

Policy Dialogue
on
Compensating Civilian Victims of Conflict and
Terrorism

September 05, 2013
Peshawar

I-SAPS Institute of
Social and Policy Sciences

Objectives of Presentation

- To Share and Discuss the Challenge faced by the Civilian Victims of Conflict and Terrorism in Pakistan
- To Discuss and Debate Various Policy Options for providing Compensation to the Civilian Victims
- Scheme of Presentation

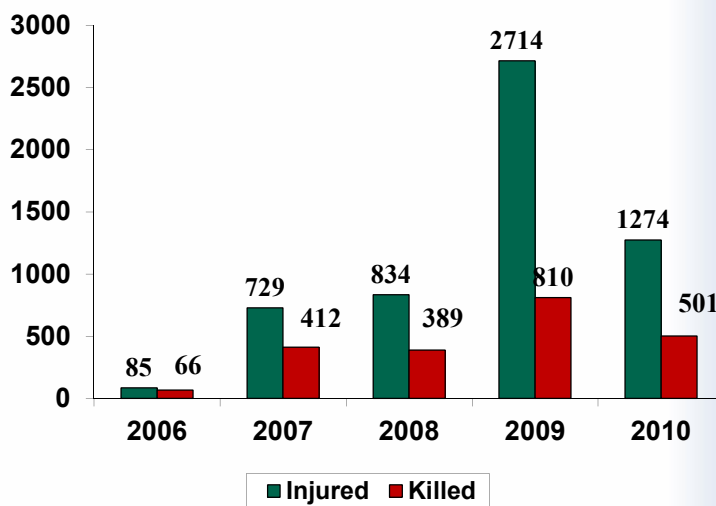
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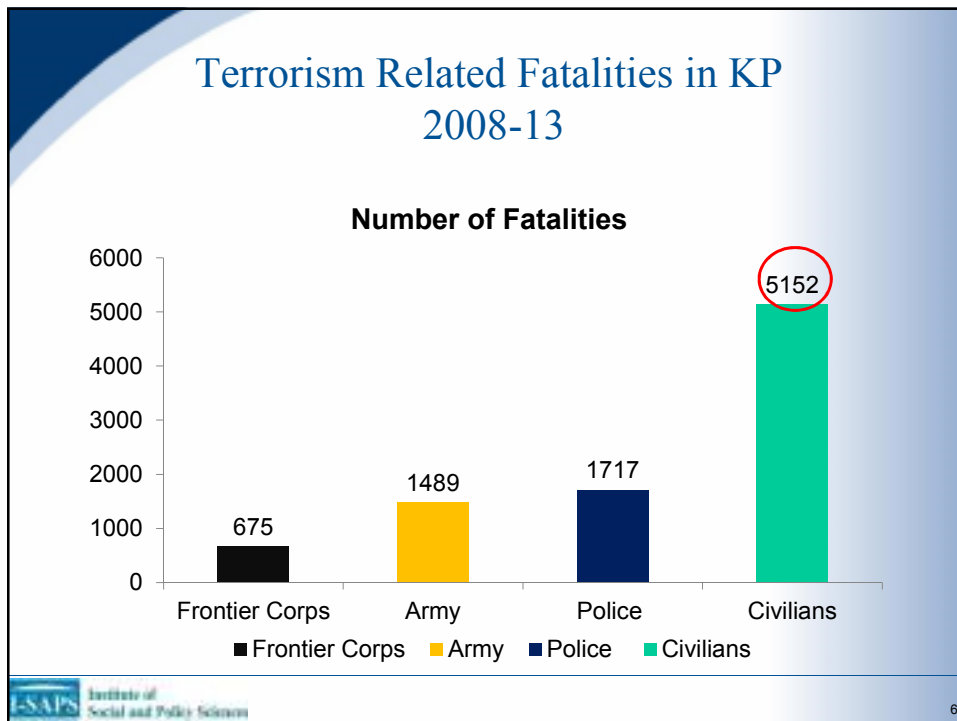
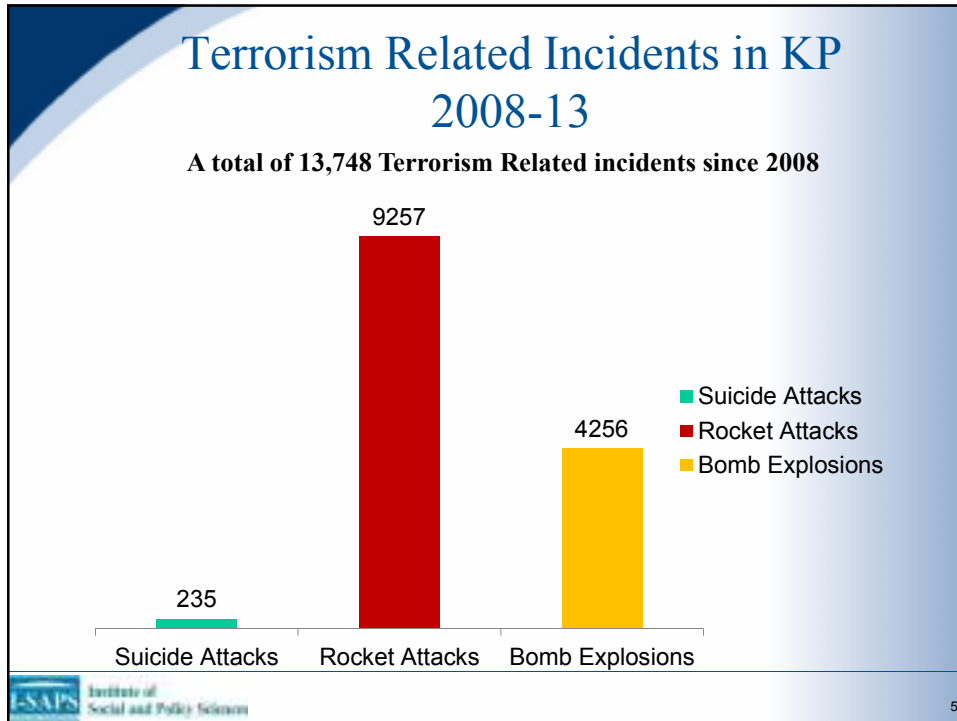
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Setting the Context

- **Conflict not a new phenomenon**
- **Multiple Drivers of Conflict**
 - ◆ Socio-Economic, Political, Geo-strategic, Ethnic, Religious & Sectarian, Covert Interventions/ External Variables
- **Conflict & Terrorism Since 1999**
 - ◆ New challenges for the state and society
 - ◆ Impetus to traditional sources of conflicts
 - ◆ All this has resulted in high levels of violence, and incidents of terrorism
 - ◆ Response so far

Civilian Victims in Khyber Pakhtunkhwa





Policy Response: Compensating the Victims of Conflict and Terrorism

Policy 2009-Civilians

Deceased: Rs. 300,000

Incapacitation (Permanent):

Rs. 200, 000

Seriously Injured:

Rs. 100, 000

Policy 2009-LEAs

Deceased: Rs.30,00,000

Major Injury:

Rs. 10,00,000

Minor Injury:

Rs. 100,000-500,000

Policy Response: Compensating the Victims of Conflict and Terrorism

- Timeline for Award of Compensation 28 Days
- Delegation of authority to award compensation at Divisional tier
- Creation of Dedicated Budget Line

Diverse Support Base

- Local Philanthropy
- Local and National Institutions e.g. Chambers of Commerce, Charity Organizations etc.
- International Development Partners-Assistance Programs
- Effectiveness and Synchronization with Government Initiatives
- The Challenge: Government needs to be in the driving seat

Compensating the Civilian Victims: Some Moot Points

Objectives and Necessity of a Fund

- ◆ International Practice
- ◆ Local Reality

Possible Mechanisms for Fund Creation

1. Specific legislation for creation of Fund
2. Creation of Fund under comprehensive legislation meant for responding to the situation
3. Creation of Fund as an independent legal entity
4. Creation of Fund through executive order

Key Definitions: Some Moot Points

1. Defining Terrorism and Conflict:
 - a. Actions of the perpetrators of acts of terrorism, religious conflict, ethnic violence etc.
 - b. Existing Provisions in Pakistan Penal Code, Criminal Procedure Code and Anti-Terrorist Act (ATA).
2. Defining a “Civilian Victim”?:
 - a. Parameters: International Standards, local legal reality,
 - b. Civilian Government officials an important concern
 - c. Issue of “heirs” of victim

Key Definitions: Some Moot Points

4. Defining the “Terrorist Act”?:
 - a. Definition provided in Anti Terrorist Act
 - b. What could be the parameters of defining a Terrorist Act?
5. Defining “Law Enforcement Agency”?:
 - a. Provincial Mandate
 - b. Role of Federal Agencies
6. Defining “Health Care”?:
 - a. Local Laws of inheritance, identification of heirs

Establishment of Fund: Some Moot Points

■ **Managing the Fund: Administrative and Procedural Aspects**

- ◆ Investment Committee
- ◆ Representation from Local Chambers of Trade and Commerce, Traders Associations, etc.

Standards for Compensation: Some Moot Points

1. **Determining the Standards**
2. **Person**
 - a. Death
 - b. Injury
3. **Property**
 - a. Dwelling Unit
 - b. Shop, kiosk or any other business establishment
4. **Livestock**
5. **Vehicle**

Summing Up: Moot Points

- Instrument for Creation of Fund
- Definitions and their Scope
- How the fund can be embedded in the existing government practices

Thank You



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