

## Compensating Civilian Victims of Conflict & Terrorism: Policy and Practice in Balochistan

Balochistan has a long-standing history of political conflict and armed uprisings<sup>1</sup>. Political isolation and lack of socio-economic development have fuelled frequent uprisings and militancy in Balochistan<sup>2</sup>. Consequently, the situation in Balochistan has been more volatile than the other provinces, facing not only attacks by Tehrik-e-Taliban Pakistan (TTP) and allied militant groups but also a long-standing conflict between Government forces and insurgents<sup>3</sup>. The conflict in Balochistan has intensified significantly in recent years with the number of incidents rising from 139 in 2006 to 609 in 2010. The number of civilians killed has also risen dramatically from 35 deaths in 2006 to 129 in 2010, with the number injured rising from 91 to 682.

### Conflict and Terrorism: Civilian Harm in Balochistan 2006-2015<sup>4</sup>

Year	Number of Incidents	Civilians Killed	Injured
2006	139	35	91
2007	129	72	244
2008	211	103	151
2009	566	112	743
2010	609	129	682
2011	443	215	437
2012	361	210	604
2013	420	337	1353
2014	491	128	611
2015	358	72	207

To redress the loss of civilian lives in terrorism and conflict, the Government of Balochistan introduced the compensation regime for the victims in 2005 when the provincial cabinet in its meeting held at Loralai on December 11, 2004 decided to award compensation to the civilian victims of violence and

terrorism. The worsening law and order situation, especially the rise in targeted killings, forced the provincial government to revise this compensation policy in 2007. Balochistan government took an extraordinary step to introduce the *Balochistan Civilian Victims of Terrorism (Relief and Rehabilitation) Ordinance* in 2013, thus becoming the first province in Pakistan to introduce a comprehensive legal framework for award of compensation to civilian victims of conflict and terrorism. In January 2014, the Ordinance was unanimously enacted as a law by the Provincial Assembly of Balochistan. The law has been an avant-garde on the policy and legal landscape of Pakistan. *Balochistan Civilian Victims of Terrorism (Relief and Rehabilitation) Act 2013* addresses most of key issues discernible in the existing framework for compensating civilian victims of conflict and terrorism. Beside other key features, the law expands the definition of a civilian victim by including the spouse and family of the victim. The law also stipulates formulation of a dedicated fund for providing relief and rehabilitation to the civilian victims and their families, including education and healthcare facilities. It also addresses the key issue of delays in provision of compensation by clearly defining the roles and procedures and requires the process to be completed in 25 days from the incident. The Act, besides increasing the compensation for the civilian victims, provides compensation for the loss to dwelling units, shops, kiosk, vehicle, and livestock.

### Compensation for Civilian Victims of Conflict and Terrorism

Nature of Loss	Compensation
Loss of Life	1,000,000
Grievous Injury	500,000
Serious Injury	100,000

<sup>1</sup> The Baluch nationalists first took up arms against the merger of Balochistan in One Unit (1958-9). The establishment of military bases in 1963-69 led to another armed uprising by the Marri tribes. The most significant conflict came in 1973 when the federal government led by Mr. Zulfikar Ali Bhutto, dissolved the provincial government and initiated an Army action in Balochistan

<sup>2</sup> Baixas Lionel, *Thematic Chronology of Mass Violence in Pakistan, 1947-2007*, Tuesday 24 June 2008. [http://www.massviolence.org/PdfVersion?id\\_article=112](http://www.massviolence.org/PdfVersion?id_article=112)

Human Rights Commission of Pakistan, *Conflict in Balochistan: Report of HRC fact-finding missions December 2005 - January 2006*; August 2006, Lahore

<sup>3</sup> *Balochistan Liberation Army, Balochistan Liberation Front and Bugti Militia* are considered to be the key organisations carrying out the militant activities.

<sup>4</sup> NCMC, Ministry of Interior, Government of Pakistan

## Process for Award of Compensation

The process provided for under the *Balochistan Civilian Victims of Terrorism (Relief and Rehabilitation) Act 2013* has simplified the award of compensation. In case of an incident, the relevant Deputy Commissioner or the notified office is obligated to submit report to the Home and Tribal Affairs department (H&TA) within fifteen (15) days. The H&TA department has to finalize the case and send authorization in not more than a week's time. Within three days of the receipt of approval from H&TA, the Deputy Commissioner has to provide compensation to the Civilian Victim or his/her heirs.

## Key Challenges

- The law has been in place since 2013 and the stipulated compensation is being followed, however, the rules of business, as required under Section 22 of the law, have yet to be notified.
- The law also provides for the establishment of Civilian Victims Fund under the provincial consolidated fund, but the fund has yet to be formed.
- The provincial government has yet to take measures for

dissemination of knowledge to public about the civilians right to compensation, the procedures to access etc. as provided under the law. Section 16 of the law binds the government to undertake measures for periodic awareness and publicity campaigns for the public.

## Looking Ahead:

Following proposed policy measures can help optimize the implementation of *Balochistan Civilian Victims of Terrorism (Relief and Rehabilitation) Act 2013*:

- In order to ensure the effective implementation of *Balochistan Civilian Victims of Terrorism (Relief and Rehabilitation) Act 2013*, the government of Balochistan should consider notifying the Rules of Business at the earliest. Establishment of Civilian Victims Fund, as provided under Section 4 of the Act, will be instrumental in taking substantive measures for supporting the victims and their families, especially those suffering disability.
- Effective measures should be undertaken to promote and disseminate knowledge about the law and the procedures provided under it for the welfare of the public at large.