

The Role of Jirga in Conflict Resolution

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Abstract:

Jirga is the most important institution of Pukhtoon society. It is as an assembly of elders, powerful leaders, chief and religious leaders, who are working for the resolution of disputes. Jirga is the traditional and customary judicial institution in which the cases are tried and punishments and rewards are inflicted. The sphere of influence of Jirga is not limited to trials of major or minor crimes or civil disputes but it also helps in resolving conflicts and disputes between individuals, groups and tribes. The Jirga, by which most community business, both public and private is settled in the Khyber Pukhtunkhwa, Balochistan and Afghanistan, is probably the closest approach to Athenian democracy that has existed since times immemorial. It is only vehicle by which the political administration in the tribal areas dispenses Justice because the political administration lacks the authority to enforce peace; a Jirga is constituted make a truce and place a Tiga, literally a stone, between the warring parties. The origins of the Jirga are lost in the midst of history. It may have been indigenous to the Pakhtoon society or may have been brought over by the Central Asian invaders. The Jirga has, however, helped to enrich the Pakhtoon culture and values. The discourse among the people in the Jirga is an effective way to teach the young ones the real meaning of pashtoonwali. Sitting in a circle, the Jirga has no speaker, no president, no secretary or convener. Though there are no hierarchical positions, yet regard for the elders is always there without any authoritarianism or privileged rights attached to it. The Jirga system ensures maximum participation of the people in administering justice and makes sure that justice is manifestly done. It also provides the umbrella of safety and security to the weaker sections of the tribal people from the might ones. The Jirga is usually composed of the "Spin Giris" white bearded elder men, and other members. The Jirga member may be an illiterate person but he must be honest impartial and capable to announce decision above all doubts and objections of any of the conflicting parties. The Jirga members are not elected by the people of the area but are nominated by a well-wisher group of person being engaged in negotiation between the conflicting individual, Tribes. The decision are of two types one is based on the concept of "haq" the right and the other on "Waak" authority. A representative of each party jointly approaches the nominated Jirga with a request to reach on fixed date and spot as selected by the negotiators.

Key words: Loya jirga, Pukhtoon, Balochistan, Afghanistan, waak.