

Background Note:

Policy Dialogue

on

Draft Civilian Victims Trust Fund Management Rules



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In recent years, there has been a significant increase in conflict and terrorism in Khyber Pakhtunkhwa (K-P) and the Federally Administered Tribal Areas (FATA). In the ongoing militant and terrorist upsurge, K-P and FATA are the hardest hit. Militants in these two regions have frequently resorted to terrorism, not only against military targets but also frequently target the civilian population. Civilians in K-P and FATA have been worst hit by conflict and terrorism in terms of the scale of civilian casualties. Since 2008, the number of terrorist attacks has risen at an alarming rate. The data indicates that the civilians bear the heaviest cost of suicide attacks and other terrorist activities such as bomb blasts, IED explosions, suicide attacks and target killings. The number of civilians killed in terrorism related incidents in K-P increased from 253 in 2007 to 501 in 2010¹. According to a report submitted to the Peshawar High Court in March 2013, in last five years, the number of civilians killed in terrorism related incidents in K-P and FATA stood alarmingly at 5,152².

The Government of Khyber Pakhtunkhwa regularly provides compensation to the civilian victims of conflict and terrorism, and has adopted a relatively efficient and effective framework for award of compensation. The notifying of a timeline for completion of process of award of compensation to the victims, shortening the process by delegating the authority for approval at Divisional level and creation of a dedicated budget line for civilian victims in 2011 are noteworthy steps in this regard. However, the scale and the scope of the threat posed to the civilian population in Khyber Pakhtunkhwa calls for multiple actions including establishment of a formal legal regime to respond to such incidents, and establishment of a special fund under statutory provisions for the victims and their families especially those suffering disabilities and the loss of livelihood³.

It is heartening to note that the K-P Government is deliberating on establishing a *Conflict Victim Support Fund*. In order to assist and facilitate the provincial government in this endeavor, Institute of Social and Policy Sciences (I-SAPS) and USAID's Conflict Victims Support

¹ I-SAPS, 2011. *Compensating Civilian Victims of Conflict & Terrorism in Pakistan: A Review of Policy and Practice*. Islamabad. Pakistan.

² DAWN, 2013. More than 9,000 terrorism-linked deaths in KP-FATA since 2008
<http://beta.dawn.com/news/798134/more-than-9000-terrorism-linked-deaths-in-kp-fata-since-2008>

³ The recent enactment of *Civilian Victims of Terrorism (Relief and Rehabilitation) Ordinance 2013* by the Government of Balochistan is a case in point and a step in the right direction. The Ordinance provides for the establishment of a special fund for the civilian victims of conflict and terrorism. Specific legislations for creation of insurance funds and indemnifying injuries to civilians in times of war were done during the War of 1965 and 1971. Similarly the AJ&K has established similar funds for the relief of distressed persons as well as the victims of ceasefire line incidents.

Program are sharing draft rules for the proposed fund for civilian victims of conflict and terrorism in Khyber Pakhtunkhwa.

A review of the governance milieu in Khyber Pakhtunkhwa, Provincial government's rules of business, financial rules and the precedent of funds already created indicates availability of multiple policy choices for establishment of a fund for supporting civilian victims of conflict and terrorism in the province. The examples in this regard include creation of fund under a specific legislation⁴, creation of fund as an independent legal entity⁵ and creation of a fund through an executive order⁶.

The present draft rules have been articulated with the realization that as there are multiple policy choices available with the provincial government for the establishment of a fund for civilian victims of conflict and terrorism. Whichever policy choice be made, the proposed set of rules will be of assistance in fulfilling the desired objective of providing support to the civilian victims of conflict and terrorism in Khyber Pakhtunkhwa.

2. Aim and Objectives

The broad aim of the Policy Dialogue was to share the draft rules and seek guidance and input from the relevant government departments for finalizing the draft. Moreover, this dialogue also provided an opportunity to collectively reflect on the topic and move forward for the establishment of Conflict Victims Support Fund.

3. Participants

The participants of the dialogue included the Ministers, Senior Government Officials and representatives from various government departments - i.e. Finance, Home and Tribal Affairs, Planning and Development, Social Welfare, Provincial Disaster Management Authority, Education, and Health.

⁴ The examples in this regard include the establishment of Pensions Funds under the Provincial Pension Funds Act 2009, *Khyber Pakhtunkhwa Pension Fund Management Act 1999*

⁵ The establishment of Punjab Education Endowment Fund (PEEF) is an example in this regard. PEEF was created as a company registered under Section 42 of the Companies Ordinance 1984.

⁶ In 2010, the Department of Finance created a special fund to support 14 different initiatives including Bacha Khan Khpal Rozgar Scheme, Hunerman Scheme, Issuance of Laptops to deserving Students, Educational Scholarships Financial Assistance to Senior citizens, etc. *Finance Department Order, No: 3-9/F/L/FD/2010/EF*