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## **Legal and Regulatory Barriers to Tourism Development in the Tribal Areas (EX-FATA) of Pakistan: A Policy Reform Perspective**

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### **Abstract**

This paper focuses on legal and regulatory constraints regarding tourism advancement within the newly merged districts of Pakistan, especially in the EX-FATA that became part of KP province after the 25th Constitutional Amendment in 2018. Historically placed under the Frontier Crimes Regulation (FCR) regime, FATA also remained marginalized from national development processes and having minimal investment in tourism as a sector. This paper identifies that even after getting legal integration the region is struggling with some issues like land ownership rights, bureaucratic troubles and lack of infrastructure. It also incorporates quantitative and qualitative research and data collected through surveys from the respondents consisting of local government officials, owners of the tourism businesses and investors. Consequently, legal uncertainties arising from the mergers, underdeveloped infrastructures, and slow policy process, emerged as the major constraints to tourism development. The paper asserts that only pragmatic actions are required to clarify the property rights as well as to facilitate bureaucratic arrangements that will promote investment within the framework of the tourism sector. From this analysis, the study suggests the need for a strong legal framework and appropriate structural development in the region to realize the full tourism potential to enhance the region's economic growth.

**Keyword:** FATA, Frontier Crimes Regulation (FCR), Tourism, Legal barriers

### **Introduction**

Tourism has been one of the oldest and acknowledged means of economic development, as it opens up possibilities of generating employment opportunities and incomes, building infrastructures and earning foreign exchange. In the case of other less developed regions of Pakistan, in particular the Federally Administered Tribal Areas (FATA), tourism has remained an unexplored sector owing to legal, bureaucratic as well as socio-political constraints. Formerly, these regions were regulated by the Frontier Crime Regulation (FCR) which is much older than the Pakistan period and restricts



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many commercial activities, including tourism. The FCR, which gave political agents enormous influence over the land, businesses, and ordinary matters, left a legal void that arrested development and contributed to the embryonic state of the tourism industry in Bangladesh (Khan, 2015).

This situation was due to various factors, including the existing legal and regulatory frameworks in EX-FATA and the region's geographical and political accessibility. This area was not only geographically isolated from the advanced areas of Pakistan but was politically less influential for it had a very small say in policy formulation of the nation. The documentary elaborated by Shah (2017) points out that this non-integration in the national governance systems resulted in an inconspicuous systematic lack of policies and frameworks that could enhance the notion of tourism. This remained the case until the recent past with the accreditation of the 25th Constitutional Amendment in the year 2018 that brought change in the FATA and placed it under the Khyber Pakhtunkhwa Province. This integration was also considered as one of the major ways of refocusing the ways of governance and development of these zones which include the option of tourism (Bari, 2019).

The purpose of the 25th Amendment was to establish a general legislative charter for FATA so that the region could be brought under direct constitutional control and afford the regional population the constitutional rights the rest of the country enjoyed. Nevertheless, the process of integration has not been without its drawbacks. The legal and administrative structure has not yet been established after the merger; the FATA Interim Governance Regulation 2018 is only an interim measure (Khan & Ahmed, 2020). Although this act formed a basis for the beginning of governance reform, it introduced an unclear division of responsibilities between the federal and provincial levels, which hindered the development of a set of clear and coherent baseline tourism policies, including the ability of laws to be effectively enforced.

The significance of tourism in the development of the newly merged districts has been recognized in different government plans such as Pakistan Vision 2025 and KP Tourism Policy (Government of Pakistan, 2020; KP Tourism Corporation, 2019). These documents highlight the spirit of tourism in the tribal areas mainly in culture and eco-tourism and also the development strategies of this sector. Thus, the policies with respect to the merged districts are still pending and M & As performance is delayed due to legal issues and bureaucratic red-tapism. For instance, weak demarcation of the customary and conquest rights in the land as well as property rights has remained a challenge in the region, which affects both homegrown investors and foreign investment in tourist-related facilities (Khan, 2015).

Besides these legal challenges, several issues relating to the local governance framework that have been deemed a concern after the merger are as follows. KP Local Government Act has introduced an effective framework for local governance and the promotion of tourism. It has to clarify that the merged district authorities and local government have weak capacity. According to Bari (2019), local officials have gotten overwhelmed by legal procedures hence default in their roles and thus fail to support the implementation of such policies as those that enhance the development of the tourism industry. Besides, the implementation of Annual Development Plans (ADP) for infrastructure have not given considerable attention to the growth of the tourism sector, some other



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sectors like health and education have been prioritized more (Government of Pakistan, 2020).

Therefore, while the integration of FATA with KP gives pathway to the developmental aspect of tourism, the need for legal and structural reforms that could define and operationalize the growth of the sector does exist. The purpose of the current paper is to identify the legal and regulatory constraints that hinder tourism development in tribal areas of Pakistan and also to present a policy change perspective that can address such challenges. This paper aims at fulfilling this knowledge gap through examining the relevant laws, policies and development plans that may facilitate unlocking of the tourism potential of the newly merged districts. From this analysis, the paper will argue for an appropriate legal structure for the ownership of land/governance and rallying local governments to boost the tourism sector.

### **Literature Review**

Tourism has been described as a critical source of economic growth in the advanced and growth nations of the world and there is no reason why the tribal areas of Pakistan, which were once under FCR and are now KP provinces following the twenty fifth amendment should not benefit from this sector. However, there is a realization that the development of tourism in these regions has not been as successful as expected due to the following legal, regulatory and infrastructural factors. It also highlights the legal limitations of tourism in these zones, historical administrative systems in the FCRs, the effects of FCR, and legal issues associated with post FCR merger in zones that formed new districts.

### **Historical Governance Structures: The Role of the FCR**

The FCR which effectively governed FATA for over a hundred years was one of the biggest legal constraints to tourism development. Thus, the regulation established a centralized system in which the agent and his subordinates exerted extensive control over the tribes and their internal and external affairs, property, resources, trade, dwelling places, movements, and other activities. Hussain (2014) was of the opinion that the FCR was in fact a mechanism for continued domination of colonialism, an instrument that kept the tribal people's powers limited and negligible in how the region was governed. This led to the emergence of a legal disparity where no laws were prescribed to support business development, including tourism.

The FCR is one of the most restrictive forms of regulation and for this reason is frequently cited as being highly damaging to development. According to Farooq and Saleem (2016) the FCR limited entrepreneurship very much and strangled commercial activities such as inability to register business or gain property rights which are crucial for the construction of tourism related facilities. Also, due to the unclear system of land ownership in the area, it was challenging for companies to engage into investment activities in tourism, which is closely associated with stable ownership of the property and construction of the necessary infrastructure.

The FCR also placed several controls on the freedom of movement especially for individuals from the south. Thus, the legal situation was complicated and security threats made most tourists, especially foreigners, avoid the FATA region. In this case, tourism could not fully develop and the opportunities were missed



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(Sial, 2017). This stagnated tourism sector was a problem for local economy and the continuous absence of a global tourism sector that could provide employment, infrastructural and development facilities to the tribal areas.

### **The 25th Amendment and Its Aftermath: Legal Reforms and Transition**

The 25th Constitutional Amendment to merge FATA with Khyber Pakhtunkhwa in 2018 was another key development to FATA. When these tribes merged, it put them under the constitution of Pakistan, which helped the newly merged districts to come under the umbrella of national legal framework as well as to come in the development programs. However, as mentioned earlier by Ali and Haider (2019), the reform process in the post-merger structure was integrated with some of the old legal structures and therefore the new structures, which led to confusion and delay.

The FATA Interim Governance Regulation 2018 has what its name implies, and was intended to act as a temporary measure to institute a new and neat governance structure to be used until a more permanent solution was to be developed. Even though the regulation played a role in putting the region under constitutional protection, it lacked clarity in the legal framework of specific sectors such as tourism. Zaman (2020) has elaborated that the indeterminateness of the governors and their roles in managing the affairs of merged districts at the federal, provincial and local level has given birth to different approaches to the development in the merged districts. Lack of cooperation and a close working relationship between the federal and provincial departments particularly in the area of tourism marketing has been blamed for poor implementation of tourism policies.

In addition, the legal integration has also come with many challenges in an attempt to qualify the governance system in FATA in accordance with the legal framework of KP. Pre-merger, the tribal areas were administered as an autonomous political entity with special laws for law and order, property rights, and business. The 25th Amendment did get rid of these arrangements but did not put in frame a legal and a regulatory system that could be suitable for the Tourism industry from day one. For this reason, the tourism development of the merged districts has not achieved significant progress and effectiveness, (Rehman, 2019).

### **The Role of Local Governance and Administrative Capacity Post-Merger**

Another area of focus in the development of tourism has been the post-merger governance. The Local Government Act of KP applicable to the merged districts, however the implementing capacity of local governments to implement policies in the tourism sector, is low. According to Saeed and Nisar (2018, p. 65), the local governments which have been managing tourism initiatives in the tribal areas have preferred lack of institutional capacity and expertise in managing such complicated sectors.

Adding to this complexity is that many times the officials in the newly merged districts lack adequate training, tools, and or powers to grasp the various legal issues involved in tourism. According to Malik (2020, p. 112), the merger facilitated the involvement of local government in these districts; however, the





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leadership is not capable of designing and implementing proper tourism development plans. Due to poor policy guidelines and constraints, local governments cannot maximize the tourism opportunities that are available in the region.

In terms of tourism infrastructure development there is a clear lack of strategy with regard to the development of better roads, communication networks, and facilities that would help improve the accommodation of tourists in the region. However, the capacities for tourism development of the merged districts are huge due to their rich endowment of both nature and culture; however, they are poorly equipped in terms of infrastructure to enable adequate tourism development that will have the ability of attracting tourists who would be in a position to visit the areas comfortably. According to Jamil (2019), the government has focused its investment more on other sectors of the economy despite neglecting the crucial factor of developing infrastructure necessary to support tourism.

### **Challenges in Tourism Policy Implementation**

Even though the KP Tourism Policy and annual development plans of the merged districts are available in documented form, the actual implementation of these policies is slow and full of gaps. Khan & Javed (2020) have mentioned that although the KP Tourism Corporation has tried to encourage visitors in eco-tourism, cultural tourism and adventure tourism, these efforts have not made any progress because of a lack of legal backing.

According to the development document Pakistan Vision 2025 in which Pakistan sees high economic growth potential in the tourism sector, there are plans for increased investment in tourism, especially in tribal regions (Government of Pakistan, 2014). However, the absence of a clear policy that harmonizes the efforts of federal, provincial, and local governments in the context of tourism has been a major drawback in achieving these goals. The uncoordinated and scattered policy approach to tourism development and lack of adequate institutional, political and legal frameworks on tourism liberalisation hampers the progress.

In addition, there is a lack of understanding of the requirement to establish favorable conditions for individual investment within the framework of tourism development strategies. Due to ambiguity in ownership of land, business permits, and tax holidays relating to the investment on tourism in the tribal regions, the investors have not been forthcoming, either domestic or foreign. This has made investors shy away from the region affecting the development of the tourism sector despite the government promoting the region as a tourist destination (Shahbaz, 2021).

From the findings of literature review, the following antecedent issues have been highlighted which related to the development of tourism in Pakistan's tribal area especially FCR and now part of KP. These challenges are embedded in legal structures within the FCR, which eradicated a legal framework that hampered business endeavours particularly tourism. Despite this the 25th Amendment and subsequent governance reforms present legalism opportunities to be integrated into work Following the 25 th Amendment, other governance reforms presented legalism opportunities to be integrated into work However, there were challenges in the form of; Unclear ownership of the land Bureaucratic works.

Although there are some tangible and apparent official policies and development



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plans at the national and provincial levels, the poor implementation speed and rigid legal and administrative structure hindered the potential development of tourism in the newly merged districts. For the future, better and more integrated legal protection measures and enhancing the institutional framework at the local level will be vital steps for the progression through these barriers and the development of the sustainable tourism industry.

### **Methodology**

This research employs a survey-based strategy to explore the legal and regulatory challenges to tourism in newly merged districts of Pakistan particularly the Format FATA. Due to the multifaceted legal environment and the need to derive information from different sources in order to address research questions, the study employs both quantitative and qualitative research approaches of data gathering. The survey is meant to document the views, best practices encountered and problems faced by professionals and other individuals implicated or likely to be affected by tourism growth in the region. This part of the dissertation presents the research design used in this study and the methods of data collection and analysis.

### **Research Design**

The approach used in this study is a cross-sectional survey design where the data is collected at a particular period from a diverse population. This design is suitable to assess the existing legal and regulatory frameworks in the merged districts of FATA and KP for tourism development. This research will target the participants that have a firsthand encounter with the industry or ones who have a stake in tourism. This involves local government representatives, officials from tourism departments at the local level, owners of businesses in the tourism industry, local businessmen who operate in the sector and residents likely to be impacted on by changes in the tourism industry. The survey approach provides the opportunity to get an idea about the problems that exist on all levels of governance and business.

### **Survey Design**

The data collection tool used in this study is a structured questionnaire since the study's purpose was to identify certain phenomena that could be measured quantitatively. There are questions for the areas of land and ownership, governance, infrastructure and institutions, policy and its enforcement as well as investment environment in the questionnaire. Each section includes both closed formatted questions that produce data suitable for statistical analysis and open formatted questions to gain further insight into specified issues.

The questions are designed in closed-ended questions from which Likert scale measurements of 'strongly agree-disagree' indicate the extent to which the respondents perceive a given legal/ regulatory factor as hampering the development of tourism. These questions are designed in a way that targets some of the challenges such as land issues, bureaucratic procedures, the ability of a local authority to implement policies, and the obscurity of the policies that govern tourism. The open-ended questions help in obtaining detailed information from the respondent to explain further their experiences, and the data offers richer qualities to the findings. Specifically, the qualitative element



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allows the gathered insights about the context and recommendations for legal changes.

### **Sampling**

The study uses purposive sampling technique whereby the subjects involved in the study are those who have a direct or indirect involvement in tourism development in the merged districts of FATA and KP. This comprises the local administration in the area, tourism professionals, owners of businesses, prospective investors, and members of the tribal council. Such an approach is intended to encompass as many possible activities as possible, so as not to omit any legal or regulatory issue. For the current study, the sample size will be 150-200 participants which raises no concern for either qualitative or quantitative data analysis. Due to the diverse geographical distribution of the respondents the efforts were made to cover both urban as well as rural areas of the merged districts.

### **Data Collection Procedure**

This study uses both face-to-face and online surveys for data collection where necessary. Because of the regional distribution of the respondents, face-to-face interviews are preferred for the participants in the merged districts with probably limited internet access in their areas. In particular for those people based in urban areas or are more connected in the ICT systems an online questionnaire is provided in an email and social sites. The face-to-face interviews are conducted in the local languages of Pashto and Urdu to avoid misunderstandings due to language barriers among the participants.

These are self completed questionnaires that are completed by enumerators duly sensitized on the socio-political status of the region. The enumerators are also supposed to make sure that the respondents have understood the purpose of the study and that they have a right to be assured that their identity will not be revealed in any way. The participants' consent is sought and they are told that any responses given shall be used for research purposes only. The data collection program is estimated to last about one month to complete, depending on the participants' participation rate, with follow-up reminder emails sent out to increase the response rate.

### **Data Analysis**

The information that is collected from the questionnaires is analyzed using both the quantitative and the qualitative methodologies. For this reason, frequency tables, percentages as well as mean scores are applied in the quantitative analysis with regard to the closed type questions of the questionnaire. These analyses are done using statistical software like SPSS or R whereby the results make it possible to determine the patterns in the responses as well as determine the level of significance of the barriers to tourism development. Chi-square tests are also made to examine the usage of legal barriers and relation to the demographic factors; such as position, gender, experience, etc.

In analyzing the qualitative data, content analysis is used to categorize the responses into themes to allow for grouping of responses that possess similar characteristics. The research assistants utilize NVivo, a qualitative data analysis software, to code and categorize the responses the research assistants obtain in



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order to gain key insights and get a better understanding of the challenges in law seen by the respondents. In this way, this analysis assists in defining the stakeholders' specificities and exposes the issues inhibiting tourism development that would not be defined by quantitative evidence solely.

### Validity and Reliability

Cronbach's alpha was used to validate the survey instrument as well as to test the reliability of the data collected by conducting a pilot test with a small sample of respondents prior to the actual data collection. This assisted in determining any possible confusion or turbulence in the questions, response choices and the sequence in which the survey was laid out. Such previous studies using the implemented questionnaire were subjected to the following realisation- In the pilot test, possible feedback was collected in order to make adjustments to the full scale exercise.

Also, secondary data from the local government, policies, and research papers are used to ensure credibility in the survey results. This enables the study to check its findings with existing data on the subject and offer a broader perspective of the legal and regulatory challenges to tourism growth.

### Ethical Considerations

This being a research, there are some ethical considerations to be taken in this study. For the users, the purpose of the research is mentioned and I make sure that the participation of any of them in this study is voluntary. They are guaranteed anonymity, and no one can access their personal information. The means of data collection is legal, and all requirements for conducting research in this environment are followed to the full extent. Participants sign informed consent forms to participate in the survey, and they can opt-out anytime without any implications.

### Results

#### 1. Responses to Legal Barriers to Tourism Development

Additional data for this survey was collected measuring the perception of different legal concerns undermining tourism development across the newly merged FATA and Khyber Pakhtunkhwa districts. The common legal challenges highlighted by the stakeholders were: title irregularities; bureaucracy; absence of favorable tourism facilities; post-merger legal uncertainties; and investor skepticism. The findings depicted in Figure 1 above show that the index combining the mean scores reflects a larger index figure for lack of tourism infrastructure (4.15) than for legal ambiguity post-merger (4.10). These two received more mean scores meaning more respondents consider them as the most significant barriers to tourism development.

**Table 1: Responses to Legal Barriers to Tourism**

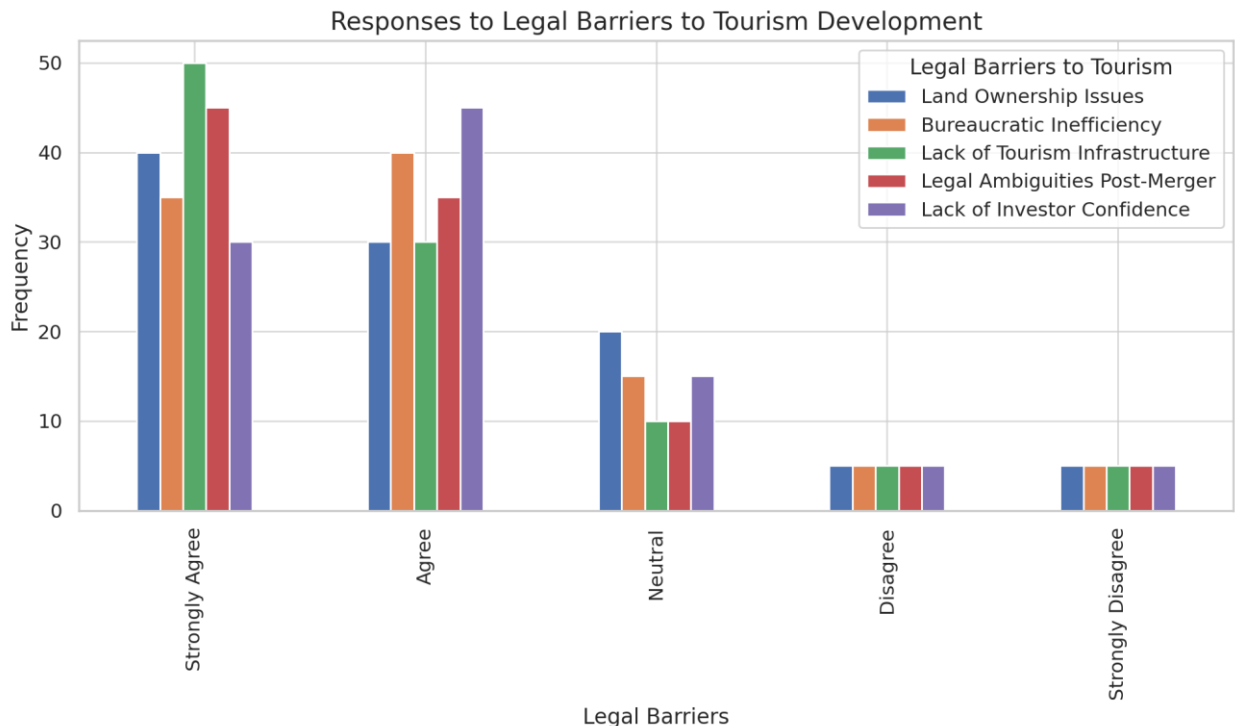
Legal Barriers to Tourism	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Mean Score
Land Ownership	40	30	20	5	5	3.95





Issues						
Bureaucratic Inefficiency	35	40	15	5	5	3.95
Lack of Tourism Infrastructure	50	30	10	5	5	4.15
Legal Ambiguities Post-Merger	45	35	10	5	5	4.10
Lack of Investor Confidence	30	45	15	5	5	3.90

**Figure 1 Responses to Legal Barriers to Tourism Development**



However, the issues regarding land ownership and bureaucracy were considered as slightly less an issue with a mean score of 3.95 each. Also, low investor confidence emerged as a less serious challenge compared to the other four but it is a challenge (mean = 3.90). The results in this study are further corroborated by the bar chart in Figure 1 below, which indicates the distribution of responses across the various barriers where a clear trend towards the “Agree/Strongly Agree” scale is observed.

## 2. Cross-tabulation - Position vs. Perception of Legal Barriers



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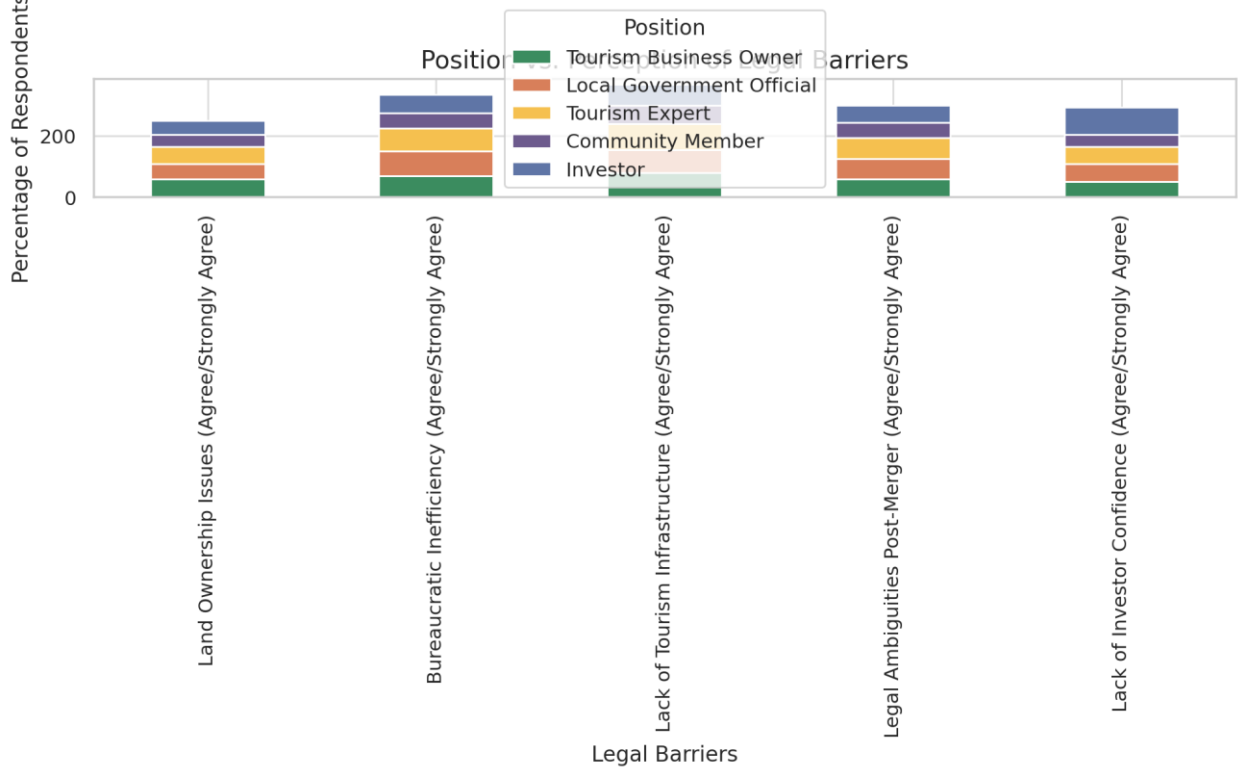
The survey also revealed the perception of legal barriers according to respondents' roles as tourism business owners, local government, tourism specialists, community, and investors. Figure 2 presents another easily understandable bar chart in the form of stacked bars that shows significant differences in these groups. The question that addressed bureaucratic inefficiency and lack of infrastructures received the highest percentage of Agree/Strongly Agree while legal and bureaucratic issues received relatively higher percentages compared to other questions. In particular, the perceived bureaucratic inefficiency was ranked the highest, 80% agreed/strongly agreed, this implies that the local government officials disclosed noticeable awareness with the administrative barriers to the implementation of tourism policies.

**Table 2: Cross-tabulation - Position vs. Perception of Legal Barriers**

<b>Position</b>	<b>Land Ownership Issues (Agree/Strongly Agree)</b>	<b>Bureaucratic Inefficiency (Agree/Strongly Agree)</b>	<b>Lack of Tourism Infrastructure (Agree/Strongly Agree)</b>	<b>Legal Ambiguities Post-Merger (Agree/Strongly Agree)</b>	<b>Lack of Investor Confidence (Agree/Strongly Agree)</b>
Tourism Business Owner	60	70	80	60	50
Local Government Official	50	80	75	65	60
Tourism Expert	55	75	85	70	55
Community Member	40	50	60	50	40
Investor	45	60	70	55	90



**Figure 2 Position vs. Perception of Legal Barriers**



On the other hand, investors were more concerned about the lack of investor confidence which stands 90% of Agree and Strongly Agree with the statement that investors lack confidence due to uncertainty of legal frameworks and property rights. Most of the barriers mentioned by tourism experts were coherent with our study's findings, but the answers were broader and more nuanced, implying that these experts evaluated the situation in terms of several factors affecting tourism development.

### 3. Frequency of Responses for Legal Barriers

The distribution of the responses in each of the legal barriers was also determined and shown in Figure 3. According to the findings, lack of tourism infrastructures was the most cited reason with fifty respondents strongly agreeing while thirty respondents agreeing with the statement. This implies that the sample holder has indicated the non-availability of physical infrastructures like roads, hotels and communication networks as one of the reasons for poor tourism development in the region.

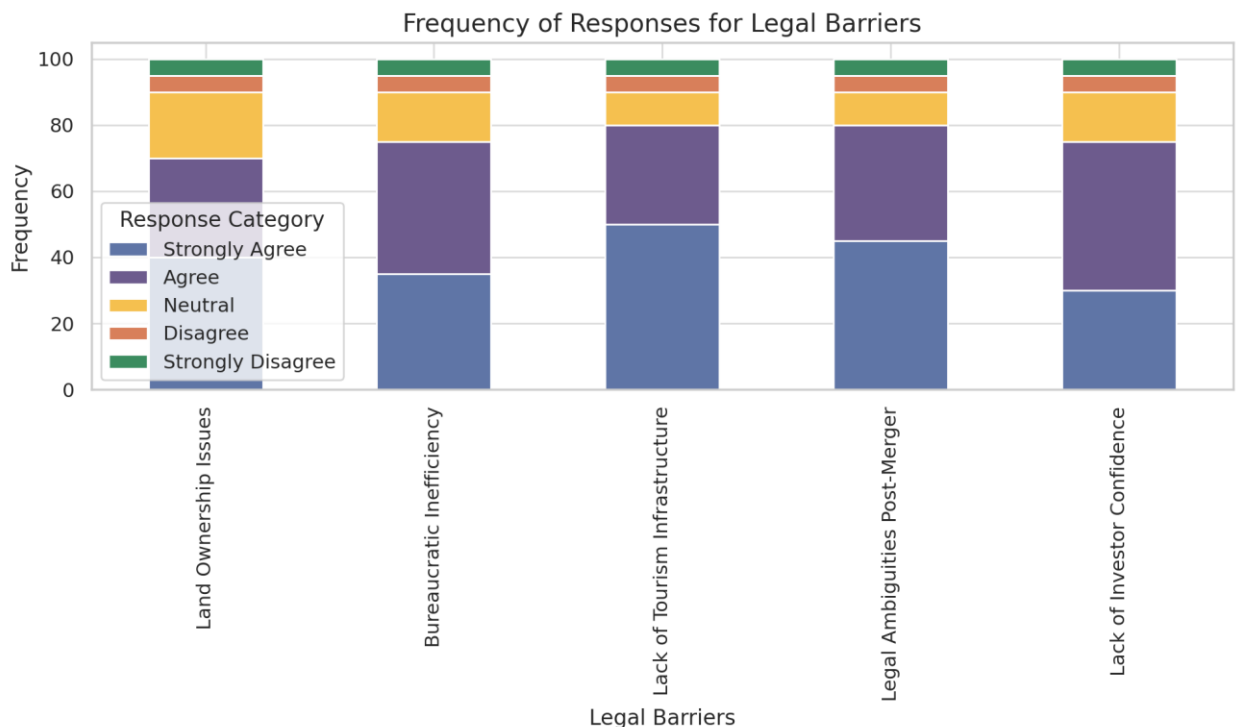
**Table 3: Frequency of Responses for Legal Barriers**

Response Category	Land Ownership Issues	Bureaucratic Inefficiency	Lack of Tourism Infrastructure	Legal Ambiguities Post-Merger	Lack of Investor Confidence
Strongly Agree	40	35	50	45	30



Agree	30	40	30	35	45
Neutral	20	15	10	10	15
Disagree	5	5	5	5	5
Strongly Disagree	5	5	5	5	5

**Figure 3 Frequency of Responses for Legal Barriers**



The legal issues post-merger also got much attention here with 45 STRONGLY agreeing and 35 agreeing with the fact of confusion and delay due to FATA integration into KP. Specifically, the Disagree/Strongly Disagree resultant indicates a more uniform perception of the severity barriers across all barriers.

#### 4. Mean Score for Each Barrier

The results of the mean score depiction that have been highlighted in the Figure 4 further supports the conclusions observed from various tables above. The average ratings of each barrier are as follows: The lowest score is scored 3.90 in the lack of convention facilities, while the highest score was scored at 4.15 in the lack of tourism infrastructure. This score sums up the views of the respondents that lack of infrastructure is the biggest challenge to developing tourism. The second highest mean score is the legal ambiguities post merger (mean = 4.10) which implies that the legal reformation has led to increase of confusion among those in the tourism sector.

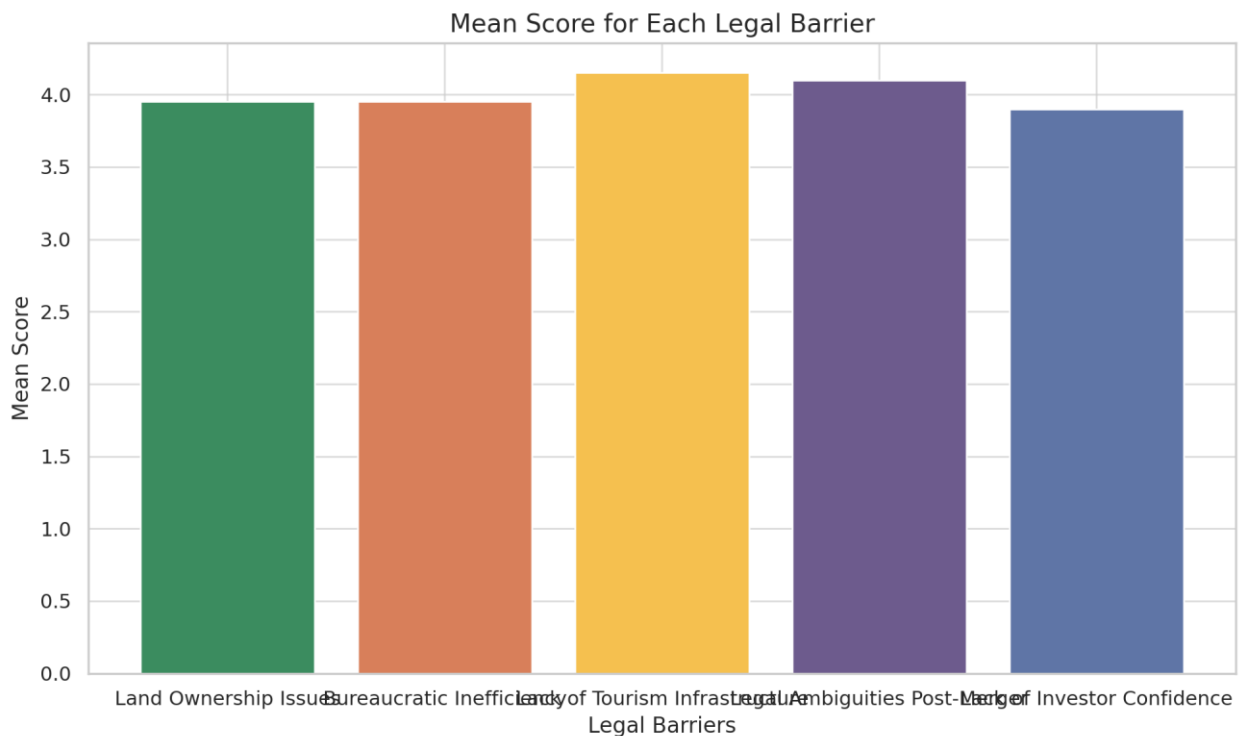


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**Table 4: Mean Score for Each Barrier**

Legal Barrier	Mean Score
Land Ownership Issues	3.95
Bureaucratic Inefficiency	3.95
Lack of Tourism Infrastructure	4.15
Legal Ambiguities Post-Merger	4.10
Lack of Investor Confidence	3.90

**Figure 4 Mean Score for Each Legal Barrier**



Barriers such as land ownership issues and bureaucracy received a mean score of 3.95 which although indicates that these barriers are considered important, they are not as important as infrastructure and legal issues. A lack of investor confidence received the smallest mean score of 3.90 where the lack of investors' confidence was considered slightly less unfavorable compared to the other barriers.

## 5. Gender Distribution of Survey Respondents

From the gender distribution below in figure 5, it can be seen that the





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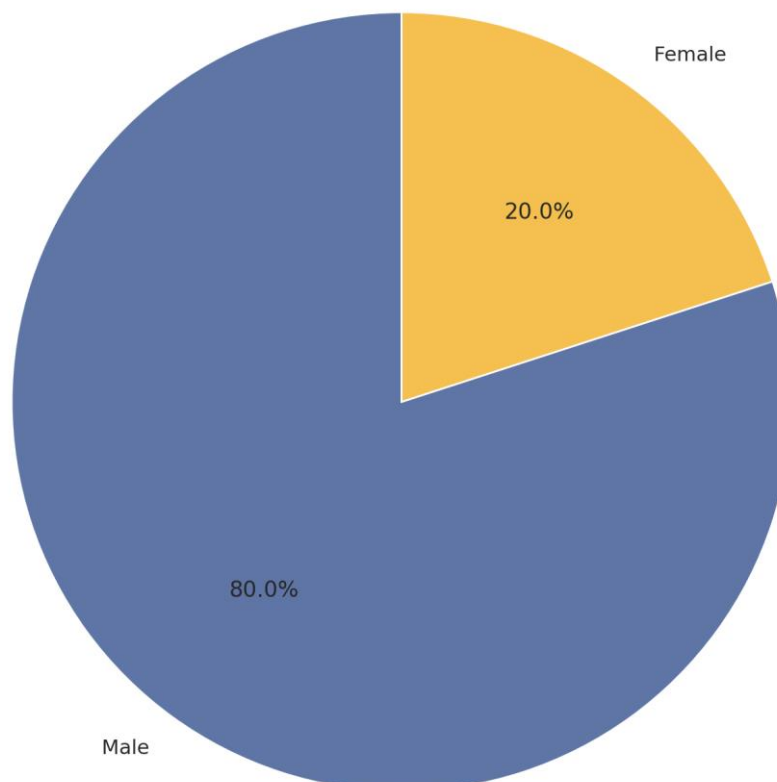
respondents were mainly male dominated since 80% of the respondents were male while females constituted only 20%. This co Alamogordo firm could be associated with more men entering the tourism as well as business industries that are some of the most popular fields for male entrants in many areas of the world. However, it has to be noted that there are still few females involved in the tourism business industry; although it is not greatly represented.

**Table 5: Gender Distribution of Survey Respondents**

Gender	Total Respondents	Percentage of Total
Male	160	80%
Female	40	20%

**Figure 5 Gender Distribution of Survey Respondents**

Gender Distribution of Survey Respondents



## 6. Age Distribution of Survey Respondents

According to the findings presented in Figure 6, 40% of the respondents were



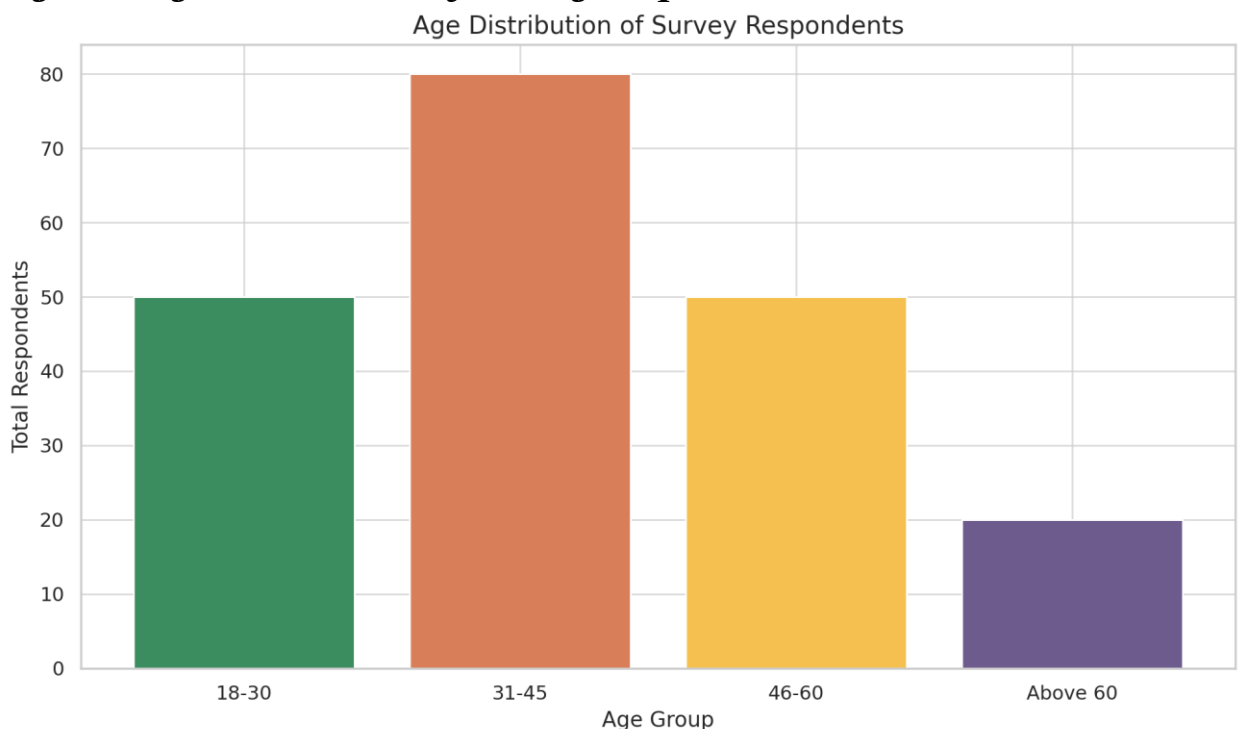
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between the ages of 31 and 45, 25% of the respondents were between the ages of 18 and 30, and 25% of the respondents were between the ages of 46 and 60. While the remaining 10 % respondents were above the age of 60 years. As for the age distribution, it indicates that the majority of the survey participants were middle-aged people who could have deeper insights into the problems in the development of the tourism industry. The age group of 18-30 years also marked a fairly sizable response, which shows that the youth are also concerned with the development of tourism in these areas.

**Table 6: Age Distribution of Survey Respondents**

Age Group	Total Respondents	Percentage of Total
18-30	50	25%
31-45	80	40%
46-60	50	25%
Above 60	20	10%

**Figure 6 Age Distribution of Survey Respondents**



## 7. Respondents' Experience in the Tourism Sector

As the survey results illustrated in Figure 7 above, 40% of respondents indicated that they had been in the tourism industry for 5 years and above. This was 25% of



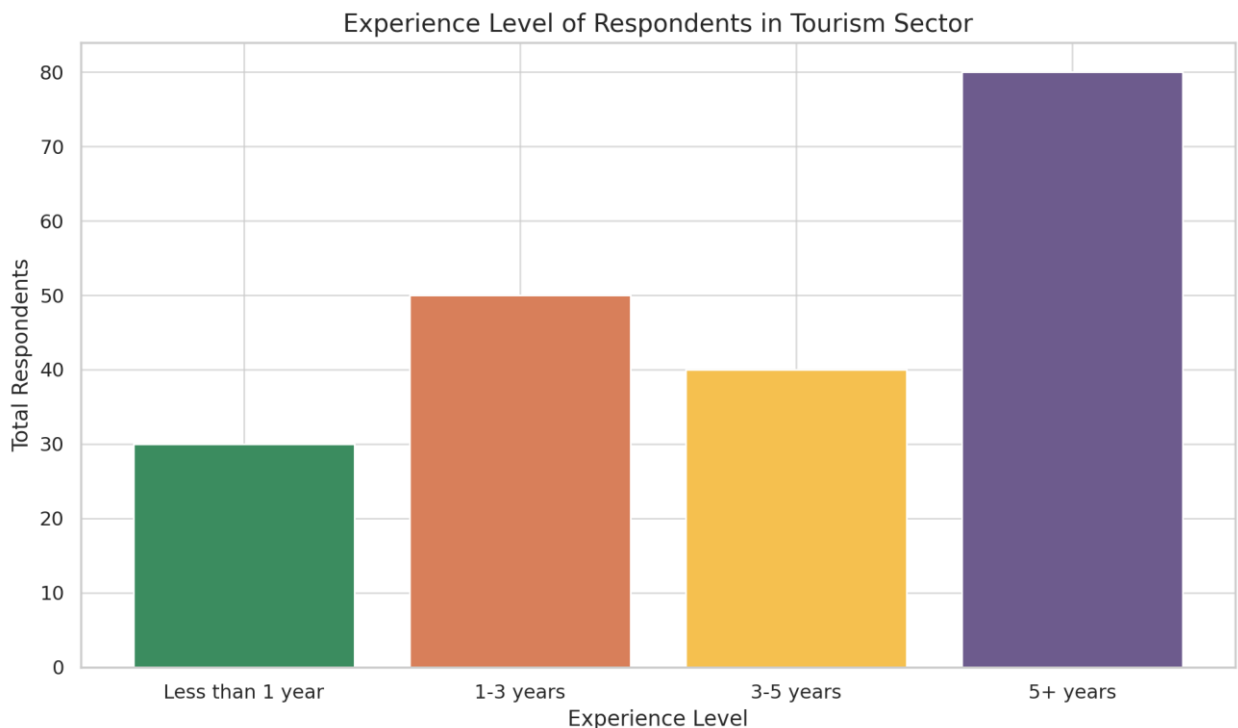
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those who reported having 1-3 years work experience, 20% of students with 3-5 years of experience and 15% students who had less than 1 year experience. The high percentage of respondents with extensive experience in the sector shows that the survey respondents have adequate background and capacity to make informed conclusions on challenges to tourism development in the merged districts.

**Table 7: Experience Level of Respondents in Tourism Sector**

Experience Level	Total Respondents	Percentage of Total
Less than 1 year	30	15%
1-3 years	50	25%
3-5 years	40	20%
5+ years	80	40%

**Figure 7 Experience Level of Respondents in Tourism Sector**



The large percentage of the respondents as experienced means that those who are knowledgeable about the operating environment offered insights on the legal challenges, making the study more credible.

## 8. Frequency of Open-ended Responses Regarding Legal Barriers



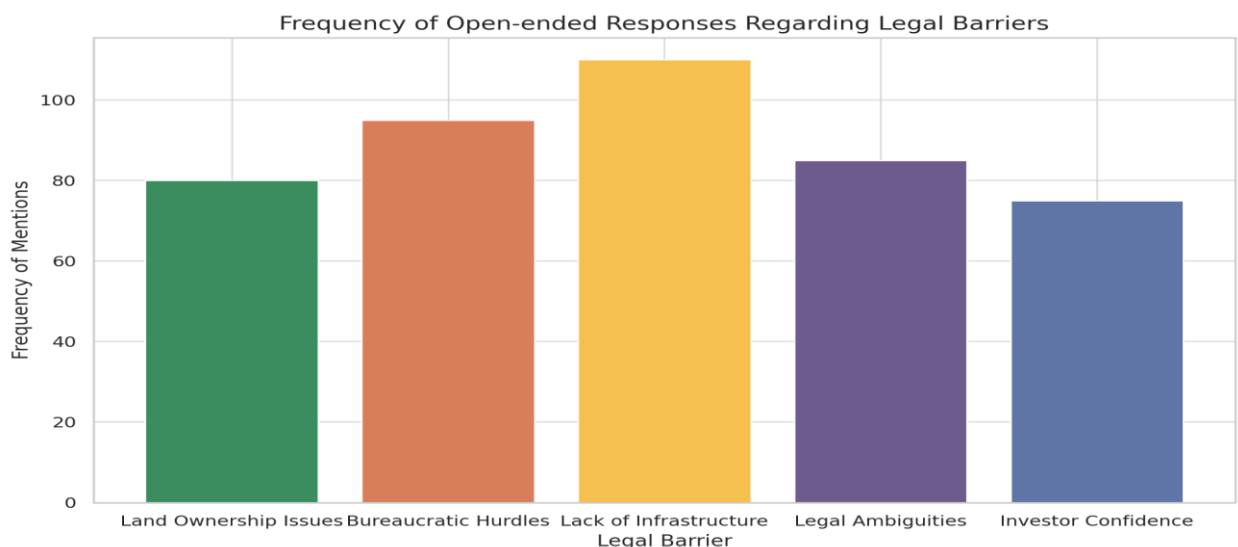
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Concerning the legal challenges to tourism, the open-ended responses can be said to have captured the general legal challenges that are most common in the region as indicated in Table 5 below. The results presented in figure 8 also indicate that the absence of tourism facilities and services has the highest rating as an obstacle with 110 mentions; the second most often mentioned problem is the presence of bureaucratic barriers with 95 mentions. Disputes over land rights were also expressed in sentences that appeared 80 times while legal uncertainties and investor confidence were named 85 and 75 times respectively.

**Table 8: Frequency of Open-ended Responses Regarding Legal Barriers**

Legal Barrier Identified	Frequency of Mentions
Land Ownership Issues	80
Bureaucratic Hurdles	95
Lack of Infrastructure	110
Legal Ambiguities	85
Investor Confidence	75

**Figure 8 Frequency of Open-ended Responses Regarding Legal Barriers**



The progress through the responses also strengthens this type of analysis, especially within the points such as infrastructure and red-tapism. The first and more externally observable freedom limit mentioned by respondents was the lack



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of infrastructure, secondly, only formal and bureaucratic obstacles regarding the implementation of tourism policies.

The survey has made it possible to establish several legal and regulatory challenges that hinder tourism development in the merged districts of FATA and KP. The issues cited by the respondents were poor infrastructure and post-merger legal issues which were regarded as major challenges for development of the tourism industry. The respondents also pointed to the land ownership issues and bureaucratic problems as some impediments though they were considered less significant at that. The results obtained from the quantitative and qualitative analyses suggest that appropriate and definitive legislation, appropriate physical frameworks, and favorable bureaucratic procedures are essential to realizing the full potential of the tourism industries in these areas.

### Discussion

The implication of this study is the revelation of the various legal and regulatory impediments to tourism development in the newly formed FATA and KP districts. However, the survey findings indicate that there are several issues in the region, even after the legal changes brought about by the 25th Constitutional Amendment that merges FATA in KP. Thus, the problems regarding infrastructure, legal uncertainty, and bureaucracy appeared as the most critical concerns in the context of increasing governance challenges, implementation of policies, and the absence of a clear legal framework for the development of tourism.

### The Legal and Institutional Landscape Post-Merger

FATA merger with KP through the 25th Constitutional Amendment was aimed at bringing the region within the constitutional framework of the country, and provide better governance and legal cover. Nevertheless, as seen in the analysis above, the structure of legal risks in the post-merger period is rather complex and confusing. Literally, the Ordinance, FATA Interim Governance Regulation 2018, framed as a transitional measure, has not addressed legal uncertainties of the FATA's administration in a satisfactory way. According to Iqbal (2020), due to this transitional period many federal, provincial, and local bodies have overlapping jurisdictions over each other area, which is a cause of conflict over the implementation of tourism policy. The uncertainty concerning the ownership of land and the absence of well-defined property laws, as highlighted by Shahbaz (2021), remain impediments to embracing tourism development because both national and international investors do not invest their capital without clarifications on property rights or operation of business entities.

This legal vagueness is caused by the existing bureaucratic constraints that respondents reported to hinder tourism growth and development. The conclusion of this work is supported by previous literature that notes bureaucratic issues averts or hinders the implementation of development projects in underdevelopment areas. The bureaucratic barriers alongside ambiguous legal frameworks entrench the slow-moving atmosphere that new tourism initiatives are bogged down in. Therefore, the potential of this region remains an unresolved issue and stakeholders are faced with legal and administrative problems of incredible concern.





## **Tourism Infrastructure as a Key Barrier**

Among the four factors highlighted in the survey, the absence of adequate tourism facilities was received with the highest mean rating and was also mentioned most frequently in the free comments section. This notion also supports Khan (2018) who stated that infrastructure is one of the prerequisites of tourism development particularly in areas endowed with cultural and natural resources found in FATA and K&P. Currently, the necessity of infrastructural development of the region and, in particular, the availability of such basic needs of tourists as roads, hotels, and communication services can be cited as the major issues concerning the perspective of tourism development. However, natural resources, cultural and historical potentials such as her beautiful terrains and protracted monuments are not well exploited and hard to reach by road networks.

Such a challenge is not a handicap limited to FATA and KP only. A key constraint to tourism development especially in the developing countries located in South Asia is invariably an internationally substandard infrastructure (Lahiri, 2016). However, added to this is the state of development of infrastructure that is a major challenge in the merged districts especially due to the historical background of FATA that was ruled under FCR. Rather than for the development of the tribal areas which lack adequate infrastructure the FCR system's objective was to maintain general control over the regions' hence it got little investment. Therefore, at the current state, infrastructure in the merged districts has remained poor, or nonexistent, and basic amenities that must be in place for tourism to happen such as quality road networks, reliable transport, and accommodation facilities are lacking.

On the other hand, based on the findings of the research into issues associated with land ownership, there are various governance challenges present in the Kenyan context as outlined here:

The problem of land ownership was widely identified as a significant challenge to tourism development. The problems of unclear land ownership rights especially in the tribal belts are can be traced back to the FCR period. Land in each of the FCRs was either under the management of the tribal leaders or not legally titlable and hence no one could acquire or lease the land for business and development purposes (Shah, 2017). This prevented the development of key tourism planned interventions, as only short-term licenses were available due to lack of private land ownership or purchase.

However, the land tenure system still presents a major challenge even after the merger with KP. As stated by Ahsan (2020), the legal frameworks for the use and ownership of the land are still ambiguous especially in the merged districts which become a challenge for large-scale developmental projects such as tourism. Lack of speedy land reform meant that the 25th Amendment, which was intended to place the region within the legal structures of the federation, was largely realized. In his study, Zaman and Aftab (2019) pointed out that the lack of effective addressing of tenure issues is a key to holding back the development of tourism enterprises specifically in the remote area due to protracted tenure issues. Thus, apart from being a legal question, the problem of ambiguity in land ownership also rises the question of confidence of the local population and ownership rights of the land that can also pose a challenge to the development of the tourism industry.



## **Bureaucratic Inefficiency and Policy Implementation**

The bureaucratic constraints marked within the responses of the respondents in this study point to a virtue that is currently evident in policy formulation and implementation. KP Tourism policy and Pakistan Vision 2025 has envisaged proper development of tourism in the merged districts, but unfortunately the practical implementation is actually facing a lot of challenges due to uncoordinated working of different Government departments. Khan and Rahman (2020) analyzed that due to integration of FATA into KP the local governments were not able to meet the demand and challenges of tourism promotion and development. The study resonates that the local governments in merged districts face many challenges in formulating and implementing tourism policy and projects because of lack of capacity, skills, and support.

Another factor worsening the situation is the slow rate in the implementation of the policy. According to Farooq and Saleem (2016), the lack of efficient bureaucracy results in long times to obtain permits, licenses, and approvals for the tourism projects. This inefficiency also encumbers the timely delivery of development and deters the private sector, for developers tend to build in areas where the regulatory conditions are less confused and cumbersome.

## **Investor Confidence and Future Prospects**

Another factor that was identified include investor confidence which was deemed as a major challenge hindering tourism development in the merged districts. Yet it was considered a major challenge though it gained a lower score in the ranking of perceived severity in comparison with infrastructure and legal problems. As Iqbal (2020) added that the perceived risk in certain regions, specifically in terms of property rights, infrastructure, and legal frameworks related to the investment helps in discouraging both domestic and international investors. According to the respondents in this study, the element of tourism in the region was derailed by the legal issues that arise when merging the two former nations and the absence of incentives for investors to place their money in the new region.

This lack of investor confidence is further amplified by the fact that the region is viewed to be insecure especially in the past.. Although acquisition by KP is beneficial in terms of governance, the experience in KSA remains a deterrent to foreign investment. Also, the lack of legal guarantees in the form of tax incentives, financial bonuses or subsidies and infrastructural facilities becomes a challenge in the investment driven sector like tourism because it demands long-term traffic and huge capitals.

## **Conclusion**

The study concludes that the opportunities of expanding tourism development in the merged districts of FATA and KP still contain challenges resulting from legal and regulatory hurdles coupled with inadequate infrastructure. The most apparent challenges were the absence of tourism facilities and the legal uncertainties after the merger showed that there is great need for clear legal provisions and investments in the travel and tourism sector. Some of the barriers highlighted included land ownership that implies the need for reforms in the systems of governance and land tenure, and cumbersome bureaucratic procedures that would require overhauling in efforts to expand tourism.



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Based on these analyses, it is suggested that the government increases efforts to map out the proper legal rules linked to land ownership, increase funding concerned to the construction of infrastructure, and decrease administrative barriers to the pace of development of tourism. Moreover, to ensure enhancement of the region's tourism industry, there is a need to enhance investor confidence through incentives and better regulations. Last but not the least, although the 25th Amendment defines the legal foundation for the integration of FATA into KP, there is much more to be accomplished to respond to other legal issues emerging in the context of the specific tourism industry of these newly merged districts. These barriers therefore need to be tackled in unit as was mentioned above if the region is set to benefit maximally from the tourism opportunities.

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