

## **Disarming FATA: A Cultural Violence-Cultural Genocide Paradox**

*Waseem Iftikhar*

### **Abstract**

Multiple Afghan Wars have magnified law and order problems in border regions between Pakistan and Afghanistan especially Federally Administered Tribal Areas (FATA). Rampant proliferation of weapons and spread of Kalashnikov culture all over the country have created new challenges for Pakistan. Possession and display of weapons as part of tradition and dress has become controversial aspect of FATA culture. Cultural contours of the region remained primeval until the Russian invasion of Afghanistan in 1979, which followed almost four decades of a reign of terror, chaos, and turmoil in FATA. Multiple actors used and misused the 32000 square Kilometers of FATA lands to their benefit, considerably altering the cultural fabric of tribal life. Now, when the aspirants of peace are trying to calm the situation in Afghanistan, an effort is underway to pay special attention to peacebuilding in FATA.

Scholars like Johan Galtung brand possession of weapons as Cultural Violence. Simultaneously there is a debate to preserve age old traditions and cultures in tribal societies and any effort to alter these pristine traditions could push the issue into realm of proverbial Cultural Genocide.

This paper argues that any obligatory cultural alteration in an effort to 'modernize' a culture could very well hurt the fabric of that culture to the core. Traditions acceptable in one part of the world or in a particular culture may sound offensive in another part of the world, but that is an insufficient reason to impose change. Results from a small survey conducted in all seven agencies of FATA have been incorporated in the study to understand the indigenous sentiment on the issue of firearms. The Survey shows a clear resentment against giving up the weapons both from cultural as well as security point of view.

**Key Words:** Small Arms/Fire arms, Cultural Violence, Cultural Genocide, Federal Crimes Regulation, and Federally Administered Tribal Areas

### **Introduction**

A multitude of scholarly as well as journalistic writings have tried to explain almost all possible aspects of culture in Federally Administered Tribal Areas (FATA) of Pakistan. For most part of Pakistan's history, an aura of exclusion and mystery has surrounded this Afghanistan bordering belt constituting seven

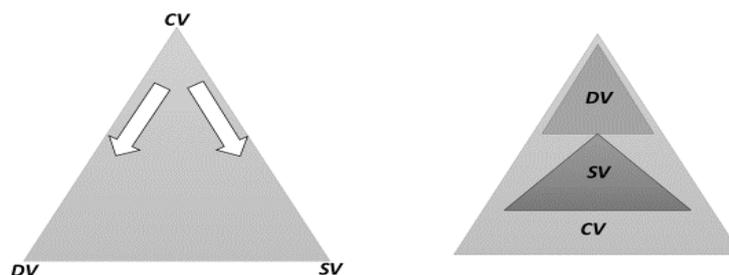
agencies. Ironically the area is normally referred by non-residents of the region as *Ilaqa Ghair* (literal meanings “alien’s land”). Traditionally the area enjoyed very little, if any, writ from Federal Capital Islamabad. They have had their distinct way of life, culture, code of conduct and ethics referred as *Pashtunwali*. Despite absence of main stream laws applicable in rest of the country, the residents of these agencies have lived a relatively peaceful life with no major disputes or conflicts spilling out of proportion. *Pashtunwali* or the Pashtun code of conduct has remained the corner stone of life in FATA. The Russian invasion of Afghanistan in 1979, and responsive actions by Pakistan, USA, Saudi Arabia and multitude of other nations brought this region into lime light. Even then, generally the resident tribes preferred their own ways of life and culture including traditional conflict resolution through *Jirga* or mutual consent (Gohar A., 2005).

One of the most interesting yet controversial aspects of the FATA culture has been possession of firearms by almost every house hold. However for the purpose of this paper, firearms will refer to standard UN definition of small arms which explains it as “Small arms are broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns” (UNODC). Generally world firearms are considered as weapons of conflict or war. For the most part, possession of weapons in FATA, besides ensuring a reciprocity in mutual peace, has been part of their culture. FATA residents are not alone in this traditional love for weapons, almost all tribal societies around the globe have some sort of weapons as part of their attire and household (Ahmad, 2013). On the other hand mainstream peace workers and peace scholars such as Johan Galtung consider promotion of peace in presence of weapons as *Negative Peace* and rather a contentious approach in resolving any conflict. Simultaneously, preservation and protection of cultural traditions and norms is not only ethically desirable but if refuted could draw lot of attention and may even be taken as considerably offensive. This paper aims at highlighting the interplay of classical Galtungian *Cultural Violence* (Galtung, 1990) and the contradictory argument of *Cultural Genocide* by Rafael Lemkin (Lemkin, 1944) on possession of firearms in FATA. The results of a small survey conducted in all seven agencies on the subject will also be highlighted to incorporate the indigenous people’s aspirations and associations with their weapons.

### Deciphering Violence

As per Johan Galtung *Cultural Violence* includes, “those aspects of culture, the symbolic sphere of our existence- exemplified by religion and ideology, language and art, empirical science and formal science (logic, mathematics) – that can be used to justify or legitimize *Structural Violence*” (Galtung, 1990). *Structural Violence* is referred as the actions taken by a perpetrator that result in slow killing (in the long run through flawed policy) and *Direct Violence* refers to direct, quick or sudden killing of the victim (Johan Galtung). In other words, creation of structures in a culture or society that ultimately result in the death, injury, harm or destruction of individuals, culture or entire society is structural violence. On the other hand, as suggested by the name, *Direct Violence* causes immediate death, injury or harm due to the nature of violence using weapons and direct force etc. There are many more differences and approaches to the types of violence, however, this research will primarily focus on these elucidations.

Galtung further argues that *Cultural Violence* (CV) paves way for *Direct Violence* (DV) and *Structural Violence* (SV). Through this Violence Triangle (Figure 1 below) he has contended *Cultural Violence* being root cause and facilitator of other two types of violence. Presence of *Cultural Violence* will enable and generate *Direct Violence* and allow *Structural Violence* to foster. The triangle when standing on the feet of *Direct Violence* and *Structural Violence* can be clearly seen as influenced and dominated by *Cultural Violence*. In the next triangle, the principal nature of *Cultural Violence* has also been shown at the bottom of three strata. *Cultural Violence* here depicts the nurturing and feeding the *Structural Violence*. When *Structural Violence* is deeply entrenched in the society, it becomes cause of *Direct Violence*. The triangle can stand upside down and multiple combinations of three kinds of violence can be formulated generating multitude of hypothesis, however for the purpose of this paper emphasis will remain on *Cultural Violence* being the root cause of *Structural Violence* and *Direct Violence*.



**Figure 1: Galtung's Violence Triangle**

**Regulatory Predicament**

For centuries a distinct FATA culture has existed and the region has remained largely stable despite clear absence of direct rule from central governments. British rulers imposed series of laws to govern this region between 1871 and 1876 including Frontier Crimes Regulation also known as FCR (FATA, 2016). FCR which was implemented in 1901, has traditionally been considered as a most draconian set of laws imposed in the region. It is worth mentioning that FCR of 1901 did not have any discussion on possession or carriage of firearms or weapons as a crime (PSC). In the rest of the Indian Subcontinent however, British rulers had enacted anti-weapon laws during the 19<sup>th</sup> Century. The Arms Act of 1878 (The Act XI of 1878) para VI (19) states that, “the person in possession of illegal weapons will be punished by three years in prison and fine or both” (Iftikhar, 2016). The absence of laws against carriage/possession of arms in FCR of 1901, therefore, cannot be considered as an oversight or an unintentional omission by the ruling legislators.

An amendment in FCR of 1901 was however, signed into law in 2011 by President of Pakistan Asif Ali Zardari (ISJ, 2011). The laws against possession and display of weapons have been added, including punishment for exhibiting the arms targeting the intention of an individual with possible preparation to commit a crime using arms. Specific regulation governing the carriage of arms in this amendment is as follows,

Where a person is found carrying arms in such manner or in such circumstances as to afford just grounds of suspicion that the arms are being carried by him with intent to use them for an unlawful purpose, and that person has taken precautions to elude observation or evade arrest, he shall be taken in custody and be tried as provided in section 11 and if found guilty, may be punished with fine which may extend to five thousand rupees and the arms carried by him be confiscated and in case of habitual offender or previous convict, he may be punished with imprisonment with extend to two years or with fine which may extend to rupees ten thousand and the arms carried may be confiscated.

This amendment primarily seems to deter the display or carriage of weapons with petite amount of money suggested as punishment. In comparison the advocated reprim and is far lesser than the one applicable in other parts of Pakistan. As per a 1991 anti-weapon law, the punishment for possession of illegal weapons

was increased in other parts of the country to 'life in prison, confiscation of moveable and immovable property or both' (Iftikhar, 2016). The deterrent power of this law remains very low due to excessive proliferation and ease in procurement of weapons. In one-on-one discussions by the author with residents of FATA (mostly university students), a rather different trend could be seen emerging in handling of weapons issue by law enforcement agencies.

### ***Cultural Violence vs Cultural Genocide***

FATA lacks basic amenities of life and has livelihood limited to cattle farming and agriculture only in few valleys. Absence of any justifiable support in provision of food, shelter, water, health, safety and security etc. from the central or provincial government can appositely be labeled as a cases of *Structural Violence*. Unmet basic human needs as propounded by Abraham Maslow (Maslow, 1943), have cultured this collectivist cluster of tribal structure to sustain themselves and survive autonomously. Lack of opportunities and alternative options for livelihood make the struggle to fulfill the unmet basic human needs much harder. One such arrangement catering for personal, clan and tribal safety and security has been possession of firearms. These weapons as per Galtung's definition of violence are certainly an aspect of *Cultural Violence*, but in FATA culture these are considered arsenal of self defense and custodian of rule of law in inter and intra-tribal relationship. Acting mostly as guarantors of perpetual peace, firearms would however, still be considered the underwriters of Negative Peace as per Galtung's classification of peace (Galtung, 1967). Although the above mentioned amendment in FCR of 2011, allows confiscation of weapons on charges of suspicion, however there is hardly any measure to ascertain "suspicion". Resultantly, a vast majority of weapons from the residents of FATA have been collected for larger security interests in the region. Unfortunately, miscreants or terrorists entering in the region find it much easier to harass and intimidate locals in absence of retaliatory weapons.

Galtung also contends that opposite to violence is peace, which means if *Cultural Violence* promotes *Structural Violence* and *Direct Violence*, *Cultural Peace* should be able to promote *Structural Peace* as well as *Direct Peace* (Galtung, 1990). Any part culture or practice when seen through theoretical lens may seem violent but, one, it doesn't make the entire culture violent, and secondly, it may actually be ensuring peace within the acceptable bounds of that particular culture.

One such example of heterodoxy in resolving a particular issue can be observed in Bororo Tribe of Brazil. Traditionally everyone in the tribe does his/her own work which sounds like a perfect cultural practice. In order to ensure that all

the children born learn the same trait, however, again as a cultural phenomenon, children who don't seem healthy enough or are disabled at birth are killed (Cotlow, 1971). While this is a clear case of *infanticide*, it perfectly worked for their culture. In case of FATA, possession of weapons as a cultural phenomenon has ensured relative peace, though classically *Negative Peace*, therefore it can be argued that this *Cultural Peace* has ensured *Structural* as well as *Direct Peace* for centuries in the region.

Firearms have been part of the cultural identity in FATA, not to mention source of pride and honor. Absence of weapons for a particular person or family is a sign of weakness and blemishing cultural identity. Enforcement of governmental regulations may levy surrendering of firearms by the tribes, however, that doesn't necessarily mean that they will do so willingly or find any cultural refuge in the process.

Relevant to this aspect is Galtung's definition of *Peace* which he has equated as shown in Figure 2 below (Galtung, 1990):-

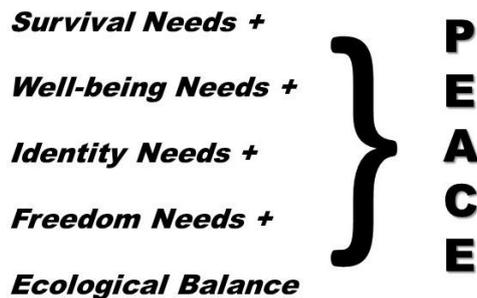


Figure 2: Peace

While talking about the needs, Galtung has clearly stated that declaring an individual or a group as “secondary citizen” is form of Direct Violence as per identity needs (ibid). Secondly, marginalization is form of Structural Violence under freedom needs. The main argument in case of FATA revolves around the issues of “de-socialization” and “re-socialization” being direct form of violation of identity needs. In an effort to internationalize a culture or tame it to suit needs of dominant culture (of “civilized” and “free” world), cultural identity needs are being violated. Moreover, in an interview Galtung said, “with a population of almost 40 million, Pashtuns are the largest stateless minority in the world”, inferring that their freedom needs are being violated (Iftikhar, 2014). FATA is a smaller and mostly segregated part of this “Pashtun stateless minority”, thus making them perfect candidate for violation of freedom needs. The crux of this discussion on typology of violence is that FATA is already a victim of Direct Violence as well as Structural Violence. Disarming them or forcing them to surrender the source of fragile peace and honor in order to “re-socialize” them will only enhance the complexity of existent violence.

It would be appropriate to turn the discussion towards the extinctive aspects of culture labeled as genocide by Rafael Lemkin. He has included eight areas in his argument referring to genocide including political, social, cultural, economic, biological, physical, religious, and moral facets of a threatened group, nation or ethnicity etc. Lemkin’s definition of cultural genocide is as under (Nersessian, 2005):-

A coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be **disintegration** of the political and **social institutions**, of **culture**, language, **national feelings**, religion, and the economic existence of national groups, and the destruction of the **personal security**, liberty, health, **dignity**, and even the **lives** of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group. (Emphasis added).

Conceptually, Lemkin aspired to preserve the traditions of an ethnicity/culture, especially those from minority cultures. Effort to alter the cultural norms by persuasion or force are undesirable under the terms of genocide. As mentioned above Galtung called Pashtuns as “the largest stateless minority”, which means that their culture, traditions and norms need not only to be preserved but respected – something Brits probably understood but has been altered by 2011 amendment in FCR. Fire arms being part of their tradition and to a great extent their “dress”, needs to be preserved as such.

Yet another rather interesting aspect of the issue is that the official dress code for tribes of FATA has been recognized by FATA Secretariat in these words, “The tribesmen wear their traditional clothes, which includes a large turban and a rifle on the shoulders” (FATA, 2016b). This official recognition coupled with imposition of FCR amendment in 2011 effectively proves classic Cultural Genocide. Galtungian Cultural Violence (due to presence of rifles as part of dress code) causing Structural Violence to curb the possession, display and carriage of weapons has resulted in Cultural Genocide effectively by enforcing changes in traditional and cultural dress code.

Cultural contours of the region remained pristine till the Russian invasion of Afghanistan in 1979, which followed almost four decades of reign of terror, chaos and turmoil in the region. Multiple actors used and misused the 32000 square Kilometers of FATA lands to their benefit, considerably altering the cultural fabric of tribal life. Now, when the contenders of peace are trying to calm the situation in Afghanistan, an effort is underway to pay special attention to peacebuilding in FATA. In order to have lasting and fruitful results local cultural norms and values are being violated which need to be respected.

### **Survey**

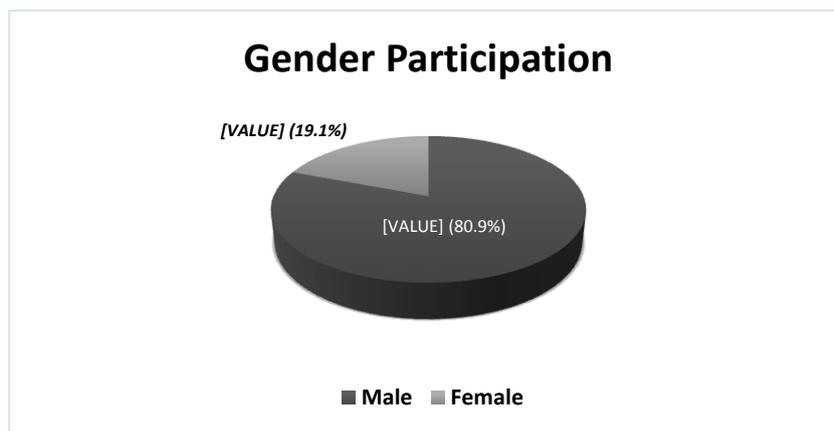
Even before the passage of FCR Amendment of 2011, Provincial as well as Central governments have been trying to confiscate weapons in FATA (Ali). Prior to the American invasion of Afghanistan the history of weapons in these regions were about to get a legal status as the government decided to declare the illegal weapons market to become an officially recognized industry (Hussain). Intermittent rules and laws have been devised without the consent of residents. In order to ascertain the local sentiment and desire to own or not to own firearms, a survey was conducted from November 10 to December 5’ 2015 in all seven agencies of FATA asking following question and responses:-

*Have you, or would you give up your firearms willingly?*

- 1. Yes*
- 2. No*
- 3. No Answer/Don't Know*
- 4. I Never Owned Firearms/Weapons*

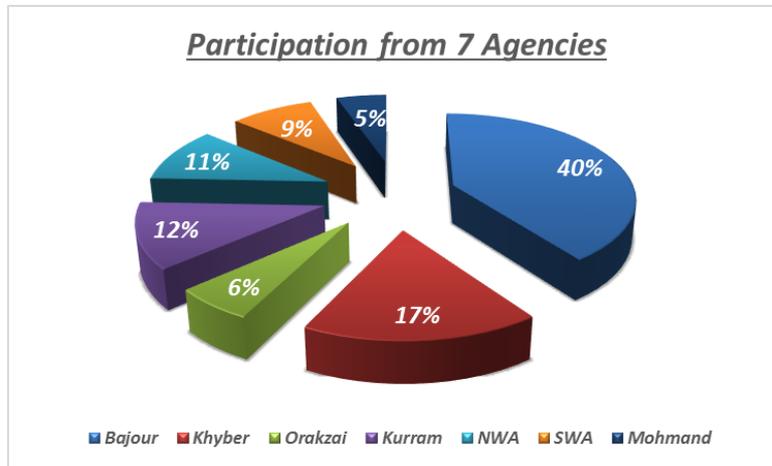
A total of 115 respondents participated in the survey, which included 93 males (80.9%) and 22 females (19.1%). Females were added in the survey for the reasons of availability and access and for the measure of sentiment only. It is not an indicator of their power to exercise any control on possession or otherwise of firearms within a house hold.

**Graph 1**



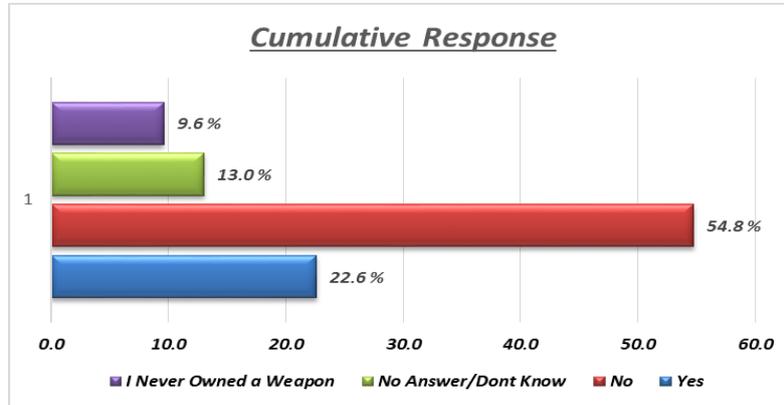
Participation varied from 5% to 40% between all seven agencies of FATA as shown below.

Graph 2



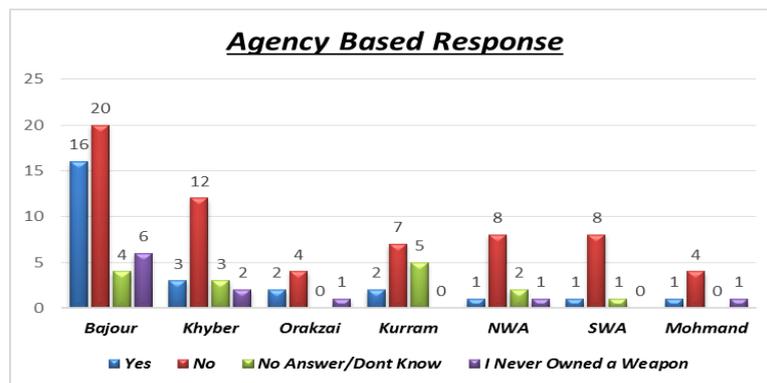
The Cumulative results showed 54.8% of respondents refusing to give up their arms willingly which is a clear majority. Respondents included 13% not giving any answer due to number of reasons ranging from caution to admit their unwillingness to give up firearms or hide their cultural “weakness” or being genuinely confused about abandoning their power, identity, security symbol i.e. firearms. A sizable percentage of 22.6% are however willing to give up their firearms in the larger interest of “peace” even at the cost of cultural alienation. The ‘first mover’ problem may yet be another aspect in the response. ‘Pashtunwali’ demands all men to follow the traditions and (presumably) being the first one to give up firearms may be considered rather a shame.

**Graph 3**



Although the survey participation from South Waziristan and North Waziristan was not the highest, however the area where Pakistan Army has launched multiple military operations, showed highest number of persons desirous to hold on to their weapons. Despite the fact that the large and prolonged presence of Pakistan Army should have given them a hope and sense of security, this is rather turned out to be opposite. While absence of a secure living and working environment has been an area of serious concern in almost all agencies (not to mention the rest of the country), the percentage of those desirous to retain weapons remained highest in these two agencies.

**Graph 4**

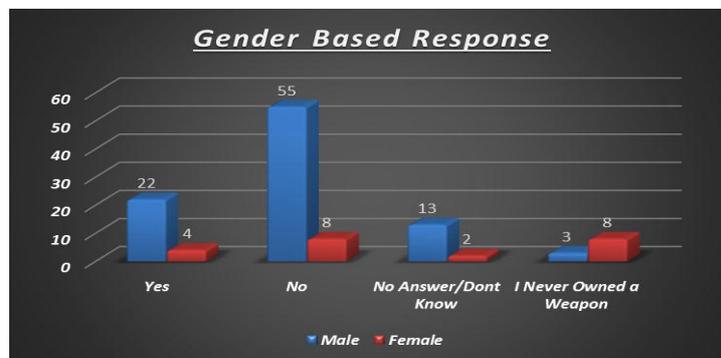


A total of 8 respondents amongst females and 3 amongst the males never owned any weapons. Non possession of weapons in case of females does not necessarily mean absence of weapons from that household (since male members of family usually possess arms). However, in case of male participants, generally it

can be assumed that the household doesn't possess any firearms. Or, these male respondents hesitated in responding to the possession of arms.

As an interesting surprize, 36% of the female respondents were found unwilling to hand over their weapons. Besides being an insecurity indicator, this also shows the cultural and traditional desire to own weapons. Total of 15 (13 males and 2 females) refused to answer the question or didn't know how would they respond if asked to give up their arms. To some extent this may be an effort to avoid confession of possession of firearms or a "survey fatigue" (due to excessive number of surveys/studies by multiple NGOs, INGOs, governmental organizations and scholars etc.).

**Graph 5**



## Conclusion

This paper has aspired to theoretically analyze Johan Galtung's concept of *Cultural Violence* in comparison to Rafael Lemkin's perspective on *Cultural Genocide* and substantiating it with a survey showing local sentiment in FATA on abandonment of firearms. Possession of weapons as instruments of culture and tangible means of self defence in FATA is age old tradition which is entrenched deep into the ethos of these tribesmen and women. Exclusionary policies and dogmatic agendas directly addressing cultural sensitivities can only cause cultural genocide least of all bring cultural peace. Any enforced alteration in cultural patterns is highly susceptible to stiff (even armed) resistance and create resentment. Multi-year peacebuilding projects by the government as well as NGOs and INGOs may rather prove counterproductive. There is a proposal to integrate FATA into main stream, this can only be achieved through an inclusive approach. The study needs to be enhanced exploring further details of cultural attachments to certain traditional patterns before enforcing new regulations. Should the government

try to enforce main stream laws pertaining to firearms, a preferable way would be to demand registration of all weapons from FATA residents. This would help FATA cultural identity retention and due to tribal/agency pressure would warrant maximum (if not 100%) registration of weapons.

## References

- Ahmad, A. S. (2013). *The Thistle and The Drone*. USA: Brookings Institution Press.
- Ali, Z. (February 15, 2015). Kurram people told to surrender arms, *Dawn*.
- Cotlow, L. (1971). *The Twilight of the Primitive*. New York: Macmillan.
- FATA. (2016). *History of FATA*. Peshawar: FATA Secretariat Retrieved from <https://fata.gov.pk/Global.php?iId=28&fId=2&pId=23&mId=13>.
- Galtung, J. (1967). *Theories of Peace - A Synthetic Approach to Peace Thinking*. Norway: International Peace Research Institute, Oslo.
- Galtung, J. (1990). Cultural Violence. *Journal of Peace Research*, 27(3), 291-305.
- Gohar A., H. M. Y. (2005). *Towards Understanding Pakhtun Jirga*. Peshawar: Just Peace International.
- Hussain, I. (August 25, 1998). Darra Arms Market May Get Industrial Status, *The Frontier Post*.
- Iftikhar, W. (2014). Interview with Johan Galtung: Unpublished
- Iftikhar, W. (2016). Heterodoxy in conflict resolution -Case study of fire arms in Pakistan. *Pakistan Journal of Criminology*, Volume 7 No.4(October 2015 ), 61-72.
- The Frontier Crimes Regulations (Amended on August 15' 2011), 29 C.F.R. (2011).
- Johan Galtung, T. H. Structural and Direct Violence: A Note on Operationalization. *Journal of Peace Research*, Vol. 8, No. 1(1971), 73-76.
- Lemkin, R. (1944). *Axis Rule in Occupied Europe; Laws of Occupation, Analysis of Government, Proposals for Redress*. Concord New Hampshire: Rumford Press.
- Maslow, A. H. (1943). A Theory of Human Motivation. *Psychological Review*, 50, pp.370-396.
- Nersessian, D. (2005, April 22, 2005). Rethinking Cultural Genocide Under International Law. *Human Rights Dialogue: "Cultural Rights"* Retrieved December 2, 2015, from [http://www.carnegiecouncil.org/publications/archive/dialogue/2\\_12/section\\_1/5139.html](http://www.carnegiecouncil.org/publications/archive/dialogue/2_12/section_1/5139.html)
- PSC. (2011). Laws: Frontier Crimes Regulation 1901 Retrieved March 31, 2016, from <http://www.pakistansocietyofcriminology.com/laws.php>
- UNODC. (February 25' 2013). International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapon

Retrieved 21 October, 2015, from  
<http://www.unodc.org/documents/organized-crime/Firearms/ITI.pdf>

### **About the Author**

The author, **Waseem Iftikhar** is a PhD Scholar at National University of Sciences and Technology Institute of Peace and Conflict Studies (NIPCONS), Centre for International Peace and Stability (CIPS), Islamabad. He can be reached at [waseem287pcips@nipcons.nust.edu.pk](mailto:waseem287pcips@nipcons.nust.edu.pk)