

ROLE OF WOMEN IN DISPUTE RESOLUTION AND PEACE BUILDING IN KHYBER PAKHTUNKHWA: A CRITICAL ANALYSIS OF KHWENDO JIRGA (SISTERS' COUNCIL)

Sumara Gul

Lecturer, Department of Political Science,
Shaheed Benazir Bhutto Women University, Peshawar, sumaira@sbbwu.edu.pk

Sadia Fayaz

Assistant Professor, Department of Political Science,
Shaheed Benazir Bhutto Women University, Peshawar, sadiafayaz@sbbwu.edu.pk

ABSTRACT

This paper examines the status of women role in dispute resolution in Khyber Pakhtunkhwa. In Pakhtun culture, disputes are resolved through alternative means to avoid formal court procedures and to keep the secrecy of the matters. The most appropriate method of dispute resolution is Jirga, which is centuries old phenomena of this region. Jirga is conducted locally and the decisions made are binding on the disputant parties through the cultural codes and traditional values. Jirga is composed of male members of the society and women are not allowed to take part in its decision making although majority disputes involve female as a party to the dispute. In majority decision of the Jirga women are taken as the compensation of the dispute to the rival party to resolve the dispute. Taking this problem into consideration, a courageous lady of District Swat of Khyber Pakhtunkhwa (KP) established the first ever women Jirga with the name of Khwendo Jirga (Sisters' Council) in 2013. This study coherently expresses that the patriarchal structure of Pakhtun society and its culture are the mainstream obstacles due to which women role in peacebuilding is nominal. The study aims to identify the factors behind the establishment of that Jirga, analyse impact of that institution on the society in general and on the female folk in particular. Data was collected through interviews from the female members of the Jirga at District Swat of KP as well as from common citizens of the District and those who are directly influenced by that Jirga. Qualitative study is best suited for this research because research is descriptive and is totally based on respondent's perception without any numerical data analysis.

Keywords: Women, Jirga, Dispute, Peace-making, Pakhtun Culture

INTRODUCTION

Alternative Dispute Resolution (ADR) is the centuries old phenomena of the civilised world. Whenever the formal courts system fails to provide adequate justice to the society, ADR is adopted. In Pakistan, it is used in the form of *Jirga*, *panchayat*, *Faislo* and *Maraka* in the different regions of all provinces (Gohar, 2014). In Khyber Pakhtunkhwa province, *Jirga* is the name of an assembly and a forum used for consultation, deliberation, decision making, conflict management, conflict resolution and adjudicating justice in Pakhtun populated areas. It has been translated as 'council of elders' (Ahmed, 1980) and 'public assemblies' (Barth, 1959, p. 115).

Jirga is a Pashto term meaning a circle where elders of the society gathered for making decisions on many important issues of the local community. It is century's long tradition of Alternative Dispute Resolution (Wardak, 2003). In fact, *Jirga* is a parallel judicial system in Pakhtun culture and its decisions are binding on both the parties of the dispute. In February 2017 National Assembly of Pakistan passed a bill giving legal and constitutional cover to *Jirga* and *Panchayat*. Section 102 and 106 of the Local Government Ordinance 2001 is also focusing on establishment of ADR system in Pakistan.

Due to cultural and traditional values women are facing exclusion and segregation in Pakistani society. This discrimination is deeply rooted in the patriarchal system of our society. This structure does not provide any benefit to the women and consider them the second-class citizen of the society. Discrimination against female starts from the instant of their birth because this moment is considered one of the unfortunate events for her parents with despair and grief in some backward families. The girl

child is considered as a social burden for family and the marriage is regarded to be her only aim in life. These concepts are so strongly fastened in her thoughts that she even cannot imagine that these could be wrong or unjust standards of behaviour of her family (Awan, 2005). Supporting this idea, a research study by Government of Panjab in 2001 about violence in Pakistani society found that about 42 percent of women who are directly exposed to violence accepted that violence as their fate. This report also revealed that thirteen percent women felt helpless to take any kind of action against violence. Only 19 percent women protested domestic violence and merely 4 percent decided to go into legal action against the violence (Amnesty International, 2004). It is important to note that since 2001, approximately 35000 people have been targeted in Pakistan during various conflicts and majority of them were women. In this connection, different communities and women in Pakistan are actively working to adopt innovative strategies for the elimination of extremism from the society. Women through Civil Society Organizations in Pakistan are actively working on peaceful solution of different conflict to prevent violence in the society (Mirahmadi, 2012).

In Pakhtun culture women participation in public sphere is considered an act of shame for the male members. There is pro-verb in Pashto language “*Khaza ya da kor da ya da gor da*” means a women place is inside the four walls of the house or at the graveyard. This clearly demarcates the boundary lines between the public and private duties of women that women have nothing to do with the affairs of outside world. They have just to focus on domestic activities inside their families. Local traditions have no space for women involvement in peacekeeping activities and this responsibility is entrusted on men only. The Pakhtun code of conduct which is considered unwritten constitution for Pakhtun culture do not allow women participation in peacebuilding due to which state laws are also reluctant to involve women in peacebuilding activities (Sanahuddin, 2015).

There has been an increasing recognition for women participation in peacebuilding by the civil society and government institutions during the past few years. United Nations Security Council Resolution 1325 emphasized on women equal participation in peacebuilding. The resolution titled “Women, Peace and Security” stresses on the importance of women full involvement in the efforts for the promotion and maintenance of peace. The cultural and social traditions of Pakistan excluded women from many walks of life. This seclusion has its roots in the patriarchal structure of Pakistani society. In Subcontinent before the arrival of the British, the status of women was not homogeneous. They were widely divided in different classes and communities. Women were totally dependent on their men through a very rigid system of society (Ali, 1999). After the creation of Pakistan, the Muslims have strong inclination for man dominated society, as a legacy of past they interpreted religious norms in such a way that secure male domination in the society (Stanely & Kumari, 2010).

In the last few years, the credibility of local *Jirga* has been questioned due to certain unjust decisions taken by this institution especially against women folk of community in different parts of the country (Chaudhry, 2011). In the history we do not see women active participation in ADR due to which in majority cases *Jirga* remains biased toward the female gender of the society. Women can play a pivotal role in peace-making as they are considered as the activists for peace building and an advocate for the end of violence and disputes. Anderlini (2007, p. 32) argues “women are among the first to speak out collectively against war and to try to prevent escalation. That is evident globally.” Every non-violent strategy for conflict and dispute resolution requires some valuable strategies and organizations which can bring the disputing parties to the negotiation table for signing a peace accord. Khyber Pakhtunkhwa (KP) is the first platform from where women have taken the initiative to establish their own *Jirga* totally composed of women and deciding both male and female cases. In Mansehara and District Swat of KP women are now empowered enough to solve their domestic problem at the grass root level without consulting formal courts. This study is totally focused on the establishment mechanism of the Sisters’ Council in KP, its role in dispute resolution and impact of those decisions on the patriarchal structure of KP.

REVIEW OF LITERATURE

Since the militants of Tehreek-e-Taliban Swat, led by Moulvi Fazlullah established their control in Swat in late 2007, women suffered greatly. Moulvi Fazlullah openly opposed women’s education and started targeting girl’s schools in Swat. After Government's attempts to negotiate peace with Moulvi Fazlullah failed, Pakistan army launch a military operation and pushed him out of Swat in 2009. Women in Swat

bear the consequences of militancy and armed conflict including human rights violations, internal displacement, psychological and social traumas. The conflict further decreased the role of women in peace building efforts. A report of Gender justice through Musalihat Anjuman Project (2011) mentions that it resolved 16115 dispute cases in which one third cases having the female as a party to the dispute. This report revealed that provincial Judicial laws of Pakistan do not appropriately support ADR bodies like Masalihat-e-Anjuman and as a result their performance weakens dispute resolution. There is no space for female of the locality to participate in dispute resolution through Masalihat-e-Anjuman.

A Report published by Community Appraisal and Motivation Programme (CAMP) and Safer World titled “The *Jirga*: Justice and conflict transformation” (2012) has deeply investigated about the role played by *Jirga* after militancy in District Swat and Malakand. This report is compiled on primary data collected through questionnaire and interviews from local people of Swat. The collected data reveals that people consider *Jirga* as body of conflict transformation throughout the ages. The report also finds out that as compared to old *Jirga* today’s *Jirga* has certain limitations and due to these limitations, the decisions of *Jirga* are not taken seriously by the local people. The basic elements identified for the weakness of this institution are lack of women representation, corruption of local elders and violation of fundamental rights. The report suggests the reformation of old *Jirga* system under government supervision.

Jirga consider *swara* as legitimate way to resolve dispute. *Swara* is a custom where girls, often minors, are given in marriage to an aggrieved family as compensation to settle dispute, often murder (Asad, 2021). The research briefly investigates about the hidden factors responsible for *Swara*, women given as a compensation to opponent family in Pakhtun culture generally and Swat specifically. Basically, lack of legislative reforms and unawareness about fundamental rights lead to this practice of *Swara*. Majority of the respondents favoured *Jirga* because of a traditional an inexpensive platform for dispute resolution. In majority disputes the offender’s family is backed by the police and other governmental institution. This study suggested for gender equality and providing a legal cover to the residents of the area free of cost to discourage this practice (Hanan et. al., 2015)

Sanaudine (2015) in his research work explained the reasons of keeping women aside in decision making in Pakhtun culture. He also mentioned in a small section about the establishment of Sisters’ Council but in different parameters. There is no detailed information provided by the author about this institution. No comprehensive literature is available on women role in dispute resolution in Pakistan as there is no proper mechanism for women to participate in dispute resolution.

Barohi (2016) discusses the anti-women decisions taken by local *Jirga* throughout Pakistan in the year 2014. In this report more than 60 cases were highlighted from different newspapers in which *Jirga* violated women fundamental rights for resolving the dispute in the form of *Swara*. This report reveals that there is no comprehensive study on violation of *Jirga* and their constitutional procedure. There was no such institution in Pakistan which can deal women problem more specifically.

Bibi & Khan (2020) criticise the role of *Jirga* in the inhuman and unconstitutional practice of *Swara*. This study discusses in detail about the different types of *Jirga* and its importance for Pakhtun culture. According to this study the *Jirga* members are unaware of the constitutional status of human rights due to which their decisions are unconstitutional. This study also analysed the life of *Swara* victims and drew the conclusion that not only the decision of *Jirga* is inhuman but the life of female given in *Swara* face humiliation and discrimination throughout their life. The study shows the literature gap that how female participation in *Jirga* decision can impact this marginalized sector of society.

Khan & Nawaz-Allah (2020) in their research show discrimination against women on every forum in Pakistani society. One of the most serious issue in Pakistan is Gender Based Violence (GBV) and in majority cases *Jirga* and *panchayat* decisions add fuel to the fire in case of honour killing. This study disclosed that women are used as a commodity in compensation from the family of the criminal, they are considered a cheap source for settlement of dispute among the male members of two families. The decision of honour killing reflects the strong cultural bond of the honour of the family and associate it directly with the sexuality of the women. Indeed, society is in intense need of reforms in laws related to GBV. Violation of fundamental human rights is no more bearable in the modern society where the indicator for the progress of the country is measured in the parameters of welfare of their citizens. This study also suggests involvement of women in peacebuilding measures.

Objectives of the Study

- To identify the factors behind establishment of *Khwendo Jirga* (Sisters' Council) in District Swat
- To examine the impact of Sisters' Council on local community of District Swat
- To analyse that how women in Swat are legally empowered through Sisters' Council.
- To assess the challenges to women *Jirga* in Pakhtun society and its prospects.

METHODOLOGY

The methodology for this study is qualitative and co relative in nature which attempts to know relation between the two aspects of under discussion phenomenon and the establishment of Sisters Council. One aspect is the need of this forum and the second is its working procedure. For data collection both primary and secondary sources are utilized. Data collection for this study has been made from District Swat. Data collected through primary sources includes interview from the key informants, members of Sisters' Council and the common citizens of Swat. District Swat is the universe for data collection and male/female participants were taken as the population of the study. This study is qualitative and represented through general descriptive manners. Two types of questionnaires were prepared for this study. For the first type having the basic questions, 30 respondents were taken from the residents without knowing their qualification their jobs and their ages. In these 30 respondents 10 were female and 20 were male respondents. For the second type of questionnaire 20 respondents were chosen who were all female and the members of this council. Secondary data included books, research reports and newspaper articles.

Factors Behind the Establishment of *Jirga*

There were multiple factors responsible for the establishment of Sisters' Council in Swat. First, in Pakistan, and specially in Khyber Pakhtunkhwa, *Jirga* is totally male dominated. The NCSW report reveals that majority of cases decided by the *Jirga* are family disputes in which female are a party to the dispute and the impact of *Jirga* decision are equal for both genders. However, in every type of *Jirga* conducted for resolving family disputes the male member of the family, father, brother or husbands are nominated for expressing the point of view of the female. Women are even not allowed to represent themselves as a complainant in decision making (Barohi, 2016). Second, in Khyber Pakhtunkhwa it is against the norms of *Jirga* that women will have decision making status in the society. In District Swat, majority of villages have their local *Jirga* but none of them has a single female member. Women are not allowed even to defend themselves in any type of accusation against them. All the matters would be settled through the male members of their family. In case of inheritance and land ownership issues whenever a female decides to pledge for her inheritance rights in her paternal property, she has to give her authority of decision making to her sons or her husband and the authorised persons then decide according to their own will.

Third, the majority of *Jirga* decisions were against women, violating their fundamental rights. There were many cases in which *Jirga* has created anti-women orientations in the society. In 2013, in Mingora Tehsil of District Swat in return of father's extra marital affairs, two girls, one having age of three years and another thirteen years, were given in *Swara* to the aggrieved family as a compensation (Khaliq, 2013a). Similarly, in the same year, a case was decided by the local *Jirga* of Swat in which a man was found guilty of illicit relations with a married woman. The accused lady was killed by her husband and the accused man's sister was given in *Swara* to the accused lady husband (Khaliq, 2013b). In Kalam village of Swat a 3-year-old girl was given in *Swara* to a 12-year-old boy by a *Jirga* decision to resolve an honour related issue. In the same area due to love marriage of a couple two daughters of accused man were given in *Swara* to the family of the woman ("11 arrested over *Swara*" 2013). In Mansehra, father of the minor girl absconded with a married woman and *Jirga* decided to marry off an eight year old daughter of the accused to a 26 year old man (who was former husband of his father's second wife with whom he was eloped). (Khan, 2014).

Fourth, the founder of this institution Tabbasum Adnan was herself the victim of domestic abuse and child marriage. She was married at the age of thirteen and had four children, but the marriage did not last long. Tabassum then decided to dedicate the rest of her life to women's rights.

Fifth, disinclination with the mainstream justice in Pakistan is another factor for the establishment of Sisters' Council where in the legal justice system, it can take years to process a case

through the courts (Zaman, 2018). Hence, the establishment of this *Jirga* was meant to provide legal support to those women whose rights have been exploited. In 2017, the National Commission on The Status of Women published a report which stated that *Jirga* is totally violating fundamental rights when women are given as compensation (*Swara, Vani*) of the crime to the disputing party. The founder of Sisters' Council and five other members give justification for the establishment of this platform as the need of the time because women are deprived of their legal rights and they were treated in the society as a second-class citizen (Personal Communication with Ms. Tabbasum Adnan, December 11, 2021). The cases of *Swara* and *Vani* and throwing of acid on a young girl's face added fuel to the fire which made them to think about a platform where women can bring their grievances. The purpose of the establishment of this institution is to provide women victims of violence an alternative mechanism, whereby they can obtain gender justice within the vicinity of their trusted people (NCSW, 2017). Internationally, it is recognized that when women are included in peace processes, they can bring a positive change in the troubled scenario. According to research conducted by collaborating learning projects "women are able to bridge political, ethnic, religious and cultural divides more easily and peacefully than men". This research also explored that women are best in bridging the communication gap among different segments of society to send positive cultural message (Chloe, 2012).

Sixth, political and security dynamics during General Pervez Musharraf's military regime (1999-2008) aggravated women's plight in Malakand. By 2009, Tehrik-e-Taliban Pakistan (TTP) militants had seized most of Swat Valley (International Crisis Group, 2022, p. 4). Violent extremism in Malakand division has further exacerbated gender and power inequality for women. In Swat, for example, the TTP militants banned women from working altogether and from leaving the house unless accompanied by a male family member. This limited women's access to education and health-care facilities as well as economic opportunities and increasing their vulnerability and insecurity. Most importantly, it weakened the role of women in peace and security matters (Faraz, 2017). In that sense, establishment of women *Jirga* perceives women as agents in conflict and peace making than as victims. Schirch and Sewak (2005) argue that since women so far, have had little participation in peace negotiations and peacebuilding, women's interests have been ignored often based on the perception that women's role is that of the victim. They discuss the importance of moving beyond the idea of women as victims to engage in the peace-process as workers and having influence in the negotiation processes. There was only traditional *Jirga* system in Swat as an alternative mechanism for dispute resolution and that was male dominated.

Finally, *Jirga* was already a well-known and trustworthy forum for dispute resolution in Pakhtun society that was the reason that the founder of this institution decided to utilize the same forum just from female perspective where the fundamental rights of the women can be guaranteed. The problem was not only violation of rights but the survival of female after *Jirga* decision was also a question which remained unanswered throughout the ages. There were no one who can support the ladies who were compensated through *Swara* by the *Jirga* decisions. Some of them even end their life by committing suicide but the culture never argues on these issues (Personal Communication with Ms. Tabbasum Adnan, December 11, 2021).

Organizational Structure of Sisters' Council

The membership of Sisters' Council is open for all those who want to volunteer for peace making in society. The organizational structure of the institution is divided between General Body and Board of Governors. There are more than one thousand members of the General Body from the different area of Swat. The membership is voluntary and open. Women, who willingly want to contribute their services for this forum, contact any member of that *Jirga* and register themselves as members. The members of the General Body elect Board of Governors which further supervises the activities of the Council for its better efficiency keeping in view future perspective. According to the Administrator of Sisters' Council, Board of Governors is comprised of 25 members. There are eight panels having three members from board of governors and at the time of any dispute one of the panels having proximity to the dispute becomes active to resolve the dispute. The appointment of the Board of Governors is made for an unlimited time. The selection criteria are the efficiency and reputation of the members in their respective communities. There is no hierarchical distribution of administrative posts in Sisters' Council (Personal Communication with Ms. Tabbasum Adnan, December 11, 2021).

All the members work voluntarily for the welfare of the society and for the empowerment of women. For documentation and record maintenance educated female members provide their services.

But all the services are free of cost and no one is remunerated in terms of finances. There is no proper documented record of Sisters' Council just because of lack of trained staff and resources (Personal Communication with Ms. Sajida, December 11, 2021).

List of the Board of Governors Members		
S. No	Name Of Member	Area of Residence
1	Tabbasum Adnan	Khona Cham
2	Hanifa	Manyar
3	Subhania	Balegram
4	Bakht Begum	Bara bandai
5	Fatma	Gwal Bandai
6	Shan Bibi	GuliGram
7	Yasmeen	Mingora
8	Shameem	Madyan
9	Yasmeen Gul	Matta
10	Gule Khandana	Sojbanrh
11	Farzana	Spal Bandai
12	Sara Amjad	Shagai
13	Fazeelat	Batkheela
14	Ziyafat	Matkanrhai
15	Fatma	Dadahara
16	Izat Begum	Shahgram
17	Saima	Chel Shagai
18	Tahira	Khuna Cham
19	Zenab	Afsar abad
20	Hasrat Bibi	Akhund baba
21	Yasmeen	Mingora
22	Samar Tabbasum	Chitral
23	Sajida	Shagai
24	Pass bibi	Madyan
25	Ameena	Shagai

Source: Personal Communication with Tabbasum Adnan, December 11, 2021

Women Empowerment through Jirga

Women when included in peace processes and entrusted with the responsibility of decision making, they bring better understanding of gender equality and social justice. They even make women coalitions speaking for women rights and concerns on different platforms. These women are than able to eclipse political, ethnic and religious differences among different classes of society (Bouta, Frerks & Bannon, 2005, p. 52). In that sense, Sisters' Council in District Swat of Khyber Pakhtunkhwa provides a unique forum to empower Women in Swat. have been legally empowered through this institution. Women are given formal and informal education to aware them about their fundamental rights. The custom of *Swara* has been abolished at large and majority people consider it as a violation of human right. This institution not only secured the fundamental rights of female but also get them involved in the creative activities of stitching and knitting for sharing the financial burdon of their male counterpart (Personal Communication with Ms. Subhania, December 11, 2021).

Sisters' Council is also working to promote awareness on health, hygiene and nutrition in the backward areas of Swat. They are motivating females to play their positive role in cleanliness of their environment by keeping their surroundings clean as it will directly impact the health of their children. Furthermore, it is also trying to develop entrepreneur skills of poor women for their self-development. Different centers have been established for female where young girls and ladies are equally entertained by providing them opportunities of different entrepreneurial trainings. Besides, the institution is working on reduction of gender inequality by opposing discriminatory laws against women and advocating for legal reforms that benefit women. After establishment of this institution not only unconstitutional decision of local *Jirga* was stopped but the female was encouraged to raise their voices against any kind of discrimination (Personal Communication with Ms. Yasmeen, December 11, 2021).

According to Tabbassam Adnan, Sisters' Council has empowered the female in such a way that they can resolve their issues inside their houses. Not only the Sisters' Council members are involved in domestic dispute resolution but majority female of the area are now trained enough to resolve their issues by themselves without involving any outsider. Women of the Swat area were asked about the role of this council in women empowerment and 88 percent were of the view that it empowered us to claim our rights of inheritance and right of participation in decision making. According to the founder of Sisters' Council, since its establishment they have resolved more than 1000 cases in which majority belongs to domestic violence and other female related issues. Women are empowered by giving them the opportunity to decide their cases in their presence without male member's involvement. They not only resolve female related issues but male disputes are also brought to them and they try their best to resolve it at the first stage. It is important to note that transgender people are also included as member of this council to make them feel that they are also respectable citizens of this country (Personal Communication with Ms. Tabbaassam, December 11, 2021).

Impact on Local Community

Pakistani society is patriarchal and male dominated where women struggle for their own identity but they are known by the name of their father, husband and son (Bhattacharya, 2014). Women now have the courage to stand for their rights in Swat. Mostly domestic violence has downed its graph at Swat. This institution is serving like an agent of change for the whole KP region. Local community has mixed feeling about that *Jirga*. Female respondents of the study expressed that it is the only way for swat women to raise their voices for justice. It has culminated domestic violence and forced marriages at large. Male members of the society become conscious about deciding the fate of their female because they know if they violate their rights, they have to face severe repercussions. Discrimination on the basis of *Jirga* through local traditional *Jirga* has also come to an end because of this parallel Alternate Dispute Resolution forum. People were asked about the impact of Sisters' Council on local community of Swat and there were mixed responses from the locality.

Research Questions.

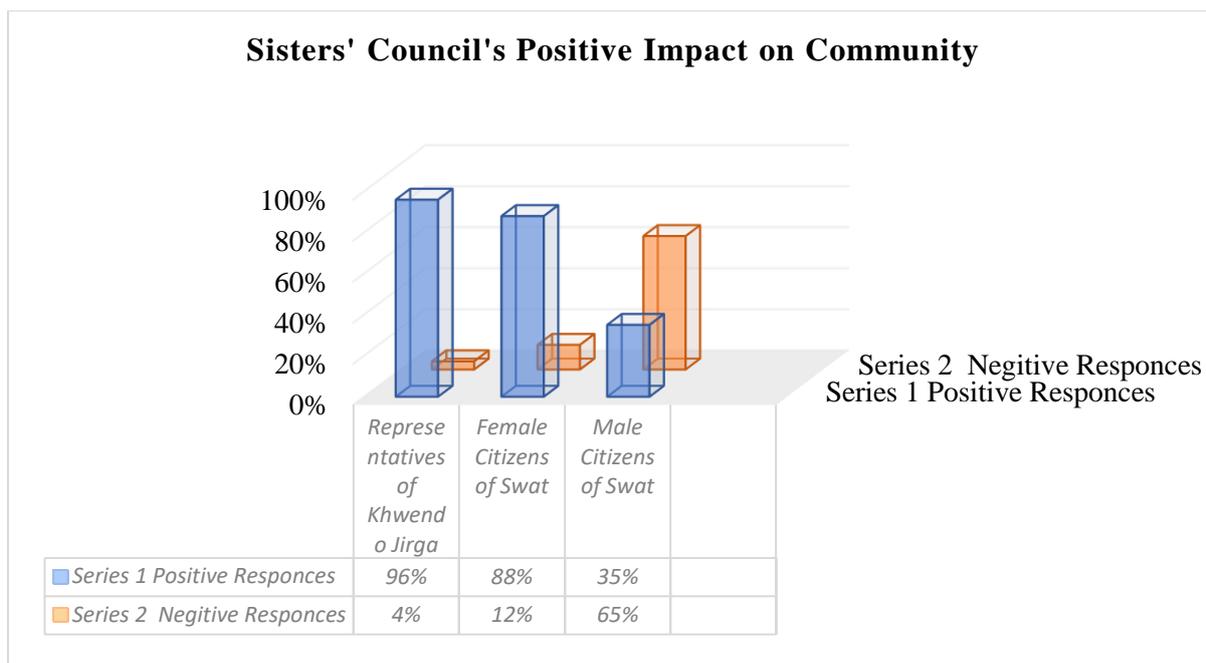
1. Does Sisters' Council have a positive Impact on the local people specially on women?
2. What kind of cases are decided by this *Jirga*? Only domestic issues or others also?
3. Who contact this institution mostly? Poor or rich people?

FINDINGS OF THE STUDY

For peace making in any society, it is important that women must be included in decision making at local as well as international level (Mohammed, Hawa Noor. 2009). People in Swat suffered heavily from terrorism and extremism. Now they are focusing on their socio-economic development in the society and both genders must work side by side without any discrimination in every field of life. The institution of female *Jirga* has overall reduced major conflicts by providing assistance at the gross root level. Women are more comfortable with this institution for solving their disputes because of the same gender they can easily explain their problems without any hesitation.

The local people of Swat and the members of this council were asked same questions for the analysis of the efficiency of this *Jirga*. There were mix responses from the community.

Does this *Jirga* have a positive Impact on the local people specially on women?

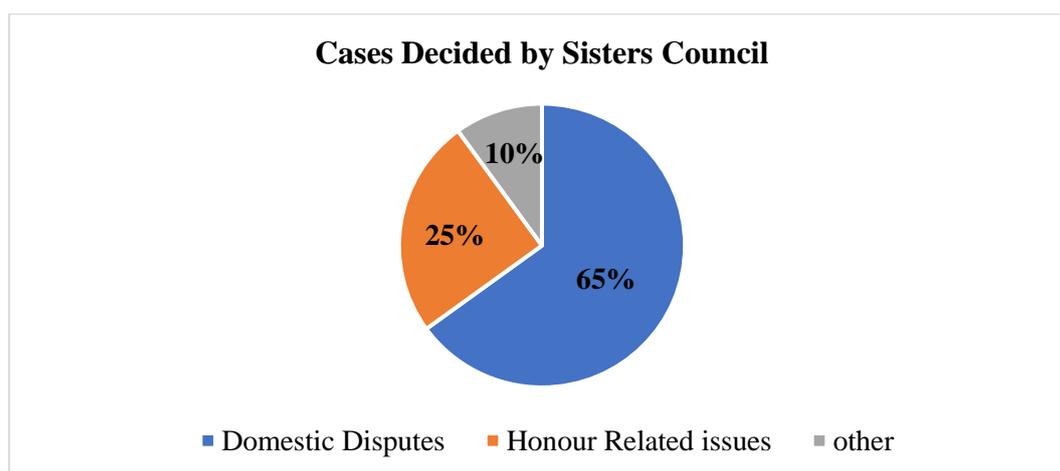


Total of 25 representatives were asked about the impact of Sisters' Council on the female folk of Swat and 24 respondents believed this *Jirga* has a very positive impact on local women. It has made them courageous to fight for their rights and not to surrender in case of the exploitation of their fundamental rights. The institution not only empowered the women in their domestic life but also created an awareness about their fundamental rights while living in male dominated societies. Only one member showed her concern about the negative impact of that *Jirga* that this platform made the male members of the society aggressive as they consider it a challenge to their cultural norms. In Pakhtun society women are not allowed to participate in the proceedings of *Jirga*. She said that local traditional *Jirga* is composed of influential and powerful people of the locality. Some of them have political affiliation also so they can easily impose their decision on the disputant parties while the female member cannot take certain steps. Fifty male citizens of District Swat were asked the same question and almost 65 percent of them were of the opinion that there was no need of separate *Jirga* of women as decision making is the prerogative of male members of the society. They considered women participation in *Jirga* unnecessary and said that women have no need to bring their cases outdoor to a separate *Jirga* as local *Jirga* is taking great care of their affairs. Some of them said that in the history we do not have any example of separate women *Jirga*. Women stay at home and they don't have any serious issues which should be treated separately. The remaining 35 percent said to some extents it is good as it empowered the women and they are promoting positive trends in the society. Women should have the authority to protect their rights through their own *Jirga*.

Total of fifty female citizens of Swat were asked about the positive impact of Sisters' Council on the local community and an overwhelming majority (88 percent) agreed with this statement. They expressed their views that this forum has brought tremendous changes in their social structure. They are not only empowered to take their issues to the said forum but can also take part in the decision-making process of their problems as this forum is open for all women without any discrimination of caste and creed. A respondent said, "Our issues are resolved through this institution with full privacy. We can easily share our feeling with the decision makers without any fear of gender discrimination during the hearing of the cases." Only twelve percent of women were hesitant about the positive impact of that institution by arguing that we are living in male dominated society where culture is providing full protocol to the male members not only in decision making but also as the caretaker of the whole family. In this scenario we cannot exclude them from dispute resolution of any kind.

The second question of this research was, what type of cases are decided by this council? The question was asked from the same population. The common citizens of the area were unaware of the exact ratio of the cases decided by the council. The members of *Jirga* said that every type of dispute is brought to this forum by the villagers. Mainly domestic disputes ratio is high as we are living in a

society where joint family system has its cultural roots. Living in joint family system results in several disputes arising among the family members and the Sisters' Council tries to resolve all of them on grass root level. The second highest ratio is that of honour related issues. These are considered the most dangerous and sensitive issues and in patriarchal structure none of the male members want to decide their case by the female jury. One council member noted that mostly the weaker party to the dispute tries to involve us in their decision making as they do not have any influence on the local male dominated *Jirga*. They said we try to take both the disputant parties in confidence for resolving their issue as *Jirga* decision are not binding and until and unless both the parties agreed to entrust dispute resolution to our forum, we cannot make decisions. There are many other cases decided by this council including land disputes, money disputes, thievery cases and illegal occupation of someone's property.



Third question was about the people who approach this institution. Majority of the respondents believed this forum is easily approachable for poor people. They do not have resources to consult formal courts for any kind of dispute resolution. *Jirga* is cultural institution and trustworthy for the local people. Female of the area keenly interested to take their minor and major issues to this institution as it is totally comprised of women who can easily understand their problem and try their best to solve it immediately.

Challenges to Women *Jirga*

In the conservative patriarchal structure not only the establishment of such institutions are effortful but to utilizes it at its maximum capacity is also challenging. Data collected from interviews, appears reveals that this institution did not evolved properly in the eight years of its existence to its fullest potential and faces many challenges.

Weak Organizational Structure: The weak organizational structure of Sisters Council is the first obstacle for modest functioning. There is a General Body and Board of Governors but very few members know about their powers being members of such bodies. There is no written constitution for women *Jirga* due to which the members do not know about the functioning procedure of this institution. All the members work in an informal way according to the situation prevailing at the time of dispute.

Lack of Women's Capacity-Building Training: There is no proper capacity-building training for the members of Sisters Council regarding decision making of community disputes on grass root level. Most of the time only Tabbasum Adnan is involved in all issues and she takes only one or two ladies with herself to visit different families in case of any dispute. With such strategy the other members do not get proper chance of involvement in decision making.

Presence of Parallel Institutions: Another challenge which this institution is facing in its transformation is the acceptance of this institution in the presence of other parallel institutions just like Dispute Resolution Council and local *Jirga*. There must be certain exceptional qualities in this institution to compete with others and to win the trust of others.

Threat to the Patriarchal Structure: The Council has challenged the patriarchy of Pakhtun culture therefore, it is facing grave problems. Male respondents of the study have the opinions that women do not have decision making power as compared to male so how they can decide major issues of the society. One of the lawyer from District Swat consulted legal court to declare Sisters' Council illegal because it is a parallel judicial institution.

Problems in Awareness Campaign: Members of this *Jirga* also face problems in their awareness campaign from some parts of the community. Some Non-Governmental Organizations (NGOs) trying to utilize the efforts of Sisters' Council and claiming that they are funding it.

Opposition from Male Folk: Members of this *Jirga* feel severe insecurity from the male folk as their characters are being criticized. They think that they are not respected according to the Pakhtun code of conduct. At the time of dispute resolution some time their self-respect is hurt. In different villages of Swat people socially boycotted for those ladies who are part of that institution. This indicates social pressure on female members for their non-traditional gender roles in Women *Jirga*.

Financial Issues: There are severe financial problems faced by the members of this council. They have to use their own financial resources for traveling from one place to other while resolving disputes. Sisters Council was established based on self-help by the courageous ladies of Swat now the Government of Khyber Pakhtunkhwa is totally ignoring its issues and it is treated just like an NGO.

CONCLUSION

This research showed that establishment of Sisters' Council is a significant step towards enabling women's participation in decision making and peace building processes. Indeed, the Council has increased the participation of women in peace making processes and has positive impact on women. This research has contributed to an understanding concerning that female members of the council mainly resolve domestic and honour related disputes brought before the Council by poor families generally. However, the initiative faces several challenges in the traditional society and will take time to be streamlined. Women must utilize their all potential to be a party in the peace-making process of the society. Government and NGOs should not ignore this initiative for peace making as it can mark a new era to the development of the society. Women should be equipped with knowledge in multiple different roles of peace building through training, enhance their potential and to utilize it at their maximum for the improvement of the community.

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