

Accountability and Protection Failures in Pakistan: Violence, Governance and Justice in Azad Jammu and Kashmir, Gilgit-Baltistan and Former FATA

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1. Introduction and Historical Background

Pakistan's ability to protect its citizens from violence and ensure access to justice is a key measure of state legitimacy. While external security threats often dominate public discourse, internal challenges – including militant violence, sectarian conflict, enforced disappearances, weak law enforcement, and governance deficiencies – continue to undermine social cohesion and public trust. These issues are particularly significant when assessed against both Islamic principles and Pakistan's constitutional obligations.

From an Islamic perspective, protection of life (*hifz al-nafs*), administration of justice (*adl*), and accountability of rulers are fundamental duties of governance. The Qur'an emphasizes the sanctity of human life and the obligation to uphold justice, while Islamic political thought regards state authorities as custodians responsible for safeguarding citizens' rights and welfare.¹

These principles are reflected in Pakistan's Constitution, which guarantees equality before the law, due process, freedom of expression and association, and protection of life and liberty.² Nevertheless, governance and accountability challenges persist in Azad Jammu and Kashmir (AJK), Gilgit-Baltistan (GB), and the former Federally Administered Tribal Areas (FATA). These are geographically remote, predominantly mountainous regions with dispersed populations and historically distinct administrative arrangements. AJK borders Indian-administered Jammu and Kashmir, while GB shares borders with China, Afghanistan and India and encompasses the Karakoram, Himalayan and Hindu Kush mountain ranges. The former FATA, now merged into Khyber Pakhtunkhwa (KPK) by the Constitution (Twenty-Fifth Amendment) Act, 2018 ('2018 Constitutional Amendment'),³ lies along Pakistan's border with Afghanistan.

The regions' challenging terrain, limited infrastructure and unique constitutional status have contributed to persistent governance and accountability challenges, despite constitutional protection of fundamental rights. These regions face common concerns regarding political participation, institutional accountability, rule of law, and access to justice. Human rights and legal scholarship continue to highlight limitations in the effective protection of fundamental rights within these areas.⁴

The historical development of governance challenges in AJK, GB, and the former FATA is closely linked to regional conflicts and security policies. Following the partition of British India in 1947 and the First Indo-Pakistani War, the disputed status of Jammu and Kashmir encouraged highly centralized governance arrangements in AJK⁵ and GB, where security considerations often took precedence over democratic participation and regional autonomy.⁶

During the late twentieth century, the strategic importance of Pakistan's northern regions increased due to their proximity to India, China and Afghani-

stan. Growth of armed movements associated with the Kashmir conflict further strengthened the role of security institutions and contributed to securitization of governance.⁷

The Soviet invasion of Afghanistan in 1979 transformed Pakistan's north-western frontier into a centre of geopolitical competition. The former FATA became a key base for Afghan jihad, leading to the proliferation of weapons, militant networks, and weakened governance structures.⁸ A major factor in the former FATA's governance problems was the continued application of the Frontier Crimes Regulation, 1901 ('FCR'), which limited judicial oversight and constitutional protections.⁹

Such exceptional legal arrangements in the former FATA created longstanding deficits in accountability, access to justice and rule of law. These weaknesses, combined with the rise of sectarian organizations since the 1980s, intensified insecurity, also in GB, exposing deficiencies in law enforcement and governance.¹⁰

2. The Legal and Governance Framework

AJK, GB, and the former FATA have historically occupied distinct constitutional positions within Pakistan, rather than being governed under a uniform legal framework. AJK operates under the Azad Jammu and Kashmir Interim Constitution, 1974,¹¹ which establishes separate executive, legislative and judicial institutions, while reflecting Pakistan's position that the final status of Jammu and Kashmir remains subject to self-determination under United Nations resolutions.¹² Although AJK possesses elected institutions, scholars and human rights organizations have noted continuing federal influence and limitations on political participation.¹³

GB has followed a different constitutional trajectory. It has been governed through executive orders rather than constitutional incorporation; reforms such as the 2009 Gilgit-Baltistan (Empowerment and Self-Governance) Order and the 2018 Gilgit-Baltistan Order eventually expanded local representation and administrative autonomy. Nevertheless, residents remain without direct representation in Pakistan's Parliament and continue to face uncertainty regarding constitutional status.¹⁴

The former FATA, as mentioned above, was governed under the FCR.¹⁵ A colonial-era legal framework, the FCR vested extensive executive and judicial

⁷ *Ibid.*

⁸ Bruce Riedel, *Deadly Embrace: Pakistan, America and the Future of the Global Jihad*, Brookings Institution Press, 2011, pp. 63–85.

⁹ Amnesty International, "'As If Hell Fell on Me': The Human Rights Crisis in Northwest Pakistan", 10 June 2010, pp. 26–28 (<https://www.legal-tools.org/doc/mmkbkqrh/>).

¹⁰ International Crisis Group, "The State of Sectarianism in Pakistan", Asia Report No. 95, 18 April 2005, pp. 1–11 (<https://www.legal-tools.org/doc/w9h0kqia/>).

¹¹ Pakistan, Azad Jammu and Kashmir Interim Constitution, 31 August 1974 (<https://www.legal-tools.org/doc/v18ccc4y/>).

¹² United Nations Security Council Resolution 47 (1948), UN Doc. S/RES/47, 21 April 1948 (<https://www.legal-tools.org/doc/748c99/>).

¹³ Justice (Retd.) Syed Manzoor Hussain Gilani, "The Constitutional Status of Azad Jammu and Kashmir", in *Research Society of International Law Blog*, 28 August 2023.

¹⁴ R. Chandrashekar, "Gilgit Baltistan – Political Control Under Pakistan Occupation and Recent Developments", Centre for Joint Warfare Studies, 16 July 2018, pp. 15–21 (<https://www.legal-tools.org/doc/3lp4rryv/>).

¹⁵ Pakistan, Frontier Crimes Regulation, 24 April 1901 (<https://www.legal-tools.org/doc/po02nzuk/>).

¹ See Qur'an, 5:8 and 17:33; Abul A'la Maududi, *Islamic Law and Constitution*, Islamic Publications, 1960, p. 154.

² Pakistan, The Constitution of the Islamic Republic of Pakistan, 12 April 1973, Articles 4 and 8–28 ('Constitution') (<https://www.legal-tools.org/doc/a33b9a/>).

³ Pakistan, Constitution (Twenty-Fifth Amendment) Act, 5 June 2018 ('2018 Constitutional Amendment') (<https://www.legal-tools.org/doc/ybcdz0gz/>).

⁴ See Human Rights Commission of Pakistan, "State of Human Rights 2025", 4 May 2026 (<https://www.legal-tools.org/doc/xxmf6y8/>).

⁵ A.G. Noorani, *The Kashmir Dispute: 1947–2012*, vol. 1, Tulika Books, 2013, pp. 15–35.

⁶ Victoria Schofield, *Kashmir in Conflict*, I.B. Tauris, 2003, pp. 245–260.

powers in the 'Political Agent' (the chief administrative officer appointed by the Pakistani government to administer each tribal agency) and excluded the jurisdiction of the ordinary courts. It also empowered the Political Agent to impose penalties, including fines, detention, or property confiscation, on entire tribes, sub-tribes, or communities for the actions of individual members. These provisions institutionalized collective punishment by holding groups criminally and financially responsible for offences committed by individuals, rather than limiting liability to actual offenders. The FCR remained in force – on the claim that the region required a distinct administrative and security framework because of its tribal social structure and strategic location along the Afghanistan–Pakistan border – until the merger of the former FATA with KPK under the 2018 Constitutional Amendment, which extended constitutional jurisdiction to the region. Although the 2018 merger formally abolished the FCR, the integration process has been gradual, and many governance, institutional and security challenges continue to affect the region.

In parallel, Pakistan's counter-terrorism framework – including the 1997 Anti-Terrorism Act, the National Action Plan, and the 2018 Constitutional Amendment – significantly influenced governance and accountability across these regions. These measures expanded the role of civilian and military institutions in counter-terrorism, reformed legal and administrative structures, and sought to strengthen security, judicial oversight, and state authority, while also generating debate regarding the balance between national security and the protection of fundamental rights.

3. Patterns of Violence

The contemporary patterns of violence in AJK, GB, and the former FATA are shaped by overlapping forms of conflict, including insurgency, terrorism, sectarian violence, cross-border militancy, and state-led security operations. Although the nature and intensity of violence vary according to the unique historical and political circumstances of each region, all three have experienced significant challenges to peace, governance and human security. The consequences have included loss of life, displacement, social fragmentation, and weakened public confidence in institutions.

Importantly, much of the violence examined in this policy brief involves Muslims as both victims and perpetrators, reflecting complex internal dimensions of conflict that extend beyond external security threats.

3.1. Militancy and Terrorism

Militancy, terrorism, sectarian conflict, and cross-border violence have significantly shaped the security environment of all three regions. A major escalation occurred with the emergence of Tehrik-e-Taliban Pakistan ('TTP') in 2007. Formed as an umbrella organization of militant groups operating primarily in the former FATA, the TTP challenged the authority of the Pakistani state and sought to impose its own interpretation of Islamic governance. The TTP is distinct from other militant formations in the region in that it has directed its operations primarily against the Pakistani state and its institutions rather than functioning as a purely transnational or ideologically generalized movement. Its activities included attacks on military personnel, law enforcement agencies, government officials, educational institutions, religious minorities, and other civilians.¹⁶ According to official government estimates, terrorist violence between 2001 and early 2018 resulted in more than 70,000 fatalities in Pakistan, including civilians and security personnel, with KPK and the former FATA accounting for a substantial proportion of these casualties.¹⁷

The former FATA became the principal centre of TTP operations due to longstanding governance deficiencies, limited state presence, and its porous border with Afghanistan. The resulting violence – including suicide bombings, targeted killings, kidnappings, and attacks on public infrastructure – generated widespread insecurity and severely affected access to education, health-care, and economic opportunities for local communities.¹⁸ Official security assessments demonstrate the scale of this violence: between 2008 and 2011, the former FATA recorded 648 terrorist incidents resulting in 3,240 fatalities, making it the region with the highest number of terrorism-related deaths in Pakistan during this period. In 2014, it further recorded the highest number of terrorism-related fatalities, with 221 deaths, while accounting for 12 per cent of terrorist attacks nationwide. In addition, counter-terrorism operations, particularly Operation Zarb-e-Azb (2014–2017) in North Waziristan, resulted in the displacement of more than 750,000 registered internally displaced persons ('IDPs'), creating significant humanitarian and governance challenges.¹⁹

Sectarian violence has been another persistent source of instability, particularly in GB and Kurram Agency – a part of the former FATA and now KPK, which is located along Pakistan's north-western border with Afghanistan and has historically been characterized by a mixed Sunni–Shi'ah population living in geographically segmented valleys. Although Pakistan is predominantly Muslim, tensions between Sunni and Shi'ah communities resulted in recurrent sectarian clashes during the 1980s and 1990s that caused significant loss of life and enduring social divisions. These conflicts have typically taken the form of targeted killings, armed clashes between local groups, retaliatory cycles of violence, and sporadic attacks on places of worship and community gatherings. There have also been reports of intermittent road blockades that restricted movement and access to essential supplies, repeatedly undermining the authority of the local administration and weakening the delivery of public services. The cumulative effect has been significant internal displacement and long-term disruption of social and economic life in the area.²⁰

At a broader level, sectarian divisions in these border regions have also been influenced by external geopolitical developments, including the spillover of ideological rivalries linked to the Iran–Saudi regional divide and the impact of cross-border militant mobility from Afghanistan, which have, at times, intensified local fault lines and shaped patterns of mobilization.²¹ The unresolved Kashmir dispute has also contributed to the presence of armed actors along the Line of Control with India. These developments encouraged the securitization of governance, often prioritizing military objectives over civilian administration, institutional development, and accountability.²²

The state's response has been uneven over time, ranging from periodic law enforcement operations and military interventions to negotiation of peace agreements with local actors. In several instances, limited administrative capacity and competing security priorities have constrained preventive engagement, allowing cycles of violence to recur. The inability of state institutions to prevent attacks effectively, prosecute perpetrators, and promote reconciliation contributed to perceptions of unequal protection under the law.²³

3.2. State and Security Responses

In response to the escalating militant violence, Pakistan launched a series of large-scale military operations in the former FATA and adjoining regions, including Operation Rah-e-Rast (2009), Operation Rah-e-Nijat (2009), Operation Zarb-e-Azb (2014–2017), and Operation Radd-ul-Fasaad (2017–ongoing). These operations sought to dismantle militant networks, restore state authority, and improve security in areas affected by insurgency. While they succeeded in weakening several militant organizations and reclaiming territory previously under insurgent control, they also generated significant humanitarian and governance challenges. Questions emerged regarding civilian protection, accountability for security operations, and the long-term effectiveness of military-led approaches to conflict management.²⁴

For instance, one of the most controversial aspects of Pakistan's counter-terrorism strategy has been allegations of enforced disappearances and arbitrary detention. Human rights organizations, lawyers, and civil society groups have documented cases in which individuals suspected of militant involvement were detained without formal charges or meaningful judicial oversight. Estimates by human rights monitoring bodies suggest that more than 10,000 cases of enforced disappearance have been reported to Pakistan's Commission of Inquiry on Enforced Disappearances since its establishment in 2011, with a significant proportion originating from conflict-affected areas such as KPK and the former FATA. The exact figures remain contested due to underreporting and classification differences between agencies.²⁵ Such practices raise serious concerns under constitutional and international human rights standards. Articles 9 and 10 of the Constitution guarantee the security of the person and provide safeguards against arbitrary arrest and detention.²⁶ The absence of transparent legal procedures, such as prompt judicial oversight, clear and recorded grounds of arrest, the provision of legal counsel, timely presentation before a court, and availability of effective remedies to challenge detention, has undermined public confidence in state institutions and weakened the legitimacy of counter-terrorism efforts. These allegations of enforced disappearances in the former FATA, and to a lesser extent in GB and AJK, have remained a recurring source of tension between local communities and state authorities.²⁷

²⁰ *Ibid.*

²¹ International Crisis Group, 2005, p. 11, see *supra* note 10.

²² Noorani, 2013, pp. 201–233, see *supra* note 5.

²³ Musa Khan Jalalzai, *The Sunni-Shia Conflict in Pakistan*, Book Traders, Lahore, 1998, pp. 120–147.

²⁴ Anatol Lieven, *Pakistan: A Hard Country*, Penguin Books, London, 2012, pp. 389–417.

²⁵ See Amnesty International, "Pakistan" (available on its web site).

²⁶ Constitution, 1973, Articles 9–10, see *supra* note 2.

²⁷ Amnesty International, 2010, see *supra* note 9.

¹⁶ Husain Haqqani, *Pakistan: Between Mosque and Military*, Carnegie Endowment for International Peace, 2005, pp. 289–305.

¹⁷ "Pakistan suffered huge losses in war against terrorism", *Associated Press of Pakistan*, 25 August 2017.

¹⁸ Akbar Ahmed, *The Thistle and the Drone: How America's War on Terror Became a Global War on Tribal Islam*, Brookings Institution Press, 2013, pp. 112–148.

¹⁹ Australia, Department of Foreign Affairs and Trade, "Country Information Report: Pakistan", 2017, pp. 24–25.

Military operations and conflict also produced large-scale internal displacement, particularly in the former FATA, where approximately three million residents were temporarily displaced during counter-insurgency campaigns. Although often justified on security grounds, displacement imposed severe humanitarian, economic, and social costs on affected populations.²⁸ The largest waves of displacement occurred during military operations such as Operation Rah-e-Rast (2009) and Operation Zarb-e-Azb (2014–2017), which forced entire communities to leave their homes for months or, in some cases, years. These IDPs frequently faced overcrowded camps, inadequate access to healthcare, education, and sanitation, as well as significant disruptions to livelihoods.²⁹ Even after the official return programmes began, many families encountered damaged infrastructure, destroyed homes, unexploded ordnance, and limited economic opportunities, making sustainable reintegration difficult. These long-term consequences extended beyond immediate humanitarian concerns, contributing to poverty, social fragmentation, and persistent distrust between affected communities and the state.

Recent developments in AJK further illustrate the continuing challenges of balancing security and accountability. In June 2026, protests over electoral representation led to violent clashes between demonstrators and security forces, resulting in at least 24 dead in nearly two weeks of protests over 12 reserved refugee seats, with 515 detained, Internet blocked and media access restricted. The incident renewed concerns regarding the proportionality of state responses, protection of civil liberties, and accountability in conflict-affected regions.³⁰

3.3. Intra-Muslim Violence

A significant proportion of violence in Pakistan's peripheral regions has occurred *within* Muslim communities rather than between Muslims and non-Muslims. Sectarian tensions between Sunni and Shī'ah groups have periodically escalated into violent confrontations, particularly in GB and Kurram Agency. These conflicts have often been driven by a combination of historical grievances, namely, disputes over political representation, access to state resources, and competing religious identities that became increasingly politicized during the Islāmization policies of the 1980s. In GB, demographic changes, constitutional ambiguity, and perceptions of unequal political representation deepened mistrust between sectarian communities, while, in Kurram Agency, longstanding disputes over land, trade routes and local authority representation became intertwined with sectarian identities.³¹ Rather than remaining isolated local disputes, these grievances were amplified by militant organizations that framed political and territorial competition in sectarian terms, transforming recurring tensions into cycles of organized violence. This process reinforced mutual distrust, encouraged retaliatory attacks, and weakened traditional mechanisms of local conflict resolution. The recurrent sectarian violence has resulted in loss of life, displacement, restrictions on movement, and deep social divisions, undermining social cohesion and weakening public confidence in state institutions.³²

Beyond the Sunni–Shī'ah divide, Pakistan has also experienced conflicts involving different Sunni traditions and religious movements. Rivalries among Deobandi, Barelvi, Ahl-e-Hadith, and other religious groups have occasionally generated violence, particularly where religious differences intersect with political mobilization and militant activity. These religious differences have centred on competing interpretations of Islāmic theology, religious authority and ritual practices, including veneration of saints, celebration of the Prophet Muhammad's birthday (Mawlid), and shrine-centred devotional practices. Although these differences have long coexisted within Pakistan's religious landscape, they have become more contentious in relation to control over mosques, madrasas and religious organizations.³³ Such conflicts demonstrate that intra-Muslim violence is not limited to sectarian identity alone, but may also arise from competing interpretations of religious authority and influence.

Community vigilantism – that is, local actors seeking to enforce social norms through informal and coercive means – has emerged as another manifestation of intra-Muslim violence, particularly where state institutions are perceived as ineffective or lacking legitimacy. This further reflects broader

weaknesses in governance and the rule of law.³⁴

4. Drivers of Persistent Conflict

As mentioned, political exclusion has been a significant driver of conflict in Pakistan's peripheral regions. Both AJK and GB occupy distinct constitutional positions that differ from Pakistan's provinces. Despite governance reforms, unresolved issues concerning representation, sovereignty, and constitutional rights continue to generate political grievances.

In GB, the absence of full constitutional recognition and representation in Pakistan's Parliament has raised concerns regarding equal citizenship and democratic accountability.³⁵ Since GB came under Pakistan's administration in 1947, its constitutional status has remained unresolved, leaving residents without representation in Pakistan's National Assembly or Senate despite successive governance reforms, including the 2009 Gilgit-Baltistan (Empowerment and Self-Governance) Order and the 2018 Gilgit-Baltistan Order. Although these reforms expanded local administrative powers, key constitutional and legislative authority has continued to rest with the Pakistani government, leading many residents to argue that they remain excluded from national decision-making and lack equal constitutional protections.³⁶

Similarly, although AJK possesses elected institutions, constitutional constraints and federal influence limit perceptions of political autonomy and self-governance.³⁷ Under the 1974 Interim Constitution, significant constitutional matters – including the process of constitutional amendments, the appointment of key officials, and the distribution of powers between AJK and Pakistan – remain subject to federal oversight, and political participation has historically been restricted by provisions requiring adherence to the state's official position on the Kashmir dispute. While governance reform has altered administrative arrangements over time, debates regarding democratic accountability and meaningful political representation continue in both territories.³⁸

The legacy of institutional exclusion in the former FATA likewise continues to shape governance and state–society relations, even after its merger into KPK.³⁹

Ideological radicalization has also sustained violence, particularly through sectarian conflicts in GB and the former FATA, where extremist narratives have intensified communal divisions.⁴⁰ The strategic use of non-state armed groups during the Cold War, Afghan jihād, and the Kashmir conflict further entrenched militant networks and contributed to the securitization of governance.⁴¹ Economic underdevelopment, inadequate infrastructure, limited educational opportunities and unequal resource distribution have likewise reinforced local grievances and prolonged instability across these regions.⁴²

5. Islāmic Principles of Accountability and Justice

Islāmic principles provide an important framework for evaluating governance and conflict in Pakistan's peripheral regions. Justice (*adl*) is a central objective of Islāmic governance, requiring fairness, equality before the law, and protection from arbitrary exercises of power. The Qur'an commands believers to uphold justice regardless of personal or political considerations, while classical scholars argue that the legitimacy of political authority depends upon its commitment to justice and public welfare.⁴³ Consequently, allegations of political exclusion, unequal legal protection, and limited access to justice in AJK, GB, and the former FATA may be assessed as failures to fulfil fundamental Islāmic obligations.

The protection of human life (*hifz al-nafs*), recognized as a core objective of Islāmic law, further requires states to safeguard individuals from violence and insecurity. The Qur'an emphasizes the sanctity of human life, imposing

³⁴ Zahab, 2009, see *supra* note 32.

³⁵ Maraj Alam and Muhammad Usman, "Gilgit-Baltistan and Pakistan: A Constitutional Dilemma in the Shadow of Kashmir", in *International Journal of Kashmir Studies*, 2024, vol. 6, no. 2, pp. 123–124.

³⁶ Livia Holden, "Law, Governance, and Culture in Gilgit-Baltistan: Introduction", in *South Asian History and Culture*, 2019, vol. 10, no. 1, pp. 1, 4–8.

³⁷ Gilani, 2023, see *supra* note 13.

³⁸ *Ibid.*

³⁹ International Crisis Group, "Pakistan's Tribal Areas: Appeasing the Militants", Asia Report No. 125, 11 December 2006, pp. 5–9 (<https://www.legal-tools.org/doc/mifnjpzp/>); Syed Yahya Shah, *Constitutional and Political History of Gilgit-Baltistan*, Sang-e-Meel Publications, 2015, pp. 77–102.

⁴⁰ Jalalzai, 1998, pp. 120–147, see *supra* note 23.

⁴¹ Steve Coll, *Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden, from the Soviet Invasion to September 10, 2001*, Penguin Books, 2004, pp. 89–145.

⁴² See, generally, Asian Development Bank, European Union, World Bank and United Nations, *Post Crisis Needs Assessment: Khyber Pakhtunkhwa & Federally Administered Tribal Areas*, September 2010 (<https://www.legal-tools.org/doc/6cdyuyx6/>).

⁴³ Muhammad Hashim Kamali, *Shari'ah Law: An Introduction*, Oneworld Publications, 2008, pp. 168–175.

²⁸ United Nations High Commissioner for Refugees, Operational Data Portal, "Pakistan (Islamic Republic of)" (available on its web site).

²⁹ United Nations Office for the Coordination of Humanitarian Affairs, "Pakistan: North Waziristan Displacement Response Plan", Situation Report No. 5, 3 July 2014 (<https://www.legal-tools.org/doc/7yb7tcezi/>).

³⁰ Tariq Maqbool, "Pakistani Kashmir Faces Shutdown as Protests Leave More Than 20 Dead", *Reuters*, 19 June 2026.

³¹ Muhammad Qasim Zaman, "Sectarianism in Pakistan: The Radicalization of Shi'i and Sunni Identities", in *Modern Asian Studies*, 1998, vol. 32, no. 3, pp. 690–697.

³² Mariam Abou Zahab, "Unholy Nexus: Talibanism and Sectarianism in Pakistan's 'Tribal Areas'", *Sciences Po and CNRS*, June 2009, pp. 5–7.

³³ Muhammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change*, Princeton University Press, 2002, pp. 1–20.

duties on governments to prevent terrorism, sectarian violence, and unlawful killings while ensuring justice for victims.⁴⁴

Islámic governance also emphasizes accountability (*amánah*), viewing political authority as a trust for which rulers remain answerable to both society and God. Public officials are therefore expected to exercise power responsibly and transparently.⁴⁵ Likewise, Islám's prohibition of oppression (*zulm*) requires governments to prevent injustice and protect fundamental rights.⁴⁶ These principles are especially relevant in Pakistan, whose Constitution affirms governance in accordance with Islámic teachings.⁴⁷ Such allegations of corruption, abuse of authority, arbitrary detention and human rights violations may thus also constitute breaches of Islámic principles.

6. Human Rights and International Law Perspective

Pakistan's responsibilities in its conflict-affected regions are also shaped by international human rights law and the principles of international accountability. As a party to major human rights treaties, Pakistan is obligated to protect individuals from violence, investigate abuses, provide effective remedies, and uphold fundamental rights. Civilians in AJK, GB and the former FATA have experienced militant attacks, sectarian violence, targeted killings, and cross-border insecurity, raising concerns regarding the adequacy of state protection mechanisms.⁴⁸

The right to life, protected under Article 6 of the International Covenant on Civil and Political Rights ('ICCPR'), is a non-derogable right requiring states to prevent the arbitrary deprivation of life and to protect individuals from foreseeable threats, including those posed by non-state actors.⁴⁹ Sectarian and militant violence may therefore constitute serious human rights violations affecting rights to life, security, equality, and freedom of religion.⁵⁰

International human rights law imposes both positive obligations to protect individuals from harm and negative obligations prohibiting direct violations by state authorities. Pakistan's commitments under the ICCPR, the Convention against Torture, and the Convention on the Rights of the Child require safeguards against arbitrary detention, enforced disappearances, and restrictions on political participation and expression.⁵¹ Effective investigation and accountability for alleged violations are essential components of these obligations.⁵²

International humanitarian law becomes applicable once a situation reaches the threshold of a non-international armed conflict, which is characterized by protracted armed violence and sufficient organizational structure of the parties involved. In this context, the sustained hostilities between the Pakistani state and various non-state armed groups in regions such as the former FATA and parts of KPK arguably meet this threshold.⁵³ Common Article 3 of the Geneva Conventions provides a minimum standard of obligations applicable to all parties, including humane treatment of civilians and persons in custody.

7. Policy Recommendations

Sustainable peace in AJK, GB and the former FATA depends on addressing governance deficits, accountability failures, social exclusion, and concerns

over securitization. This may involve establishing *effective* accountability mechanisms and judicial remedies, and enhancing transparency and public confidence in governance.

While security institutions remain important in combating militancy, stronger civilian oversight, understood as the extent to which elected civilian authorities *meaningfully* control, direct, and scrutinize security and governance institutions, is necessary to ensure accountability and democratic legitimacy. Parliamentary bodies should exercise greater scrutiny over security operations, constitutional compliance, and human rights protections, while civilian institutions should gradually assume responsibilities previously managed through exceptional security arrangements.⁵⁴

Improving access to justice is essential for restoring public trust. Judicial reforms should enhance the accessibility, efficiency, and independence of courts, particularly in conflict-affected regions. Independent mechanisms must investigate allegations of enforced disappearances, arbitrary detention, and other human rights violations by both state and non-state actors.⁵⁵ Strengthening the National Commission for Human Rights and co-operation among courts, human rights bodies, and law enforcement agencies would constitute important steps towards combating impunity.⁵⁶

Ideological radicalization must also be addressed through educational reform, deradicalization programmes, and community engagement. These initiatives should promote critical thinking, religious tolerance, constitutional awareness, and inter-sectarian dialogue.⁵⁷ Sustainable peace additionally requires support for victims through transitional justice measures, which encourage truth-seeking, accountability and reparative justice.⁵⁸

Finally, constitutional and governance reforms in AJK, GB and the former FATA should strengthen political representation, local autonomy, institutional capacity, and inclusive participation by women, youth, religious minorities, and marginalized communities, thereby reducing grievances that contribute to conflict and instability.⁵⁹

8. Conclusion

This policy brief has examined the interlinked challenges of violence, governance, justice and accountability in AJK, GB, and the former FATA. It highlights that while Pakistan has introduced significant governance and constitutional reforms, concerns remain regarding accountability, access to justice and political inclusion.⁶⁰ The persistence of militancy, sectarian violence and governance deficits indicates that security-focused approaches alone are insufficient to address structural drivers of instability.⁶¹ Durable peace therefore requires strengthening constitutionalism, institutional accountability, and inclusive governance consistent with Pakistan's legal framework and broader commitments to Islámic principles, including justice and human dignity.⁶²

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⁴⁴ Abu Hamid al-Ghazali, *Al-Mustasfa min 'Ilm al-Usul*, vol. 1, Dar al-Kutub al-'Ilmiyyah, 1993, pp. 286–287.

⁴⁵ Maududi, 1960, pp. 147–165, see *supra* note 1.

⁴⁶ Ibn Taymiyyah, *Al-Siyasah al-Shar'iyyah*, Dar Ibn Hazm, 2004, pp. 19–33.

⁴⁷ Constitution, 1973, Preamble and Article 227, see *supra* note 2.

⁴⁸ See Human Rights Commission of Pakistan, 2026, *supra* note 4.

⁴⁹ International Covenant on Civil and Political Rights, 16 December 1966, Article 6 (<https://www.legal-tools.org/doc/2838f3/>).

⁵⁰ *Ibid.*, Articles 18 and 26.

⁵¹ *Ibid.*, Articles 19 and 25.

⁵² United Nations Human Rights Committee, General Comment No. 31: Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc. CCPR/C/21/Rev.1/Add.13, 2004, paras. 15–18 ('General Comment No. 31') (<https://www.legal-tools.org/doc/e7d9a3/>).

⁵³ See generally, International Committee of the Red Cross, 'How is the Term 'Armed Conflict' Defined in International Humanitarian Law?', March 2008, pp. 5–7 (<https://www.legal-tools.org/doc/rqulkv/>).

⁵⁴ Constitution, 1973, Articles 9, 10 and 199, see *supra* note 2.

⁵⁵ General Comment No. 31, 2004, paras. 15–18, see *supra* note 52.

⁵⁶ *Ibid.*

⁵⁷ Kamali, 2008, pp. 168–183, see *supra* note 43.

⁵⁸ United Nations Security Council Resolution 2282 (2016), UN Doc. S/RES/2282, 27 April 2016 (<https://www.legal-tools.org/doc/6e094b/>).

⁵⁹ Jalalzai, 1998, pp. 120–147, see *supra* note 23.

⁶⁰ 2018 Constitutional Amendment, see *supra* note 3.

⁶¹ General Comment No. 31, 2004, see *supra* note 52.

⁶² Constitution, 1973, Preamble and Article 227, see *supra* note 2.



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