many countries, citizens must reach a certain age (e.g., 18 or 21) to be eligible to vote.

Residency Requirements:

Some countries require voters to be residents of a specific region or locality to vote in local elections.

Right to Run for Office:

This right allows eligible citizens to stand as candidates in elections. However, there may be certain eligibility criteria, such as age, citizenship, and criminal record restrictions.

Right to Petition and Protest:

Citizens can petition the government to address specific issues or grievances. The right to engage in peaceful protests or demonstrations is often protected, allowing citizens to voice their concerns and advocate for change (Declaration, 1993).

CHAPTER FOUR

NAVIGATING THE POST-MERGER POLITICAL LANDSCAPE: STATE ENDEAVOURS AND HURDLES FOR POLITICAL RIGHTS

The merger of tribal districts in Pakistan, particularly focusing on South Waziristan, was a significant policy shift aimed at integrating these historically marginalized regions into the mainstream governance and legal framework of the country. "The merger was a response to long-standing issues in the Federally Administered Tribal Areas (FATA) and Khyber Pakhtunkhwa (KP) and was part of broader efforts to address security concerns and promote development in the region".(Ullah, A., & Hayat, S. U. (2018) Here is a detailed overview of the merger process in South Waziristan and the state's endeavors regarding institutional and constitutional development. South Waziristan is one of the seven tribal districts located in the northwestern part of Pakistan along the border with Afghanistan. "Historically, these tribal areas were governed by a separate legal framework known as the Frontier Crimes Regulation (FCR), which allowed for a different system of justice and governance compared to the rest of Pakistan".(Ullah, A., & Hayat, S. U. (2018). "This created a sense of isolation and neglect among the tribal communities, leading to security challenges and underdevelopment."(Ullah, A., & Hayat, S. U. (2018).

4.1 The Merger Process

The process of merging the tribal districts, including South Waziristan, with KP began in earnest in 2018 and culminated with the passage of the 25th Constitutional Amendment in May 2018. Key steps in the merger process included: The government established a committee (FATA Reforms Committee) to recommend reforms for the tribal areas. The committee consulted with local leaders and residents to gather input for the reforms. "One of the most significant changes was the abolition of the FCR, replacing it with the Pakistan Penal Code and the Criminal Procedure Code". (Noor & Hashmi, 2018). This meant that tribal areas would now have access to the same legal and judicial system as the rest of Pakistan. "Various federal laws were extended (extension of laws) to the tribal areas, including laws related to political representation, taxation, and education. This helped bring the tribal areas under the purview of the Pakistani legal and administrative system" The tribal districts were integrated (Political Integration) into the province of KP, and their residents were granted representation in the provincial assembly and the National Assembly of Pakistan. The passage of the 25th Constitutional Amendment was a landmark achievement. It

amended the Constitution of Pakistan to include the tribal districts within the legal and administrative framework of Pakistan. (Ahmed, R. Q., Ishaq, M., & Shoaib, M. (2021). "With the merger, residents of South Waziristan gained access to the fundamental rights (Extension of Fundamental Rights) enshrined in the Pakistani Constitution. (Ahmed, R. Q., Ishaq, M., & Shoaib, M. (2021). This included rights related to liberty, dignity, freedom of speech, and access to justice. "Through the amendment, the tribal districts obtained representation (Political Representation) in the provincial and national legislatures, enabling them to have a voice in the decision-making process at both the provincial and federal levels (Ahmed & Shoaib, 2021).

In merged districts" Local government elections were held in the merged districts to establish local councils and empower communities to manage their affairs and resources effectively"(Ahmed & Shoaib, 2021). Economic and Infrastructure Development: The government initiated various development projects in the merged tribal districts to improve infrastructure, education, healthcare, and other basic services. This aimed to address the long-standing under development in the region. In conclusion, the merger of South Waziristan and other tribal districts into KP marked a historic shift in Pakistan's governance approach. It aimed to bring these regions under the national legal and administrative framework while addressing their developmental needs. The process is ongoing, and sustained efforts are required to ensure the successful integration and upliftment of these areas.

4.2 Development of Fundamental Political Rights in South Waziristan after the Merger

The merger of South Waziristan with Pakistan in 2018 marked a significant turning point in the region's history, particularly regarding the development of fundamental political rights. "Prior to the merger, South Waziristan was a semi-autonomous tribal area with its own set of rules and governance structures. "South Waziristan, part of the larger Federally Administered Tribal Areas (FATA), was governed by a unique set of laws known as the Frontier Crimes Regulation (FCR) for over a century". (Yousaf, F. (2019). " The FCR vested significant power in tribal leaders and allowed collective punishment, undermining individual rights and democratic representation. (Yousaf, F. (2019). "This colonial-era legal framework was a major obstacle to the development of political rights in the region (Yousaf, 2019).

Legal and Administrative Framework for Political Rights

The new legal framework provided a more just and democratic system for the people of South Waziristan. "Merger established a legal structure that allowed for the recognition and protection

of fundamental political rights, such as the right to vote, freedom of speech, and the right to form political associations".(Yousaf, F. (2019). However, there were challenges in ensuring the effective implementation of these rights. "The merger also brought about administrative and political reforms, including the establishment of elected local governments".(Yousaf, F. (2019). This allowed the residents of South Waziristan to participate in local decision-making processes, contributing to the development of democratic values. However, there were initial challenges in setting up functional local governments due to the region's historically tribal nature and security concerns.

The merger opened up opportunities for political participation at various levels. "Residents of South Waziristan gained the right to vote in provincial and national elections, enabling them to have a say in the broader political landscape of Pakistan. (Yousaf, F. (2019). Additionally, the region saw increased political representation, as elected representatives from South Waziristan now sit in the provincial assembly and the national parliament.

Political Administration and political parties After Merger:

Before the merger, South Waziristan, like other tribal areas, was administered by the federal government through the Frontier Crimes Regulation (FCR), which gave immense power to political agents appointed by the President of Pakistan. After the merger, the FCR was replaced by the Khyber Pakhtunkhwa Extension of Laws Act, 2019, which brought South Waziristan under the jurisdiction of Khyber Pakhtunkhwa (KP) province. The merger allowed for the establishment of a regular governance structure in South Waziristan, including the appointment of a Deputy Commissioner, police officers, and other administrative officials. The merger brought the region into the mainstream political process, allowing political parties to operate freely in South Waziristan.

Several political parties have established a presence in the region, including the Pakistan Tehreek-e-Insaf (PTI), Pakistan Muslim League-Nawaz (PML-N), Pakistan People's Party (PPP), and local Pashtun nationalist parties. The degree to which political parties enjoy political freedoms in South Waziristan varies depending on multiple factors, including security conditions and local dynamics. While the merger has opened up political space, security challenges from militant groups like the Tehrik-i-Taliban Pakistan (TTP) continue to affect the region, and politicians often face security threats. Some areas within South Waziristan may still be conservative and influenced by traditional norms, which can limit political freedoms for women and minority groups. It's important to note

that the political landscape in South Waziristan is evolving, and the extent of political freedoms and the influence of different parties may change over time. The merger was a significant step toward mainstreaming the tribal areas, but challenges such as security, development, and governance persist and will require ongoing attention to fully integrate the region into Pakistan's political and administrative framework.

4.3 The Pakistan Military's Role in South Waziristan: A Challenge to Political Freedom

South Waziristan, a region nestled in the rugged terrain of Pakistan's tribal belt, has long been a center of attention due to its complex geopolitical dynamics and the role of the military in shaping its political landscape. South Waziristan, like other tribal areas of Pakistan, has had a unique historical trajectory characterized by its autonomous tribal structure and limited state influence. This autonomy began to change significantly in the mid-20th century as the Pakistani state sought to extend its control into these regions. The region's strategic location along the Afghan border, coupled with the rise of militancy in the post-9/11 era, has further complicated the dynamics.

The Military's Dominance

The Pakistan military's dominance in South Waziristan is deeply rooted in its historical involvement in the region. Over the decades, it has established a formidable presence through military operations, check posts, and intelligence networks. (Shah, A. (2011). While these measures have been touted as essential for countering militancy, they have also had far-reaching implications for political freedom in the area. The military's presence has led to significant restrictions on political activities in South Waziristan, Political parties and activists often face harassment and intimidation, making it difficult for them to operate freely". (Shah, A. (2011). This has hindered the development of a vibrant political culture in the region. The military exerts substantial influence over the local governance system in South Waziristan. "The appointment of administrators and other key officials often involves military input, leading to a lack of true representative governance. This has eroded the ability of local residents to make decisions about their own affairs. (Shah, 2011).

Freedom of expression is a fundamental pillar of any democratic society, yet in South Waziristan, it is under constant threat. "Journalists and activists who dare to criticize the military or its policies are at risk of violence or persecution (Shah, 2011). This climate of fear stifles open discourse and debate. "South Waziristan's political landscape is a unique hybrid of military and civilian structures. While civilian institutions nominally exist, the military wields substantial de facto

power. (Shah, A. (2011). This duality creates confusion and undermines the principles of democratic governance. "The military's dominance has also impacted the political aspirations of the local population, many residents feel marginalized and disenfranchised, leading to disillusionment with the political process, This, in turn, has made it easier for extremist ideologies to gain traction in the region"(Shah, 2011).

The Pakistan military's presence and influence in South Waziristan have undoubtedly posed significant challenges to the exercise of political freedom in the region. Balancing the need for security with the imperative of democratic governance is a complex task, but one that is essential for the long-term stability and prosperity of South Waziristan. By empowering civilian institutions, protecting freedom of expression, and investing in community development, there is hope that the region can move towards a more democratic and politically free future.

4.4 The Lingering Threat - Militant Resurgence in South Waziristan

In the aftermath of the merger between militant groups in South Waziristan and the persistent challenges faced by the region, a troubling reality emerges. Despite efforts to curb their influence and activities, "these militant factions have not been entirely eradicated. Rather, they have found refuge in the very terrain they once controlled, aided in part by the murky relationship they maintain with elements within the Pakistani military (Aslam & Neads, 2021). As a result, "the people of South Waziristan continue to grapple with the looming shadow of militancy, which poses a persistent threat to both individual and political rights (Aslam & Neads, 2021).

A Safe Haven for Militants

Following the military operations and peace agreements that aimed to neutralize militant groups in South Waziristan, there was a brief period of respite. "The local population, who had suffered immensely from the violence and oppression under the militant rule, breathed a sigh of relief. Yet, the calm was deceptive. (Aslam & Neads, 2021). "The militants may have lost territorial control, but they retained their ideological and organizational infrastructure. (Aslam, W., & Neads, A. (2021). Soon, "reports started emerging about their resurgence, one critical factor enabling this resurgence has been the presence of safe havens (Jan, 2022). While the Pakistani military initially targeted militant hideouts, "some elements within the security establishment were reportedly providing sanctuary and covert support to these groups, this unsettling duality within the Pakistani military has exacerbated the challenges faced by the region (Jan, 2022).

In South Waziristan, "militancy is like a hydra; cut off one head, and two more grow in its place. (Jan, A. (2022). As "the militants regrouped, they adopted new tactics, smaller, more mobile units started carrying out attacks, often targeting security personnel, local politicians, and civilians who dared to defy their rule. Roadside bombings, kidnappings, and assassinations became their modus operandi, instilling fear and stifling any semblance of political freedom. The resurgence of militancy has not only disrupted the lives of ordinary citizens but also stifled the development of democratic institutions in the region. Political leaders, who had previously championed the cause of the people and sought to rebuild the war-torn region, now find themselves in the crosshairs of these resurgent militants, this has created a chilling effect on political discourse and participation, making it increasingly difficult for South Waziristan to move towards a stable and democratic future. (Jan, 2022).

The Military-Taliban Alliance:

Throughout history, "it's an undeniable fact that the Taliban has played a significant role in Pakistan's strategy in the Afghan war (Jan, 2022). This strategic collaboration has persisted from General Zia's era to General Pervez Musharaff's tenure. Prominent figures like former DG ISI General Hamid Gul, General Ihsan ul Haqq, and Major Amir, along with firsthand accounts like Captain Sikander of Cadet College Wana Waziristan, have openly acknowledged this alliance. This reality isn't surprising to the people of Waziristan. "Currently, several Taliban groups operate under the military's umbrella in Waziristan, such as the Salah ud din Ayoubi group, the Ain Ullah group, the Taj group, the Malang group, Mansoor Haqqani group, and the Tahseel group of Shakai which is active in Dera Ismail Khan. (Farman, 2023) "The Mansoor Haqqani group, strongly supported by the Pakistani military, played a significant role in the recent conflict against the Ashraf Ghani government in Afghanistan. They trained young recruits in warfare tactics and provided military equipment, ostensibly in pursuit of Pakistan's interests. The Ain Ullah group has been implicated in suppressing dissent against the military, with many believing they were responsible for the assassination of PTM leader Sardar Arif Wazir, cousin of MNA Ali Wazir, while the Taj group exerts control over Azam Warsak, its activities are constrained by internal tribal rivalries"(Farman, 2023). "The Malang group operates in areas like Sholaam, Raghzai, Manrra, up to the Durand Line at Angoor Adda, in a tragic incident, the Malang group, in collaboration with the Ayoubi group, attacked PTM protesters, resulting in casualties and retaliatory actions (Farman, 2023).

In South Waziristan's Mehsud area, "the Tehreek Taliban Pakistan (TTP) dominated for years under the leadership of figures like Bait Ullah Mehsud, Abdullah Mehsud, Hakim Ullah Mehsud, Noor Wali Mehsud, and Shehryar Mehsud"(Jan, A. (2022). "Despite military operations against them, there's a prevailing belief among locals that the military and Taliban are interconnected, as evidenced by the fact that major Taliban commanders like Naik Muhammad, Maulvi Nazir, Bait Ullah Mehsud, and Hakim Ullah Mehsud were eliminated in drone strikes by the United States rather than Pakistani military operations"(Jan, 2022). During operations in Waziristan, the Taliban were allowed to move freely and establish safe havens in parts of Khyber Pakhtunkhwa and Karachi, raising suspicions of collusion. "While the military and Taliban have engaged in conflicts at times, it's apparent that many lower-ranking personnel were unaware of their higher-ups' coordinated efforts, this seeming contradiction underscores the complexity of the situation and the blurred lines between different actors"(Akhtar, 2021). This complex web of alliances and rivalries reminds us of the adage that "Nothing is black and white in politics; all is gray." "TTP is now reorganizing itself in Mehsud areas such as Bader, Makeen, Ladha, Tangai, Sara Rogha, and Shawal. (Farman, 2023) The resurgence of armed Taliban has raised concerns among the local population, who once viewed the Taliban not as enemies but as friends. The question arises: if the Taliban were defeated, how are they making a comeback?

4.5 Tribalism and Mullaism

It is unfortunate that tribalism still persists in Pakistan. Modern and progressive societies worldwide have long embraced the rule of law, yet certain elements within Pakistan continue to propagate tribalism, keeping the common people misguided. These elements, "Often Three Tribal Leaders and religious figures, deliver impassioned speeches to perpetuate tribalism's status quo"(Noor & Hashmi, 2018). They prefer to keep people in the dark about modernity and its benefits. "From childhood, many Pakistanis have been captivated by stories of the tribal areas, where criminals could find refuge" (Noor & Hashmi, 2018). While this might sound intriguing, it concealed the fact that Pakistani laws did not apply there, and these areas suffered from extreme poverty, lacking education, healthcare, industries, infrastructure, and economic opportunities. "It is worth noting that influential segments of Pakistani society, including, tribal leaders, and religious figures, have contributed to keeping tribal people in the dark" (Noor & Hashmi, 2018). To address this issue, it is crucial to mourn the tragedy and demand an investigation into the culprits behind these heinous acts in Waziristan. The state must instigate real change in tribal

society, which can be achieved by adhering to the rule of law. It is imperative that people are not deceived by religious figures in the name of jihad. Progress is being made, as women are gaining access to education, challenging established conservative norms. However, the debate on tribalism remains complex, with differing opinions on the importance of tribal values versus the need for change under tribal culture.

4.6 PTM: The Rising Nationalism

The emergence of the Pashtun Tahafuz Movement (PTM) can be traced back to the tragic killing of Naqibullah Mahsud in a staged encounter by Rao Anwar in Karachi, "Initially known as the Mahsud Tahafuz Movement (MTM), this group of young activists, upon reaching Islamahad, evolved into the Pashtun Tahafuz Movement (PTM)". (Yousaf, F. (2019). Initially, the MTM aimed to condemn the Pakistan Army's actions in FATA and the Mahsud region during the war on terror. However, their experiences in the capital revealed that the suffering extended beyond Mahsuds to all Pashtuns.

Pashtuns have endured significant hardships for years, "their suffering intensified as a result of Pakistan's dual policy during the war on terror, while Pakistan was an ally of the United States, it also provided support to Afghan Taliban forces fighting in Afghanistan" (Yousaf, 2019). Various Taliban groups were harbored in areas adjacent to Afghanistan, exacerbating the situation in merged KPK districts. The creation of the Tehreek Taliban Pakistan (TTP) further complicated matters, with "PTM claiming that the TTP was a project of the Pakistan Army against Pashtun nationalists (Yousaf, 2019). While it is acknowledged that the TTP has targeted Pakistani military forces, PTM maintains that the group received secret support from Pakistan's security agencies. "This belief became widespread among residents in affected areas". (Yousaf, F. (2019). The military operations against the TTP often resulted in collateral damage, including the destruction of homes and the loss of innocent lives. "Such incidents, like the one in the Researchers village, where army actions led to civilian casualties, fueled distrust and frustration (Farman, 2023). PTM gave a voice to this frustration, allowing the younger generation to express their concerns against security agencies' actions. "PTM's rise represents a call for change and an end to the prevailing fear and insecurity in the region" (Yousaf, 2019).

4.7 Challenges to Development of Fundamental Political Rights

While significant progress has been made in the development of fundamental political rights in South Waziristan, several challenges persist. The region continues to face security challenges due to the presence of militant groups. These security concerns can hinder the free exercise of political rights, making it difficult for political parties to campaign and for citizens to participate in the democratic process without fear of violence. South Waziristan has historically had limited exposure to formal democratic processes. Building the capacity of local institutions and educating the population about their political rights and responsibilities is an ongoing challenge. The region also faces infrastructure challenges, including inadequate road networks and communication facilities. These limitations can impede political campaigns and limit access to information, thereby hindering political participation. While the merger aimed to transition South Waziristan from a tribal system to a modern democratic one, tribal traditions and customary laws still hold sway in some areas. Balancing these traditions with modern democratic values remains a complex challenge.

Progress Made and Future Prospects

Despite these challenges, South Waziristan has seen notable progress in the development of fundamental political rights since the merger. Local elections have taken place, allowing residents to choose their representatives, and civil society organizations have played a crucial role in raising awareness about political rights. The government of Pakistan, in collaboration with international partners, has initiated various projects to improve security, infrastructure, and access to education in South Waziristan. These efforts are aimed at creating an environment conducive to the exercise of political rights. Additionally, the government has implemented programs to integrate former militants into mainstream society, which can contribute to long-term stability and the protection of political rights.

In conclusion, lack of governance, the military-Taliban alliance, radical Islamism, and the rigid malik system are core issues in Waziristan. The region continues to serve as a buffer zone and a home to Taliban groups, aligned with Pakistan's strategic interests. The reemergence of the Taliban raises questions about their true status. PTM, by advocating Pashtun nationalism and opposing the military's actions, aims to counter military strategies in Waziristan. The resolution of these complex issues may require a truth and reconciliation commission to ascertain responsibility for past events.

The merger of South Waziristan with Pakistan in 2018 marked a significant step toward the development of fundamental political rights in the region. Despite the challenges, progress has been made in establishing a legal framework for political rights, fostering political participation, and addressing historical issues related to governance. However, ongoing security concerns, capacity-building needs, and the preservation of tribal traditions continue to pose challenges.

The future development of political rights in South Waziristan hinges on sustained efforts to improve security, infrastructure, education, and governance while respecting the region's cultural and historical context. With continued commitment from the government, civil society, and the international community, South Waziristan can progress toward a more democratic and rights-respecting future.

CHAPTER FIVE

THE MERGER OF SOUTH WAZIRISTAN: A LOOK AT LOCAL RESPONSES

5.1 Introduction

In the rugged terrain of South Waziristan, a region steeped in a complex tapestry of culture, history, and conflict, change was in the wind. The merger of South Waziristan with the province of Khyber Pakhtunkhwa, Pakistan, marked a significant milestone in the region's turbulent history. This chapter delves into the intricate web of responses from the local population, especially from key stakeholders such as tribal maliks, political activists, and members of the Pashtun Tahafuz Movement (PTM).

The research presented here is the result of open-ended interviews conducted with these individuals, offering a unique and unfiltered perspective on the merger's impact. By gathering primary data directly from those who call South Waziristan home, we aim to provide a comprehensive view of their thoughts, concerns, and hopes regarding the shifting landscape of their political rights, fundamental human rights, the system of justice, and security in the post-merger era.

South Waziristan has long been known as a hotspot for conflict, both domestic and international. The presence of various militant groups, the military's operations, and the traditional tribal governance structure have all contributed to the complexity of the region. In light of these historical and ongoing challenges, the merger promised change, but its nature and effects remained a subject of intense debate.

The tribal maliks, who have historically held significant sway in the tribal areas, represent a vital aspect of this discussion. Their traditional authority and role in mediating disputes have been essential to the region's stability. The political activists, on the other hand, have been advocating for reforms, seeking greater representation and inclusion in the political processes of Pakistan. Meanwhile, the Pashtun Tahafuz Movement emerged as a formidable voice for the rights and dignity of the Pashtun people, encompassing issues ranging from extrajudicial killings to landmine clearance. This chapter serves as a preliminary exploration into the nuanced perspectives and emotions of those directly affected by the merger. Through their voices and experiences, we aim to shed light on the intricate dynamics at play and the hopes and concerns of the people of South

Waziristan as they navigate this transformative period in their history. Their responses offer a valuable window into the aspirations for a more just, secure, and politically inclusive future, while also reflecting the challenges that lie ahead.

In the context of the merger of South Waziristan, for many years, tribal maliks played a significant role in influencing decisions within the region. They acted as intermediaries between the state and the local civil society, a role that persists to a significant extent today. The jirga system, in place for decades, served as the de facto judicial system in South Waziristan. It addressed a wide range of issues, including peace and security, internal politics, economics, and family matters. Tribal maliks, through the jirga system, took charge of these matters, sometimes consulting with the state or the political agent in South Waziristan. However, they largely made

5.2 Tribal Malik Regarding the Merger of South Waziristan

Following the merger, the power of the maliks diminished due to the introduction of Pakistan's institutions and constitution. This included the establishment of a formal judicial system in Waziristan, providing the opportunity to file cases and access equal justice. Researchers conducted interviews with tribal maliks regarding the merger of the former FATA, particularly South Waziristan. The tribal maliks expressed skepticism about the merger, especially concerning issues related to governance, the absence of a judiciary, and courts in South Waziristan. They raised concerns about the ongoing peace, security, justice, and developmental conditions in the region. Malik Alla ud Din Ahmad Zai Wazir, a member of the core committee of nine members of the jirga, stated that, "South Waziristan continues to be deprived of fundamental human rights, let alone political rights. In regard to the access to justice he rose he concerns and said, "how can the people of south Waziristan get justice if there is no court and judiciary in south Waziristan (Udin, 2023).

In reference to the issue of access to justice, Malik Alla Udin expressed his concerns and posed a critical question: "How can the people residing in South Waziristan access justice when there are no courts and a proper judicial system in place within South Waziristan itself?" (Udin, 2023).

Malik Alla Udin harbored significant skepticism regarding the merger of FATA (Federally Administered Tribal Areas) and saw it as a symbolic gesture by the state to integrate South Waziristan into the mainstream. He expressed dissatisfaction with the efforts made by the state in terms of the development of the newly merged district, South Waziristan. During an interview with a researcher, he argued that since the merger, the security situation in the area had

significantly deteriorated. Over the past few years, there had been a distressing toll with the loss of 250 civilian lives and security personnel. When asked about the current status of the jirga system in South Waziristan, Malik Alla Udin remarked, "The jirga system continues to operate in its traditional manner due to the absence of formal courts, and it is currently the primary source of delivering swift justice to the people" (Udin, 2023).

5.3 Prominent political figure regarding post-merger condition of south Waziristan

Prominent political figures, irrespective of their affiliations with various political parties such as the Awami National Party, Pakistan Tehreek-e-Insaf (PTI), Jamiat Ulema-e-Islam, Jamaat-e-Islami, or as independent candidates, have collectively voiced significant concerns and grievances regarding the post-merger situation in South Waziristan. Nearly all prominent political figures in South Waziristan have expressed their dissatisfaction due to several critical issues plaguing the region, including inadequate governance, a deficient judicial system, and the absence of justice. Furthermore, they have vehemently criticized both the federal and provincial governments of Khyber Pakhtunkhwa for their failure to improve various aspects of life in South Waziristan, including peace, healthcare, and education. The criticism stems from the belief that these governments have not adequately addressed the pressing needs of the region's residents. Prominent political figures have also raised concerns about the lack of political rights being properly extended to the people of South Waziristan.

In addition to their criticism, these political figures have articulated a shared vision of unity among political parties, working collaboratively to secure greater political autonomy for South for the region, which they view as essential for addressing the challenges and concerns faced by the local population. Prominent member of Jamiat-e-Islami South Waziristan, Saif ur Rehman, has expressed his concerns regarding the government's lack of action to improve the conditions in South Waziristan after the merger. When asked about the status of political rights in South Waziristan, he emphasized that the people there are still devoid of their political rights. While political parties are advocating for these rights, Saif ur Rehman pointed out that their lives and freedom are at risk (Rehman, 2023).

When questioned about access to peace and justice, he remarked that in South Waziristan, there is virtually no institution aside from the police. Furthermore, the police force itself is weak, inadequately trained, and malfunctioning. He added that they have limited access to justice because the courts are located in a separate district, Tank, rather than in South Waziristan. Prominent

member of Jammat-e-Islami South Waziristan, Saif ur Rehman, has expressed his concerns regarding the government's lack of action to improve the conditions in South Waziristan after the merger. When asked about the status of political rights in South Waziristan, he emphasized that the people there are still devoid of their political rights. While political parties are advocating for these rights, Saif ur Rehman pointed out that their lives and freedom are at risk (Rehman, 2023). When questioned about access to peace and justice, he remarked that in South Waziristan, there is virtually no institution aside from the police. Furthermore, the police force itself is weak, inadequately trained, and malfunctioning. He added that they have limited access to justice because the courts are located in a separate district, Tank, rather than in South Waziristan (Rehman, 2023).

In the realm of Pakistani politics, the prominent figure from the Pakistan People's Party in South Waziristan, Aman Ullah Wazir, has provided an extensive account of the post-merger circumstances in the region. When questioned about the status of political rights in South Waziristan, he articulated, "As a result of the merger and the implementation of the 18th Amendment, we now possess political rights in South Waziristan. This allows us to participate in national and provincial elections as party-affiliated candidates" (Wazir, 2023). Furthermore, he remarked, "All political parties actively participated in the local body elections, resulting in the election of three mayors in South Waziristan: one in the Wana subdivision, one in Ladha subdivision, and one in Serwekai subdivision. Additionally, all village councils now have their duly elected councilors" (Wazir, 2023).

When inquired about the progress of institutions, the judiciary, and the jirga system, Aman Ullah Wazir conveyed his concerns, stating, "There are currently a limited number of institutions in Waziristan, and they are operating inefficiently. Proper institutional development has not been effectively implemented, and our access to justice is hindered by the absence of a court in South Waziristan". He further highlighted that the jirga system, though still functional, acts as a quasi-judicial entity but frequently infringes upon basic human rights. In a recent incident, the jirga compelled a journalist and his family to leave Waziristan due to the journalist's critical remarks on social media. Aman Ullah Wazir asserted that the tribal jirga system has detrimental consequences for democratic politics in South Waziristan, as it often imposes fines on prominent political figures, political workers, and social activists who express criticism towards the jirga (Wazir, 2023).

In response to the question of why there has been a significant surge in protests in South Waziristan following its merger with Khyber Pakhtunkhwa, Aman Ullah Wazir explained, "We have endured deprivation and exploitation for a staggering 75 years. Access to education, healthcare, and justice remains inadequate, and the region is plagued by ongoing peace deterioration, extrajudicial killings, political suppression by the state, and military interference in politics. Poverty is pervasive, and our trade routes are often closed. These factors have compelled the civil society and political parties to raise their voices and draw attention to our grievances" (Wazir, 2023).

The Pakhtunkhwa Milli Awami Party (PKMAP) is a political party with a notable presence in South Waziristan, a region in Khyber Pakhtunkhwa, Pakistan. Ashfaq Wazir, the Information Secretary of PKMAP, has expressed his views on various aspects of the post-merger conditions in South Waziristan.

Regarding the political rights in the merged district of South Waziristan, Ashfaq Wazir pointed out that while the merger brought political rights constitutionally, these rights are not effectively practiced due to the lack of institutions and proper governance in the region. Furthermore, when asked about the state of the peace and justice system in South Waziristan, Ashfaq Wazir highlighted that even in the post-merger era, the region still lacks proper courts. Instead, the jirga system is functioning as a *de facto* judiciary. He advocated for the integration of the jirga system into the legal framework of the judiciary.

In terms of the security situation, Ashfaq Wazir emphasized that peace in South Waziristan is closely linked to the peace situation in Afghanistan. He pointed out that the presence of Taliban sanctuaries in South Waziristan, supported by elements within the Pakistani military, continues to pose a challenge to achieving lasting peace in the region. Additionally, Ashfaq Wazir raised concerns about the state of education, healthcare, and development in South Waziristan. He noted that the region has not received the necessary developmental funds and its fair share of the NFC (National Finance Commission) award, which has further hindered its progress and prosperity. The Awami National Party espouses the non-violence ideology of the esteemed leader Bacha Khan. Founded in 1986, it maintains its substantial influence as a political entity within the province of Khyber Pakhtunkhwa. The study incorporated the perspective of the Awami National Party concerning the status of political rights in the merged district South Waziristan.

The researcher, in the pursuit of insights, engaged with the General Secretary of the Pashtun Students Federation, Mr. Arshad Wazir from South Waziristan. He articulated, "In the post-merger

era, democratic political organizations, including the Awami National Party and its student organization, PSF, initiated their political mobilization efforts, focusing on issues related to political rights" (Arshad, 2023). Furthermore, he emphasized, "The Awami National Party has been supportive of the merger process and calls upon the state to establish and activate democratic processes and institutions in this region". Additionally, he expressed, "Following the merger, political parties are diligently striving for democratic representation, the electoral process, people's participation, and parliamentary governance, alongside the development of an enlightened Waziristan. However, these progressive political groups face intimidation, harassment, and various forms of violence against their members, such as extrajudicial killings and assassinations" (Arshad, 2023).

According to him, "More than a hundred political workers have been tragically lost to unknown targeted killings after the merger, and this distressing situation persists. The state bears responsibility for these acts, and we insist on the establishment of a judicial commission to investigate the culprits and bring them to justice. We demand that the state ensure the protection of the lives of political workers and safeguard their political liberties (Arshad ,2023).

In the context of the jirga system and democratic politics in South Waziristan, he contended that "following the merger in Waziristan, the jirga has emerged in a more robust form with its private militia supported by the establishment, The jirga now functions as a quasi-state entity, responsible for making decisions on various local issues, ranging from criminal matters to tribal disputes and social problems". "This elevated status of the jirga has impeded the democratic process and political decision-making, acting as an impediment to progressive nationalist parties". Additionally, he asserted that "if the jirga supersedes state institutions, it could create a void for non-state actors, such as militants. The current decisions of the jirga, he argued, infringe upon fundamental human rights and constitutional provisions concerning freedom of expression and political participation"(Arshad, 2023).

Regarding inclusive politics and women's rights, political participation, and empowerment, he expressed that the Awami National Party is unwavering in its commitment to progressive and inclusive politics within the community. Their vision entails the transformation of the traditionally conservative tribal districts into regions where women are empowered, with equal access to education and political engagement. Furthermore, he highlighted the notable participation of women from various political parties in the 2022 local body elections in South Waziristan. These

women actively engaged in political campaigns, resulting in the Awami National Party winning four women's seats—one in the Dabkot Union Council, one in the Azam Warsak Union Council, one in the Kari Kot Union Council, and one in the Zari Noor Union Council.

The Jamiat Ulema-e-Islam (JUI) is a prominent political party in Pakistan with a significant presence in South Waziristan. The JUI has established itself as a key player in South Waziristan, primarily due to its ideological alignment with the conservative and religious sentiments of the local population. The party has garnered support by championing Islamic values and advocating for the interests of the tribal people. South Waziristan is home to various tribal groups, each with its unique customs and traditions. The JUI has skillfully navigated these dynamics by aligning itself with influential tribal leaders, allowing it to consolidate its support base. Jui opposed the merger of Tribal districts with Khyber Pakhtunkhwa province and demanded a separate province for the tribal regions. The distinguished statesman and former president of Jamiat Ulema-e-Islam, Abdul Ali Farhad, has gracefully articulated his perspectives on the merger of South Waziristan and the prevailing political climate in the region. His insights carry a certain charm: "From my vantage point, the period prior to the merger was characterized by a more harmonious and engaged political landscape. However, the present era is marred by political fragmentation, with a complete shift in the dynamics. Regrettably, neither political parties nor the media authentically represent the concerns of our people. Instead, they seem to endorse liberal ideologies that run counter to our cherished norms and values." (Abdul, 2023).

The merger has presented a formidable challenge to the traditional jirga system and the fabric of our tribal society. In Abdul Ali Farhad's elegant words, "Our administrative authority has been confronted and, in some respects, usurped, causing distress among local residents about their fundamental rights. South Waziristan currently grapples with a host of multifaceted issues, and regrettably, we find ourselves without a district court." (Abdul, 2023).

The civil administration seems to have been co-opted by the establishment, leading to a sense of skepticism regarding the preservation of democratic political rights in the post-merger era. Prior to the merger, a more robust political cohesion was the order of the day, complete with a responsible political agent and a conscientious committee comprising 120 members. This assembly diligently attended to a myriad of matters, including political decisions, peace, and security considerations. (Abdul, 2023).

Hazrat Ali is a village secretary from lower Waziristan appointed by the government he expresses his view on the local body governance, inclusive politics and issues after merger in the merger, he stated, "unlike in other parts of Khyber Pakhtunkhwa, local government in merged is so weak, deprived of power to take decision regarding political, developmental, judicial and peace matters, jirga rules the way it does. Military, the deputy commissioner, and the maliks decide everything, the days of black laws frontier crime regulations still exist, we are being kept limited to polio campaigns and children's registrations and giving people the birth and death certificates. He further stated," in local body elections 2022 lower Waziristan all parties took a part Jamiat Ullema Islam JUI won the city mayor seat, women also took part on parities tickets but they largely contested as independent candidates, the minority seats were largely vacant, only the christen community in scouts camp took part in local body election" (Ali, 2023).

Regarding inclusive politics, he said " women took part in election but not in political campaigns and polical gatherings, because of the cultural barriers, their families campaigned for them, it is almost impossible for a woman to preach her political ideology in the conservative society of south Waziristan, culture barriers and militancy have curtailed their freedom of expression. Additionally, he said, "whether it is the elected councilors or appointed secretaircs in local government, they are deprived to exercise their powers and have say in the local matters of any nature, we don't have any office, we are deprived of the budgets (Ali, 2023). Furthermore, he said, " Merger did not transform South Waziristan from a lawless tribal region into a peace democratic region where civilians rule, the condition of education, peace and progress is so deteriorated due the unwilling of the state in this regard, institutions nominally exist without active function"(Ali. 2023).

South Waziristan has been divided administratively in to two districts, upper South Waziristan (Mehsud and Burki.) and lower South Waziristan (wazir, dotani and suleman khel). Local government was extended to all seven merged districts, local body election was held in 2022, upper South Waziristan has now two mayors, this region was for years under the constant threat of militancy by TTP and other groups, Pakistani army launched several operations to counter terrorism. in result millions of Mehsud were internally displaced to dikhan, tank and Karachi in 2009.these operations was a collateral damage, thousands of civilians lost their lives, every single home was destroyed including every bazar. only in 2017 their rehabilitation started.

The researcher approached Taj Malooq who is the Mayor of sub division Ladha(Mehsud), when question was put forward regarding the status of political rights in the merged district South

Waziristan, he said," there is not a big difference, the status of political rights in post-merger era remains the same because the merger process was incomplete but we see a little bit political awareness which is a passive sign but jirga still rules , we have no courts in our district, police is untrained and mal functioning.(Taj, 2023).

Regarding the local governance he said," for the first time we saw a great change after the merger, this is a positive political sign, after local body election, 25 mayors were elected in the seven merged districts including me. the KPK government was commented to for three things in local governance, first a local governance structure, second, giving administrative powers to the elected members and third financial assistant of the appointed and elected members but the government only succeeded in bringing a governance structure"(Taj, 2023). He further said," we have local governance structure but devoid of administrative powers and financial assistance from the KPK government, the military, jirga and deputy commissioner decide all matters, this has hindered the democratic political process in the merged district South Waziristan"(Taj, 2023).

Regarding inclusive politics the mayor Taj Malooq said," women largely participated in the local body elections, a prominent journalist Razia Mehsud contested against me, she rallied and campaigned, it was for the first time that i saw this big change in the political scenario of South Waziristan. He elaborates," Change takes a big deal of time, the tribal society would have changed into a democratic one if there was not the rule of jirga and threat from militants. (Taj, 2023).

CHAPTER SIX

PROSPECTS AND CHALLENGES TO SOUTH WAZIRISTAN AFTER MERGER

South Waziristan, located in the southwestern region of Pakistan, has undergone a profound transformation following its merger into the mainstream administrative and political framework of the country. Historically, South Waziristan had been known for its remote and rugged terrain, tribal societies, and a complex web of socio-political dynamics, often influenced by cross-border factors. However, after its merger in 2018 into the Khyber Pakhtunkhwa province, South Waziristan embarked on a path of change, modernization, and development. This merger was a significant step in Pakistan's efforts to integrate the tribal regions into the national fabric, bringing them under the jurisdiction of the country's constitution and legal framework. As a result, South Waziristan has witnessed a series of reforms aimed at fostering stability, improving governance, and providing essential services to its inhabitants. These changes have had far-reaching implications for the region's socio-economic landscape, security dynamics, and overall quality of life for its residents. In this exploration of South Waziristan after its merger, we will delve into the multifaceted aspects of this transformation. We will examine the strides made in terms of infrastructure development, education, healthcare, and economic opportunities. Furthermore, we will explore how the security situation in the region has evolved, and how the integration of South Waziristan into Pakistan's administrative structure has impacted the lives of its diverse population, including the Pashtun tribes that have long called this region their home. This narrative seeks to shed light on the challenges and successes that South Waziristan has experienced in its journey towards becoming an integral part of Pakistan's development and progress. It is a story of resilience, adaptation, and the collective efforts of the government, local communities, and various stakeholders to shape a brighter and more prosperous future for this once-isolated region (Usman, 2022).

6.1 Prospects to South Waziristan After Merger

The merger of South Waziristan into Pakistan's Khyber Pakhtunkhwa (KP) province in 2018 was a significant development with a range of prospects and challenges. South Waziristan, a historically volatile and tribal region on the border with Afghanistan, has seen significant changes since its merger. Here, we'll explore the prospects for South Waziristan after the merger in detail:

Improved Governance and Administration:

One of the primary objectives of merging South Waziristan into KP was to bring it under the umbrella of Pakistani governance. This transition has the potential to lead to more efficient and accountable administration, better law and order, and the rule of law. It allows for the extension of Pakistani laws and regulations, ensuring a more predictable and stable environment for the local population.

Economic Development:

The merger opens up opportunities for economic development in the region. South Waziristan, historically isolated due to its geography and security concerns, can now benefit from investments in infrastructure, education, healthcare, and other basic services. Improved road networks, access to markets, and vocational training programs can foster economic growth and reduce poverty.

Education and Healthcare:

South Waziristan has long suffered from underdevelopment in education and healthcare. The merger provides an opportunity to establish schools, colleges, and healthcare facilities, thereby improving human capital and overall living standards in the region.

Access to Legal Systems:

Residents of South Waziristan now have better access to the legal system and can seek redress for grievances through the formal justice system. This can lead to a more just and equitable society.

Political Representation:

With representation in the provincial assembly of KP, the people of South Waziristan have a voice in policymaking and can influence decisions that directly affect their region. This can help address their specific needs and concerns.

Security and Stability:

The merger allows for a more coordinated approach to security in the region. Pakistan's security forces can work in tandem with local law enforcement agencies to maintain peace and stability, which is essential for economic development and improved living conditions.

Reduced Militancy:

Historically, South Waziristan has been a hotbed of militancy and extremism. The merger provides an opportunity to counter these threats through a combination of military operations, deradicalization programs, and socioeconomic development, which can help bring peace to the region.

Regional Connectivity:

South Waziristan's geographical location makes it a potential transit route for trade and connectivity between Pakistan and Afghanistan. Enhancing border trade and connectivity can have positive economic implications for the region.

Cultural Preservation:

While integration brings several benefits, it's also important to preserve and respect the cultural identity and traditions of the local Pashtun population. Efforts should be made to ensure that the merger does not lead to the erosion of their unique cultural heritage (Zeb, 2021).

6.2 Challenges to South Waziristan after merger

The merger of South Waziristan into the Khyber Pakhtunkhwa province of Pakistan in 2018 was a significant political development in the region. This merger was part of the broader effort by the Pakistani government to integrate the Federally Administered Tribal Areas (FATA) into the mainstream administrative and political structure of the country. While the merger held the promise of bringing socio-economic development and stability to South Waziristan, it also presented several challenges. Here are some of the key challenges:

Security Concerns:

Historical Militancy: South Waziristan has a long history of militancy and was a stronghold of the Taliban and other extremist groups. The region saw intense conflict and military operations before the merger. While the security situation improved after the military operations, the threat of militancy still lingers.

Militant Resurgence:

There is a risk of militants regrouping and launching attacks in the region, as they have done in other tribal areas in the past. The security forces need to maintain a strong presence to prevent this.

Governance and Administration:

Weak Governance Institutions: South Waziristan and other tribal areas had weak governance institutions before the merger. Building effective administrative structures, law enforcement agencies, and judicial systems is a considerable challenge.

Local Representation:

Ensuring adequate local representation and participation in the provincial and national governments can be challenging, as tribal dynamics and traditional leadership structures still play a significant role.

Economic Development:

Economic Marginalization: The region has historically been economically marginalized, with limited access to education, healthcare, and basic infrastructure. The government needs to invest heavily in these areas to improve the living standards of the local population.

Job Creation:

Creating employment opportunities is crucial to preventing disillusionment among the youth, who might be vulnerable to recruitment by militant groups if they lack economic prospects.

Tribal Traditions:

South Waziristan has a distinct tribal culture with its own customs and traditions. Balancing the preservation of cultural heritage with modernization and development can be a delicate task.

Gender Equality:

Promoting gender equality in a conservative society like South Waziristan can be challenging. Encouraging women's participation in education and the workforce may face resistance.

Infrastructure Development:

Infrastructure Deficit: The region lacks adequate infrastructure, including roads, schools, healthcare facilities, and electricity. Building and maintaining infrastructure is essential for development but can be logistically challenging in the rugged terrain.

Displacement and Resettlement:

Return of Displaced Population: Many residents of South Waziristan were displaced during military operations and have gradually been returning. Ensuring their successful resettlement and providing them with essential services is a priority.

Balancing Security and Civil Liberties:

Striking a balance between security measures and respecting civil liberties and human rights can be difficult. Overly aggressive security measures can lead to alienation and resentment among the local population.

Economic Dependency:

South Waziristan's economy has been historically dependent on smuggling, drug trade, and other illicit activities. Transitioning to a legitimate and sustainable economic model will require time and effort.

Addressing these challenges in South Waziristan is a complex and long-term endeavor. The success of the merger ultimately depends on the Pakistani government's ability to provide security,

good governance, economic opportunities, and social development while respecting the region's cultural and tribal dynamics.

Rehabilitation of Displaced Population:

The military operations in South Waziristan had led to a large number of people being internally displaced. Post-merger, efforts were needed to rehabilitate these displaced populations, provide them with basic amenities, and rebuild their homes and infrastructure.

Cultural and Tribal Dynamics:

The merger disrupted the traditional tribal and cultural dynamics of the region. Balancing the need for development with preserving the cultural heritage and traditions of the tribal communities was a challenge.

Law and Order:

Establishing law and order in a region with a history of armed conflict and militant presence was crucial. Training and equipping local police forces to maintain security while respecting human rights was a complex task.

Education and Healthcare:

South Waziristan had a low literacy rate and inadequate healthcare facilities. Improving access to quality education and healthcare services required significant investment and planning.

Land Disputes:

The region has a history of land disputes and conflicting claims. Resolving these disputes and ensuring equitable land distribution was essential for long-term stability.

Infrastructure Development:

Building roads, bridges, and other basic infrastructure was necessary to connect remote areas and improve access to markets and services. The rugged terrain and security concerns made infrastructure development challenging.

Extremist Influence:

Despite military operations, extremist ideologies still had a presence in South Waziristan. Countering radicalization and promoting moderate values remained a challenge. Efforts have been made by the Pakistani government to address these challenges, including the allocation of funds for development projects, establishment of educational institutions, and the gradual integration of South Waziristan into the broader political and administrative framework of Pakistan. However,

the process is ongoing, and it will take time and sustained efforts to fully overcome these challenges and bring stability and prosperity to the region (Shah, 2018).

6.3 Institutional Crises in South Waziristan

South Waziristan, located in Pakistan's Federally Administered Tribal Areas (FATA), has been a region historically plagued by various crises, including institutional crises. These crises have had a significant impact on the region's stability, security, and development.

Political Instability

The region has experienced a lack of strong and stable governance structures. The historical absence of a robust local government has contributed to political instability. The region's proximity to Afghanistan and its porous border have made it vulnerable to external influences, further complicating governance and political stability. South Waziristan, located in the Khyber Pakhtunkhwa province of Pakistan, has been a historically volatile region due to its proximity to the border with Afghanistan and its complex tribal dynamics. The area has been a significant center of militancy and conflict, with various militant groups operating in the region, including the Tehrik-i-Taliban Pakistan (TTP) and its factions. The Pakistani military conducted several military operations in the region, such as Operation Rah-e-Nijat in 2009, aimed at flushing out militants and establishing government control. These military operations, coupled with development efforts, were intended to stabilize the area and curb militancy. However, the political situation in South Waziristan has been challenging due to ongoing security concerns, tribal rivalries, and the presence of militant groups. The region historically had a semi-autonomous status with a legal system based on traditional tribal codes. Efforts were being made to integrate these areas into mainstream Pakistani governance structures, but progress was slow due to the complex socio-political landscape (Singh, 2009).

Militancy and Terrorism

South Waziristan has been a stronghold for various militant and terrorist groups, including the Tehrik-i-Taliban Pakistan (TTP). The institutional vacuum in the region allowed these groups to establish a presence and operate with relative impunity. The absence of effective law enforcement and governance institutions has led to the rise of non-state actors, which have undermined state authority and control. South Waziristan, located in the Federally Administered Tribal Areas (FATA) of Pakistan, has been a hotbed of militancy and terrorism for several years. The region's complex socio-political dynamics, poverty, and historical factors have contributed to the rise of

militancy and terrorism in this area. South Waziristan has a long history of tribal independence and has been relatively autonomous, even during British colonial rule in the Indian subcontinent. The region became a focal point in the Afghan jihad against the Soviet Union in the 1980s, which further militarized the area and established networks of armed fighters and extremist ideologies (Nawaz, 2009).

The Taliban, initially nurtured by Pakistani intelligence agencies for strategic depth in Afghanistan, found sanctuary and support in South Waziristan. Al-Qaeda also established a presence in the region, further fueling militancy and terrorism. These groups, along with local militants, exploited the porous border between Pakistan and Afghanistan for their activities. The Taliban and Al-Qaeda have historically had a significant presence in the South Waziristan region, which is located in the Federally Administered Tribal Areas (FATA) of Pakistan along the Afghan border. This region has been a hotspot for militancy and insurgent activities for many years. The Taliban, particularly the Tehrik-i-Taliban Pakistan (TTP), has been active in South Waziristan. The TTP is a loosely affiliated umbrella organization of various militant groups operating in Pakistan's tribal areas. They have been involved in a range of activities, including attacks on Pakistani military and government installations, as well as launching cross-border attacks into Afghanistan. The Pakistani military has conducted multiple military operations in the region to counter the Taliban's influence. Al-Qaeda, a global jihadist organization, also had a presence in South Waziristan. The region served as a sanctuary for Al-Qaeda militants and other extremist groups due to its rugged terrain and the limited presence of Pakistani security forces. Al-Qaeda used these safe havens to plan and coordinate attacks not only in Pakistan but also internationally. Over the years, there have been efforts by both Pakistani and American forces to target Al-Qaeda operatives in the region, often through drone strikes (Khan, 2022).

Weak Law Enforcement

The region has historically suffered from a lack of effective law enforcement agencies and institutions. The police and other security forces often faced challenges in maintaining law and order. The presence of armed militant groups has further deterred law enforcement agencies from asserting control over the area. South Waziristan is characterized by rugged and mountainous terrain, making it difficult for law enforcement agencies to maintain a strong presence and effectively patrol the area. The difficult terrain provides natural hideouts for criminals and insurgents. The region has a long history of militancy and has been a stronghold for various

militant groups. This has created an environment where the rule of law has often been undermined, and the influence of these groups has made it challenging for law enforcement to operate effectively. South Waziristan has a strong tribal structure with its own customary laws and traditions. This can sometimes clash with the formal legal system, making it difficult to enforce the rule of law uniformly across the region. The law enforcement agencies operating in South Waziristan often face resource constraints, including insufficient manpower, equipment, and funding. This hampers their ability to maintain law and order effectively (Wazir, 2023).

Economic Underdevelopment

Institutional crises in South Waziristan have hindered economic development and infrastructure projects. The lack of government investment in the region has perpetuated poverty and unemployment, making it susceptible to recruitment by militant groups. South Waziristan has a long history of conflict and militancy. The presence of insurgent groups and ongoing security operations have created an environment that is hostile to economic development. Businesses often hesitate to invest in such areas due to the risks involved. The region lacks basic infrastructure such as roads, electricity, and clean water supply. Without these essential services, it is challenging for businesses to operate efficiently and for residents to access basic amenities. A lack of quality educational institutions and vocational training centers means that the local population often lacks the skills necessary to participate in a modern economy. This limits their employment prospects and income potential. Weak governance structures and corruption can deter potential investors and hinder economic development. It can also lead to misallocation of resources and undermine public trust. Addressing economic underdevelopment in South Waziristan would require a multifaceted approach that focuses on improving security, infrastructure, education, and governance. Additionally, efforts to attract investment and promote economic diversification should be a part of any long-term strategy to uplift the region. The absence of basic services and infrastructure, such as healthcare and education, has exacerbated socio-economic challenges. These challenges are not unique to South Waziristan and are often observed in conflict-affected areas around the world, making sustainable development in such regions a complex and challenging endeavor (Ullah, 2018).

Displacement and Humanitarian Crises

The region has witnessed significant displacement of the local population due to military operations and insecurity. The absence of functioning institutions to provide relief and

rehabilitation has led to humanitarian crises. Displaced populations have struggled to access basic necessities, leading to suffering and discontent. Displacement and humanitarian crises in South Waziristan, a region located in Pakistan's tribal areas near the Afghanistan border, have been ongoing issues for many years. These crises are rooted in a complex web of factors, including armed conflict, terrorism, government military operations, and socio-economic challenges. South Waziristan has been a hotspot for militancy and armed conflict for several decades. Various militant groups, including the Taliban, have established a presence in the region. These groups have been involved in attacks against both the Pakistani military and civilian populations, leading to insecurity and violence. The Pakistani government has conducted several military operations in South Waziristan to root out militant groups. Operations like Zarb-e-Azb and Rah-e-Nijat aimed to eliminate the Taliban and other extremist elements from the region. While these operations have made progress in reducing militant influence, they have also led to mass displacements of the civilian population. As a result of the conflict and military operations, a significant number of people in South Waziristan have been internally displaced. These displaced individuals and families often seek refuge in camps or with host families in other parts of Pakistan. This displacement disrupts their lives, disrupts their livelihoods, and exposes them to harsh living conditions. The displaced population faces numerous humanitarian challenges, including inadequate access to food, clean water, healthcare, and education. Camps and host communities often struggle to provide basic services, and living conditions can be substandard. Many residents of South Waziristan were engaged in agriculture and livestock farming. However, due to displacement and insecurity, their livelihoods have been severely affected. Lack of economic opportunities has led to poverty and food insecurity among the displaced populations (Hashim, 2015).

6.4 Lack of Rule of Institution and Constitution

The lack of the rule of institutions and constitution refers to a situation where a country or governing system does not effectively adhere to the principles and structures set forth in its constitution and other established institutions. This can have significant negative consequences for the functioning of a government and the well-being of its citizens. A constitution is a fundamental legal document that sets out the framework for governance in a country. It typically outlines the structure of government, the rights and responsibilities of citizens, and the limitations on the government's power. Constitutions are often seen as the supreme law of the land, providing a

foundation for all other laws and regulations in a country. They are essential for promoting the rule of law, protecting individual rights, and ensuring the proper functioning of government institutions. Institutions are the formal and informal structures and organizations that make up a government. These include branches of government (executive, legislative, and judicial), government agencies, political parties, and other organizations that play a role in the functioning of the state. Effective institutions are crucial for implementing and upholding the principles and rules laid out in the constitution. Institutions help ensure that government actions are consistent, transparent, and accountable. When institutions and officials do not adhere to constitutional principles, it can lead to corruption and a misuse of power. Officials may act in their own self-interest rather than in the public interest. Without proper checks and balances, those in power may engage in embezzlement, bribery, nepotism, and other forms of corruption. In democracies, the constitution and institutions are vital for ensuring fair elections, protecting minority rights, and upholding the rule of law. When these are undermined, it can erode democratic norms and values. This erosion can result in the concentration of power in the hands of a few, undermining the principle of government by the people. Lack of adherence to the rule of institutions can lead to political instability, including frequent changes in government, protests, and social unrest. A weak institutional framework can make it difficult for a government to address the needs and concerns of its citizens, leading to dissatisfaction and instability. The constitution often contains provisions for the protection of individual rights and freedoms. When these rights are not respected, it can lead to human rights abuses. Violations of human rights can include censorship, discrimination, unlawful detention, and even violence.

6.5 Threats to Freedom of Expression Threats to Individual Life

Freedom of expression is a fundamental human right that allows individuals to express their thoughts, ideas, opinions, and beliefs without censorship or fear of reprisal from the government or other entities. However, there are various threats to freedom of expression, and some of these threats can also pose risks to individual lives. Governments may impose restrictions on freedom of expression by enacting laws or regulations that limit what can be said or published. This includes laws against hate speech, blasphemy, or criticism of the government. Such censorship can stifle free speech and limit the ability of individuals to express their opinions openly. Concentration of media ownership in the hands of a few powerful entities can lead to self-censorship and a limited diversity of viewpoints. Media outlets may avoid covering certain topics or criticizing powerful

interests to maintain their financial stability, which can impede open discourse. With the growth of the internet, online surveillance by governments and corporations has become a significant threat to freedom of expression. Surveillance can deter individuals from expressing themselves freely online, as they may fear consequences such as government monitoring or data breaches (Shackleton, 2021).

Individuals and groups may resort to threats, intimidation, or violence to silence dissenting voices. Journalists, activists, and outspoken individuals are particularly vulnerable to physical harm, and in some cases, they may be killed or assaulted for expressing their views. Lawsuits, legal action, or harassment campaigns can be used to suppress freedom of expression. This may involve powerful individuals or organizations filing defamation suits, filing SLAPP (Strategic Lawsuit Against Public Participation) lawsuits to silence critics, or engaging in online harassment to deter individuals from speaking out. Some governments resort to shutting down the internet or blocking specific websites and social media platforms during times of political unrest or protests. This limits people's ability to access information and communicate, effectively curbing freedom of expression. Individuals who express controversial opinions or challenge powerful interests may face physical harm or even assassination. This threat is particularly severe for journalists, activists, and dissidents in authoritarian regimes (Kornarova, 2020).

Governments may imprison individuals for expressing dissenting views. Political prisoners are often subjected to inhumane conditions, torture, and denial of basic human rights. Some individuals are forced to flee their home countries to avoid persecution or violence for their beliefs. Exile can disrupt lives, separate families, and lead to a loss of livelihoods and social connections. Online harassment, including doxxing, cyberbullying, and threats of violence, can have severe psychological and emotional consequences. Victims may face anxiety, depression, and even contemplate self-harm or suicide. False information and smear campaigns can be used to discredit individuals and tarnish their reputations, making it difficult for them to engage in public discourse and advocate for their beliefs effectively. It's crucial to protect and defend freedom of expression while addressing these threats to individual life. A society that values free expression fosters open dialogue, diversity of thought, and the protection of individual rights. Legal safeguards, international human rights standards, and advocacy efforts play a critical role in combating these threats and promoting a more inclusive and democratic society (McINTOSH, 2007).

6.5.1 Suppression of Voices in South Waziristan

The suppression of voices in South Waziristan, a region in Pakistan's Federally Administered Tribal Areas (FATA), has been a long-standing issue with complex historical, political, and security dimensions. This region has faced significant challenges related to militancy, counter-terrorism operations, and the curtailment of civil liberties. South Waziristan is historically known for its tribal society and a lack of strong state presence. It has been a hub for various militant groups, including the Tehrik-i-Taliban Pakistan (TTP) and Al-Qaeda, which have been involved in terrorist activities not only in Pakistan but also in neighboring Afghanistan. Pakistan's military has conducted several operations in South Waziristan to counter the insurgency and eliminate militant groups. One of the most significant was Operation Rah-e-Nijat in 2009. While these operations aimed to improve security and eliminate militants, they also resulted in the displacement of a large number of civilians and allegations of human rights abuses. The Pakistani government has been criticized for limiting media access to South Waziristan during military operations. Journalists have faced threats, violence, and restrictions on their ability to report on events in the region. This has hindered the dissemination of accurate information and transparency (Ali, 2009).

The suppression of voices in South Waziristan extends to the curtailment of civil liberties and freedom of expression. The region has seen restrictions on political activities, the closing of educational institutions, and limitations on the work of non-governmental organizations (NGOs). Local residents have sometimes been subjected to arbitrary arrests and harassment. The military operations and suppression of voices have had a significant impact on the civilian population of South Waziristan. Many people have been internally displaced, and the region's infrastructure has suffered. Economic opportunities and development have also been severely affected. In recent years, the Pakistani government has made efforts to bring about reconciliation and development in South Waziristan. This includes efforts to engage with local communities, rehabilitate displaced populations, and promote economic development. However, these efforts have faced challenges due to security concerns and a lack of trust between the government and local residents. The situation in South Waziristan has raised international concerns about human rights abuses, especially during military operations. Human rights organizations have called for greater transparency, accountability, and respect for human rights in the region (Khan, 2011).

6.6 Extra Judicial Killing in South Waziristan After Merger

Extra-judicial killings in South Waziristan after its merger with Pakistan's Khyber Pakhtunkhwa province in 2018 have been a cause for concern and controversy. South Waziristan, historically a tribal region on the Pakistan-Afghanistan border, has been a focal point for counter-terrorism efforts due to its association with various militant groups. The merger of the Federally Administered Tribal Areas (FATA), including South Waziristan, with Khyber Pakhtunkhwa in 2018 aimed to bring these regions under the jurisdiction of Pakistan's mainstream legal and administrative systems. However, this transition has faced several challenges, including security concerns and the handling of former militants and their sympathizers. In the aftermath of the merger, Pakistan's security forces, particularly the military and paramilitary forces, conducted several security operations in South Waziristan to counter the remnants of militant groups, such as the Tehrik-i-Taliban Pakistan (TTP). These operations were conducted to maintain peace and establish the writ of the state in the region (Farooq, 2022).

Human rights organizations and local activists have accused Pakistani security forces of engaging in extra-judicial killings during these operations. They claim that some individuals were killed without proper legal procedures, including arrests, trials, or due process. These alleged extra-judicial killings have raised concerns about violations of human rights and international humanitarian law. Holding security forces accountable for alleged extra-judicial killings in South Waziristan has proven challenging. Pakistan's military often enjoys a high degree of autonomy, and there have been limited independent investigations into these allegations. This lack of transparency has fueled suspicions and hindered efforts to establish the truth. The Pakistani government has, at times, denied the allegations of extra-judicial killings and has stated that operations in South Waziristan are aimed at countering terrorism and ensuring security in the region. However, calls for greater transparency and accountability persist. These allegations of extra-judicial killings have also attracted the attention of the international community and human rights organizations. They have called for investigations into these incidents and for Pakistan to adhere to international human rights standards. Extra-judicial killings in South Waziristan after its merger with Khyber Pakhtunkhwa have been a contentious issue. While Pakistan's security forces argue that their operations are necessary for maintaining security in the region, human rights organizations and activists raise concerns about the lack of due process and accountability. Achieving a balance between security imperatives and human rights remains a challenge in South

Waziristan, and addressing these issues requires transparent investigations, adherence to legal procedures, and respect for human rights standards (Jadoon, 2021).

6.7 Lack of Accesses to Justice

The lack of access to justice is a critical issue that affects individuals and communities worldwide. Access to justice refers to the ability of people to seek and obtain a fair and effective resolution to their legal problems. When access to justice is limited or denied, it can have profound social, economic, and political consequences. Many individuals cannot afford legal representation, leading to a significant imbalance in legal proceedings. This is particularly problematic in criminal cases, where inadequate defense can result in wrongful convictions. It's also an issue in civil cases where parties may not be able to effectively present their cases without legal assistance. Legal proceedings can be prohibitively expensive. Court fees, attorney fees, and other associated costs make it difficult for low-income individuals to access the justice system. As a result, they may forego pursuing legal remedies or settle for unfair outcomes. Rural and remote areas often lack sufficient legal services. People living in these areas may have to travel long distances to access courts or legal aid organizations, creating a significant barrier to justice. Language barriers can be a major impediment to accessing justice. Individuals who do not speak the official language(s) fluently may struggle to understand legal proceedings and documents. Additionally, low literacy levels can make it challenging for some individuals to navigate the legal system.

Legal proceedings can be complex and intimidating, even for those with legal representation. Simplifying legal processes and providing clear information can help improve access to justice. Some marginalized groups, such as racial and ethnic minorities, and people with disabilities, may face discrimination and bias within the justice system. This can deter them from seeking justice and can result in unfair outcomes. Many people are unaware of their legal rights and the avenues available to them for resolving legal issues. This lack of awareness can prevent individuals from pursuing legitimate claims. In an increasingly digital world, access to online legal resources and virtual court proceedings is crucial. However, the digital divide means that not everyone has access to the necessary technology and internet connectivity. Efforts to address the lack of access to justice often involve legal aid programs, pro bono services, simplifying legal procedures, raising awareness of legal rights, and addressing systemic issues related to bias and discrimination within the justice system. Improving access to justice is essential for upholding the rule of law and

ensuring that individuals and communities can protect their rights and seek fair resolutions to their legal issues (Group, 2015).

Conclusion

- South Waziristan, a region with historical geopolitical significance, has served as a buffer zone between major powers throughout its history. It has witnessed various epochs, including British colonial rule, the Cold War era, and the post-Cold War era. The events following the 9/11 attackssignificantly impacted the region, leading to the spread of militancy. Historically, South Waziristanhas been a lawless and tribal area where tribal maliks held central authority. This changed in 2018when it was merged with the province of Khyber Pakhtunkhwa through the 25th constitutional amendment. That researcher significantly enriched the understanding of political rights in South Waziristan by incorporating firsthand perspectives through interviews with tribal Maliks, Political figures, and local government representatives, contributing valuable primary data to the existing literature. The Researcher's main contribution lies in exploring and analyzing the local responses.
- Findings and results
- Many respondents shared concerns about weak law enforcement agencies, highlighting issues with police training and effectiveness in meeting security needs which not only adversely effects the sense of security but also hinders their political associations and campaigns.
- All respondents were equivocal regarding the challenges in access to the court system in South Waziristan, with people having to travel to another district Tank to file their cases. The post-merger situation may still be impacting equal opportunities before the law.
- "There are currently a limited number of institutions in South Waziristan, and they are operating inefficiently. Proper institutional development has not been effectively implemented, and access to justice is hindered by the absence of a court in South Waziristan".

- The jirga system is still functional, acts as a quasi-judicial entity but frequently infringes upon basic human rights, the tribal Jirga system has hindered the democratic Political process, tribal Maliks act above the political figures, Jirga suppresses the democratic political voices and freedom of speech.
- Political figures are acknowledging and promoting political rights, including the right to vote, campaign, and associate politically in South Waziristan. This reflects a commitment to democratic principles and civic engagement, fostering a more inclusive political landscape.
- Majority of respondents viewed that Women actively participated in the local body election 2022.
- Merger brought formal local body structure but elected members are deprived of exercising their administrative powers.
- Tribal Maliks and Military intimidate the political decisions in newly merged district South Waziristan
- A great upsurge in protests in south Waziristan is due to the lack of fundamental rights, security and peace issues.

Discussion

Post- merger politics in South Waziristan is influenced by a complex interplay of military forces, tribal maliks, and militants. This has led to a challenging environment where the balance of power remains fragile and contested. Regrettably, the overall situation in South Waziristan is characterized by deteriorating peace, limited development, and security concerns. The region continues to grapple with instability and unrest, making it a critical issue for policymakers and stakeholders aiming to address these challenges. The findings suggest a complex political landscape in South Waziristan, with significant challenges affecting the political wellbeing of its people. Weak law enforcement agencies and issues with police training hinder both security and political activities, impacting the overall sense of safety (Article 9) and hindering political campaigns (Article 16 17).

Legal rights are not merely theoretical concepts; they are rights that are recognized and enforced

by a legal authority, such as a government or a judiciary. The Theory of Legal Rights assumes that without such recognition and enforcement, a right may exist in theory but lacks practical significance. Legal rights theory operates on political rights by providing a framework for understanding and protecting individual rights within a legal system. It ensures that individuals have the rights to participate in political processes, express their opinions, and have equal access to opportunities and resources.

The challenges in accessing the court system (article 175A), requiring travel to another district, indicate potential barriers to equal opportunities (Article 25 A) before the law post-merger. The limited and inefficiently operating institutions contribute to the hindrance of justice (Article 10 A) in South Waziristan. Political rights encompass a range of legal entitlements that pertain to participation in the political process, governance, and the protection of individual liberties in the context of government actions. Examples of political rights include the right to vote, the right to run for public office, the right to free speech and assembly, and the right to a fair trial. The persistence of the jirga system, while serving as a quasi-judicial entity, raises concerns about its impact on basic human rights (article 8) and the democratic political process. Tribal Maliks holding influence above political figures and the suppression of democratic voices and freedom of speech (Article 19) further complicate the political scenario. On a positive note, the acknowledgment and promotion of political rights by political figures demonstrate a commitment to democratic principles and civic engagement. The active participation of women in the local body election 2022 is a promising sign for a more inclusive political landscape (Article 34).

However, challenges persist with the formal local body structure (Article 32) introduced post-merger, as elected members face limitations in exercising their administrative powers. The influence of tribal Maliks and the military on political decisions (Article 245), adds another layer of complexity to the political dynamics. The reported upsurge in protests reflects widespread dissatisfaction stemming from the lack of fundamental rights, security concerns, and peace issues. Addressing these challenges is crucial for fostering a stable and democratic political environment in South Waziristan.

Recommendations

Recommendations for the Development of Merger Districts:

Governance and Administration:

- a. Strengthen local governance structures and empower elected representatives.
- b. Ensure transparent and efficient public service delivery.
- c. Invest in capacity building for local officials and administrators.

Security and Rule of Law:

- a. Enhance law enforcement and security presence to maintain peace and stability.
- b. Promote community policing and trust-building initiatives.
- c. Address the root causes of militancy through economic opportunities and education.

Economic Development:

- a. Attract investments and encourage private sector development.
- b. Focus on job creation, vocational training, and entrepreneurship support.
- c. Develop infrastructure, such as roads, energy, and telecommunication networks.

Education and Healthcare:

- a. Improve access to quality education and healthcare facilities.
- b. Promote girls' education and adult literacy programs.
- c. Ensure the availability of healthcare professionals and well-equipped clinics.

Land Reforms and Property Rights:

- a. Address land disputes and clarify property rights to reduce conflicts.
- b. Implement land reforms that provide security to landholders and tenants.

Cultural Preservation and Identity:

- a. Recognize and preserve the cultural heritage of merger districts.
- b. Encourage cultural and artistic initiatives to foster a sense of identity.

Infrastructure Development:

- a. Invest in clean drinking water supply and sanitation facilities.
- b. Develop and maintain roads and transportation networks for accessibility.
- c. Promote renewable energy sources for sustainability.

Reconciliation and Social Cohesion:

- a. Foster inter-ethnic and inter-tribal dialogue for social cohesion.
- b. Implement programs that promote tolerance, understanding, and unity.

Future Study:

Socio-economic Impact Assessment:

Conduct a comprehensive study to assess the socio-economic impact of the merger on the local population. This study should analyze the development progress, living conditions, and the overall well-being of the people.

Security Dynamics:

Examine the security situation post-merger, including the role of military, counter-terrorism efforts, and the effectiveness of maintaining peace in the region.

Community Engagement and Participation:

Research the extent of community involvement in decision-making processes, governance, and development projects, and suggest strategies for greater engagement.

Legal Reforms:

Investigate the effectiveness of legal reforms and their impact on land disputes, property rights, and the justice system.

Educational and Health Outcomes:

Evaluate the progress in education and healthcare access, highlighting areas for improvement and investment.

Infrastructure Development Assessment:

Assess the status of infrastructure development, identifying key projects and their impact on accessibility, connectivity, and overall quality of life.

Women's Empowerment:

Study the progress in women's rights, empowerment, and participation in various sectors, and identify challenges and opportunities.

Environmental Sustainability:

Analyze the environmental impact of development initiatives and suggest measures for sustainability.

Conflict Resolution:

Investigate conflict resolution mechanisms and their effectiveness in managing disputes and fostering peace.

Cultural Preservation:

Evaluate efforts to preserve local cultures and traditions and recommend strategies for their continued preservation.

These recommendations and future study areas aim to guide the development and progress of merger districts, ensuring stability, prosperity, and social well-being in the post-merger era.

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