

INTER-JURISDICTIONAL GOVERNANCE COORDINATION, COMMUNITY SUPPORT AND COMPLIANCE WITH THE ILO 169 CONVENTION ON INDIGENOUS RIGHTS: FINDINGS OF A CROSS-SECTIONAL STUDY OF THE INDIGENOUS PEOPLE OF THE KALASH VALLEY IN PAKISTAN

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ABSTRACT

This study primarily focuses on the compliance/non-compliance with the ILO 169 Convention, in relation to inter-jurisdictional governance coordination and internal community support. The Convention allows for identity preservation for indigenous communities. Keeping in view the micro-foundation of the proposed framework-of-analysis, a cross-sectional study was carried out on indigenous people from Bumburet Valley of the Kalash region in the form of personal interviews, while sampling units were selected using convenience sampling. Over the past decades, the Kalashi have faced both internal and external threats with regards to exercising their right to self-determination and identity preservation in the society. For modelling purposes Robust Regression, Quantile Regression and the Tobit Model were estimated, all of which rendered coherent results. Estimates of competing econometric models imply that inter-jurisdictional governance coordination, appearing in the form of consultation and functional autonomy, and community support, result in a positive-sum game for the indigenous Kalash, with regards to compliance with the Convention.

Keywords: Inter-jurisdictional Governance coordination, Community support, International Labor Organization 169 Convention, Cultural absorption capacity, Robust Regression, Interaction Model

INTRODUCTION TO THE SOCIO-ECONOMIC PROFILE OF THE INDIGENOUS PEOPLE OF KALASH VALLEY

Indigenous people of any country are a precious part of its cultural heritage. The cultural and social preservation of these people is an integral responsibility of that country. With a unique religion and rich culture, the people of Kalash are distinct from their fellow countrymen in all social aspects. They are found living in the remote valleys of Bumburet, Ramboor and Birir situated in the Chitral District. Their reputation as a distinct civilisation can be traced back long before the birth of Pakistan. While some believe in the local myth of them being the descendants of the great Alexander's army, others think of them as remnants of the ancient civilisation known as Nysaeans (Naqvi, 1996, p 677). During the 1800s it was estimated that the Kalashi ranged from 200,000 to 600,000 in population; however, this number has reduced drastically over the years with only 2500 Kalashi reported today. Earlier, they were looked down upon as an image of servitude until 1972 when slavery was abolished and they were entitled to a set of rights under the Pakistani Constitution. With only 2500 Kalashi remaining, Pakistan faces the issue (though not the obligation) to not only secure their survival but also to preserve their identity as a distinct religious and ethnic group. Legally, they should enjoy privileges and rights like any other citizen of Pakistan; however, in reality their interests are far from protected.

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ILO CONVENTIONS 107 & 169: ASPECTS OF SOCIO-POLITICAL IDENTITY AND POSITIONALITY

Subsequent to its initiation in 1919, ILO has been addressing the issue regarding the welfare and development of indigenous communities³ around the world. Its first major contribution to the field was in 1957 in the form of Convention No. 107, also known as the Indigenous and Tribal Populations Convention. However, the Convention was criticised as an instrument that would slowly integrate indigenous interests into national interests, legitimising the gradual elimination of indigenous identity and culture (Naqvi, 1996, p 707). Because of the criticism it faced, the Convention was revised extensively and in 1989, was renamed to the Indigenous and Tribal Peoples Convention (Convention 169). Today, only 20 countries have ratified the new Convention (excluding Pakistan). The 169 Convention not only incorporates the drawbacks of the 107 Convention, but has also taken a major step in redefining indigenous rights.⁴ The essence of the Convention lies in the two fundamental concepts: consultation and participation. Together, they provide the basis for the provision of right to determination.

However, the 169 Convention is far from perfect. Although it recognises their right to self-determination, it does not give them the power to veto any government decisions (for example, a development project or extraction of resources). Moreover, the Convention acts as a compromise between the government, indigenous people and the society. Governments might not be entirely pleased with indigenous autonomy undermining their governance, especially if they are not aligned with national interests. Similarly, Pakistan is not a signatory of the new Convention (169) as basing its policies on this Convention would undermine the autonomy of the government in terms of the legal, social, and economical structure pertaining to the Kalash region. For example, the current regime is more inclined towards industrial and region-specific infrastructural development as opposed to the protection and preservation of an indigenous community. Furthermore, being an Islamic state, the level of openness in the people of Pakistan towards a pagan religion and culture is particularly low which is why accepting the cultural identity of such an ethnicity is a somewhat gradual process. As a result, providing the right to self-determination to them is not on the government's top priority list.

OUTSIDE COMMUNITY PROVOCATION, VICTIMISATION AND COMPLIANCE WITH ILO 169 CONVENTION

The rich cultural heritage of Kalash attracts a lot of local and international tourism in that region. Ironically, it is not the indigenous population that benefits economically from this influx of tourists. The hotels, jeeps and shops are owned by the non-Kalashi Muslim population. Hence the Kalashi, despite being the reason for bringing tourism to that region, do not benefit from it (Naqvi, 1996, p 692). Also, increased tourism is actually leading to more subtle social issues. For example, many Kalashi women are photographed and perform ceremonial dances for tourists in exchange for monetary compensation thus serving as a source of income. But since these ceremonial dances have a deeply-rooted religious significance for the Kalashi people, the elderly Kalashi have denounced it as a "form of prostitution" (ibid, p 691-692).

The cultural and religious values and practices⁵ of Kalash also make them a target of Muslim missionaries coming to the region for the purpose of coercing the local Kalash to convert to the

³ Although the term, 'indigenous people', has been described in various ways across literature, ILO identifies it as a group of people or community living in historical continuity with their own unique and traditional lifestyles, distinct culture and customary ways of life. Alongside they have their own social association and political foundations regardless of their legal status in the society.

⁴ It addresses a wide range of issues such as defining land and property rights, access to basic needs such as food, shelter, education, health, sanitation etc., preservation of natural resources, access to employment opportunities and vocational training.

⁵ Particularly in terms of relaxed extramarital affairs, consumption of wine and idolatry.

Muslim faith. Recently, militant Muslims have posed a more blatant threat to the already dwindling population of Kalash in the form of unconcealed coercions to convert to Islam. Furthermore, owing to the contrasting nature of the Kalash customs and values with those of Pakistan in general, the Kalash do not openly celebrate their festivals with ardent passion, in fear of retribution by Muslim extremists. In light of the Conventions 107⁶ and 169, Pakistan still has a lot of ground to cover when it comes to giving rights to the Kalash people. Article 4 of the 169 Convention talks about safeguarding the people and their institutions, while Article 5 states that policies, which aim for alleviating difficulties faced by the indigenous people, should be implemented with their consent and involvement. However, in reality, the situation is much grimmer. The Kalash have little protection against outside forces, while consultation in policy and decision-making to counter such forces is minimal.

COLLABORATION OF COMMUNITY WITH STATE INSTITUTIONS FOR NEEDS ASSESSMENT OF DEVELOPMENTAL PROJECTS

State institutions play a vital role in the development and policy-implementation of a country. Participation and collaboration are crucial if state institutions mean to effectively cater to the needs of the indigenous population. The current state of Pakistani institutions has deteriorated over the years owing to factors such as corruption, illiteracy and overpopulation. State institutional failure has rendered them incapable of providing the Kalash people with adequate facilities and development in the region. For example, in 2013 Mahmood Khan⁷ collaborated with the members of the Kalash community to discuss their problems and even allocated Rs.10 million in an Annual Development Program for carrying out developmental projects in the region. However, to this day, no signs of such developmental projects have been seen. Unfortunately, the contributions made by foreign institutions towards infrastructural and social development in the Kalash Valley surpass those made by the state institutions. For example, the sole hospital in the Bumburet Valley exists due to efforts made by the German Red Cross Foundation. Out of the local contributions, non-state actors such as Non-Governmental Organisations (NGOs) make the majority of them. In the 1980s, the Agha Khan Rural Support Programme (AKRSP) carried out infrastructural development projects that included laying out irrigation channels throughout the Valley. The success of developmental projects relies on a mutually dependent symbiotic relationship between the indigenous community's collaboration with state institutions rather than one entity benefitting the other. In case of Malaysia, it was found that the indigenous community should be given vocational education as well as financial support in order to attract more tourism (Ab.Hadi, 2013, p 1843).

RESEARCH CONCERNS AND STUDY OBJECTIVES

The study aims to find out how state institutions can play a role in preserving and protecting the people of the Kalash Valley, in accordance with the rights put forward by the 169 Convention. Moreover, it aims to find out how community participation, both within and outside the indigenous boundaries, can play a vital role towards the development and better standard of living for the people of Kalash. The objective is to highlight the factors that are in compliance with the Convention and point out those that show non-compliance. Most studies in Pakistan, regarding the Kalash Valley, have emphasised their rights using qualitative measures, whereas this study looks at both qualitative and quantitative aspects by using different econometric models (an area which lacks in-depth research pertaining to the topic). Hence, the study aims at testing the proposition that whether inter-jurisdictional governance

⁶Article 2(3) of the Convention 107 excludes the option of use of force and coercion to stimulate integration of the indigenous population into the national community while Article 7 allows for them to hold their own customs and institutions if they are not discordant with the legal system of the nation.

⁷ Khyber Pakhtunkhwa (KPK) minister of sports, culture, tourism and museums.

coordination and community support affects compliance with the 169 Convention, in a cross-sectional setting for the Kalash Valley in Pakistan, significantly or insignificantly.

COMMUNITY INTERNALISATION, CULTURAL ABSORPTION CAPACITY AND COMPLIANCE WITH ILO 169 CONVENTION

Globally, indigenous people in most countries are relatively deprived of economic resources. This might directly shape perceptions of the community regarding the strength of their cultural and religious identity, thus affecting their cultural absorption capacity. By having a low cultural absorption capacity, the indigenous population might not be receptive to changes in their social and physical environment. The level of cultural absorption capacity also has a significant impact on the extent of community internalisation within the people as a means of integrating with other communities. Having a high level of community internalisation, the indigenous people would be more open to outside cultures and societies. Thus cultural absorption capacity reflects how amenable the local population is towards any outside changes that directly affect their distinctiveness which in turn plays a vital role in determining the extent of community internalisation in the people. For example, in Northeast Arnhem Land in Australia, the indigenous community discussed the vitality of using traditional practices to deal with their troubles in order to maintain cultural, physical as well as emotional health (Petheram, 2010, 686).

A high level of cultural absorption capacity and community internalisation would thus certainly depict fulfilment of rights to religious, cultural, and social security. The 169 Convention clearly describes the rights of indigenous people to preservation of their religious identity and cultural heritage. Therefore, a high degree of cultural absorption capacity and community internalisation illustrates high level of compliance with the ILO 169 Convention.

NEEDS ASSESSMENT OF DEVELOPMENT PROJECTS WITH INSTITUTION: INTER-JURISDICTIONAL GOVERNANCE COORDINATION

The effectiveness of the developmental projects in any region depends heavily on the level of inter-jurisdictional governance coordination present in decision-making. Compliance with interests of the indigenous people will result in better social and economic prospects. In Malaysia, it was found that the indigenous population is ready to be more involved in the tourism sector given that the tourism activities serve its best interests, viz.: employment, infrastructural development, maintenance of health, and contribution to additional revenue (Ab.Hadi, 2013, p 1842).

It is crucial that consultation be used to mutually outline the benefits of developmental projects to be gained by both the government and the indigenous people. If any project serves national interests but proves to be detrimental for the local community, the local people may not accept that the projects to be carried out. For example, in 1989 landowners on Bougainville Island in Papua New Guinea launched a rebellion owing to the immense impact of mine pollution on their livelihoods and inadequate compensation. The rebellion caused one of the largest copper mines in the world to be completely closed down (O'Faircheallaigh, 2013, p 22).

Involvement of indigenous people in the needs assessment and decision-making of developmental projects is critical if governments want to ensure successful commencement of their activities. Involving the local community not only employs the use of local expertise, thus boosting the efficiency and effectiveness of activities, but also helps keep at bay obstacles raised by local communities due to a lack of consultation and involvement. In the case of Australia, the indigenous people have been able to develop governance activities like developing a partnership with government and non-government institutions that work on environmental and natural resource management (Maclean, 2015, p 143).

COMMUNITY SUPPORT, COMMUNITY PARTICIPATION AND COMPLIANCE WITH 169 CONVENTION

Community support characterises participation within as well as outside of a society. The members of any indigenous population depend heavily on the support that they receive from other members within their community. According to Richmond et al., Social support behaviour can be classified into four different classifications. Positive interaction refers to the care a person gets from spending time with other individuals in the society. Support can also be emotional, which refers to guidance and feedback that might aid a person in finding solutions to their problems. Another form of support is tangible support that refers to material aid, such as having somebody to take care of you when you are ill. Support can also be through fondness, warmth and intimacy, which relate to love, care, and empathy (Richmond, 2008, p 1827-1828).

Community support might even come from outside communities in the form of acceptance of the religion and culture of the indigenous people. The need for participation in indigenous communities is necessary for development. Participation helps decrease or even overcome the effect of bounded rationality; individuals may wish to amalgamate their inadequate capacities by engaging in a dialogue and proliferate the chances of effective decision-making. Community participation must also include the involvement of women so that they actively contribute towards community development. In Guatemala, a country with a largely young, poor and indigenous population, decisions that the marginalised Mayan girls make largely involve their partners, family, community, as well as health providers. The key method to address problems of sexual and reproductive health pertaining to these indigenous girls is to use a participatory approach (Wehr and Tum, 2013, p 141). In light of Article 2(1) of the ILO 169 Convention, governments are responsible for developing actions for the protection of the indigenous people with the participation of the people concerned. Therefore, community support is essential for the fulfilment of the rights of indigenous people.

NATURE AND DIVERSITY OF EXTERNAL THREATS AND RISKS: ASPECTS OF NON-COMPLIANCE WITH ILO 169 CONVENTION

Across the globe, indigenous people are known for being victims of various external and internal risks that threaten the sanctity of these civilizations. One of these threats is that of oppression from external communities. Indigenous populations face a lot of persecution if they follow a different religion than the outside communities. In extreme cases, powerful non-secular communities might even coerce the native population into converting to their own religion (Elias, 2012, p 1561). External communities also pose threats in the forms of deforestation and the draining of local resources. Most indigenous communities live in areas abundant in natural resources, which serve as a basis for their sustenance. Literature has documented the economic and social marginalisation of the indigenous people of these areas, which are affected by extractive industries ((O'Faircheallaigh, 2013, p 23).

Even internal threats, like violence patterns among indigenous men that are apparently manifestations of a certain culture located where non-indigenous and indigenous societies intersect are defined as products of external factors such as alienation, poverty, discrimination, stress, and dispossession (Sutton, 2001, p 134). When considering the rights of indigenous people as given by the ILO Convention 169, Article 5 requires social, cultural and religious values to be preserved and protected and that due account should be taken of the problems faced by local people as a group and as individuals.

INSTRUMENT DEVELOPMENT FOR ASSESSING COMPLIANCE/NON-COMPLIANCE WITH 169 CONVENTION

The ILO 169 Convention is an instrument that recognises indigenous peoples' right to self-determination on an international platform. It acts as a guideline for different institutions such as the government, community, and NGOs, as well as individuals as to how they can play a

role in the provision of the Convention. For this research, the dependent variable, ILO,⁸ is measured with the help of the articles provided in the 169 Convention. Questions were derived using these articles and measured on a Likert scale from 1 to 5, where 1 indicates non-compliance and 5 indicates compliance towards the Convention. Hence, a total of 35 items were used to assess the variable “ILO”.

In order to measure the degree of fundamental freedom enjoyed by indigenous people without any hindrance (Article 3-1), the respondents were asked to rank a series of questions on a scale of 1 to 5; where 1=“strongly disagree”, 2=“disagree”, 3=“neutral”, 4=“agree” and 5=“strongly agree”. For example, to check for the degree of freedom, they were asked if they were given the right to freely celebrate their cultural festivals; whereas for the hindrance component, they were asked if they are able to freely celebrate these festivals even if they are contradictory to the Islamic and cultural values of the country. Likewise, they were asked to rank the different types of festivals celebrated without any element of fear. Similarly, a series of questions were used to measure their legal status, economic well-being, the discrimination component, and other articles pertaining to land rights, resource protection, job opportunities and skills enhancement, and healthcare. Responses were summed up and an average was taken. Respondents, whose averages were equal to or greater than 3, were treated as individuals moving towards the compliance side of the Convention. All others, whose averages were less than 3, were considered as individuals moving towards the non-compliance side. In the end, the variable ILO was taken as a dummy, where 1 represents all those respondents whose averages were 3 or above (hence, 1 indicates compliance), whereas 0 represents the ones whose averages were below 3 (indicating non-compliance).

QUESTIONNAIRE DESIGN, SAMPLING AND DATA COLLECTION DETAILS

In order to see the impact of inter-jurisdictional governance coordination and community support towards the compliance/non-compliance of the ILO 169 Convention, a cross-sectional study was carried out on the indigenous people of the Kalash Valley in Pakistan. As a result, primary data was collected with the help of questionnaires. These questionnaires were floated between 44 Kalashi residing in the Bumburet Valley, where the respondents were selected through convenience sampling. In order to get accurate answers, the questions were translated in either Urdu or Kalashi for a better understanding. Coming to the designing of the questionnaire, each respondent was asked a total of 178 questions which were divided into nine sections.⁹ The variable inter-jurisdictional governance coordination was measured using the following statement: the locals are consulted by the government before embarking on any project in your area. Again, all such statements were ranked on a scale of 1 to 5 (the interpretation of the scale is the same as above). Community support was measured using two variables: community participation and legal autonomy, where community participation is estimated through a series of questions as opposed to using a single question for measuring legal autonomy. Legal autonomy was measured through the following statement: the government gives you full autonomy in implementing your own legal system. For the variable community participation, different statements were used which covered a range of topics such as women participation, role of locals in community development, acceptance of religion by society, freedom to follow and practice religion, local Muslim community respecting culture, dispute settlement, participation so on and so forth. Other variables such as knowledge outreach and victimisation were measured using single statements, whereas the individual profile was

⁸ ILO is the name used to measure the dependent variable that shows the extent of compliance with the Convention.

⁹ These sections include: (A) Demographics, (B) the ILO 169 Convention, (C) Culturally-Appropriate Education, (D) Cultural Absorption Capacity, (E) Respect for Identity and Non-Discrimination, (F) Interprovincial Resource Conflict, (G) Political Aspect: Vulnerability and Victimisation, (H) Access to Infrastructure and Other Services, and (I) Life Expectancy Gap.

measured using a series of questions such as one's education status, sense of security and cultural absorption capacity.

SPECIFICATIONS AND ESTIMATION OF ECONOMETRIC MODELS

Three models have been used to study the impact of inter-jurisdictional government coordination and community support towards the compliance/non-compliance with the ILO 169 Convention. The dependent variable (ILO), denoted by Y, is taken as a dummy variable and is a function of the following independent variables: community participation, legal autonomy, knowledge outreach, inter-jurisdictional governance coordination, victimisation and individual profile. These are denoted by X₁, X₂, X₃, X₄, X₅ and X₆ respectively. The coefficients with the positive sign show a direct relationship with the dependent variable (compliance with the Convention), whereas a negative sign shows an inverse relationship (non-compliance with the Convention). The models used are as follows:

Robust Regression

On apprehension of heteroskedasticity, as caused by cross-section studies, Robust Regression was preferred. It can be used as an alternative to least squares regression. In this method, different weights are assigned to observations based on how well behaved the observations are. Hence, it may be used to detect influential observations. In order to see how different independent variables have an impact on the dependent variable (ILO), the following econometric model is used:

Compliance with ILO convention 169 = community participation + legal autonomy + knowledge outreach + inter-jurisdictional governance coordination + victimisation + individual profile + e

Quantile Regression Model

Quantile Regression has been estimated keeping in mind that this model gives relatively more weight to not too extreme observations. This model is used as a competing model and might be used as an alternative to robust regression. The coefficients are estimated by reducing the absolute deviations from the median instead of the mean. In other words, this model reduces the aggregate value of absolute residual terms. The model estimated the values at quantile 0.5.

Compliance with ILO convention 169 = community participation + legal autonomy + knowledge outreach + inter-jurisdictional governance coordination + victimisation + ε_i

Tobit Model

The Tobit Model has been used due to the ordinal nature of the data. It is estimated by transmitting the ordinal scale of compliance/non-compliance with the ILO 169 Convention into the form of high/low compliance, where 1 shows high compliance and 0 shows low compliance. This model is also used as a competing model in order to estimate the linear relationship between variables after censoring the dependent variable. The function for the following model is the same as mentioned in Robust regression specification.

Profile of Survey Respondents

The respondents were the indigenous people residing in the Bumburet Valley. 44 respondents were interviewed ranging from the ages of 17 to 52. The majority of them had farming or managing livestock as their main source of livelihood, whereas their incomes ranged from around 5,000 rupees to up to 40,000 rupees only. The family size of these households was large, with the highest comprising 16 members living under one roof. In order to find a decent job, the majority of the men work outside the cultural boundaries. Females were mostly involved in either making handicrafts or doing household chores.

ESTIMATES OF COMPETING MODELS, GOODNESS-TO-FIT AND MODEL CONSOLIDATION TESTS

Dependent variable	Compliance with ILO 169 Convention (Taken as dummy, 1=compliance; 0=non-compliance)		
Independent Variables	Robust Regression	Quantile Regression	Tobit Model
Community Participation (Average was taken of 9 items measured on a scale of 1 to 5; 1 for non-compliance, 5 for high compliance)	0.3155798 (1.84) [0.074]	0.3496504 (1.89) [0.067]	0.4058148 (1.87) [0.069]
Legal Autonomy (Measured on a scale of 1 to 5; 1 for non-compliance, 5 for high compliance)	0.155964 (3.40) [0.002]	0.1923077 (4.00) [0.000]	0.195387 (3.28) [0.002]
Knowledge Outreach (Measured same as above)	0.0767815 (2.20) [0.034]	0.0384615 (0.99) [0.327]	0.0965749 (2.21) [0.033]
Inter-jurisdictional Governance Coordination (Measured same as above)	0.1606746 (3.72) [0.001]	0.2307692 (4.93) [0.000]	0.193124 (3.27) [0.002]
Victimization (Measured same as above)	-0.1054169 (-3.14) [0.003]	-0.1153846 (-3.23) [0.003]	-0.1447947 (-3.35) [0.002]
Individual Profile (Measured same as above)	0.102302 (2.10) [0.043]	-	0.1566858 (2.57) [0.014]
Constant	-1.53454 (-2.64) [0.012]	-1.625874 (-2.62) [0.013]	-2.214686 (-2.99) [0.005]
Number of observations	44	44	44
Goodness-to-fit and Model Consolidation Tests			
Adjusted R-square	0.6492	-	-
Pseudo R-square	-	0.3429	0.5578
Prob> F	0.0000	-	-
Prob> Chi2	-	-	0.0000
Breusch-Pagan test	Prob>chi2=0.07 12	Prob>chi2=0.016 7	Prob>chi2=0.071 2
Variance Inflation Factor	Mean-VIF=1.11	Mean-VIF=1.06	Mean-VIF=1.11
Likelihood-ratio test	Prob> chi2=0.0000	Prob> chi2=0.0000	Prob> chi2 =0.0000

Note: Below the coefficient value, we report t-statistic in () and p-value in []

The data collected in cross-sectional studies often contains the problem of heteroskedasticity in them. Hence, consolidation tests were carried out on the results. To check for heteroskedasticity, a Breusch-Pagan test was conducted. The p-value in the Robust Regression and the Tobit Model was greater than 0.05 so we do not reject the null hypothesis, i.e. variance is constant and there is no indication of heteroskedasticity. However, for the Quantile Regression model, the p-value was less than 0.05 so we reject the null hypothesis, i.e. variance is not constant and there is a problem of heteroskedasticity in the data set. Moreover, to check for multi-collinearity the Variance Inflation Factor (VIF) test was carried out. In all three models, the VIF was closer to 1, which indicates no problem of multi-collinearity. A likelihood-ratio test was also conducted. The prob>chi2 value was less than 0.05, which shows that the main independent variables such as inter-jurisdictional governance coordination and legal autonomy have an important impact on the model.

Lastly, the adjusted r-square is equal to 64.92% in the Robust Regression Model, which indicates that moderate amount of variations in the dependent variable, ILO, have been explained through the independent variables. Moreover, according to McFadden, psuedo r-square in the range of 1 to 4 indicates goodness-to-fit, which in this case it is.

ANALYSIS OF FINDINGS

Inter-jurisdictional Governance Coordination and Compliance with 169 Convention

The results in the above table show a positive relationship between the dependent variable, ILO, and the independent variable, inter-jurisdictional governance coordination. The variables are highly significant at 1%, which implies that the higher the degree of inter-jurisdictional governance coordination, there will be more compliance with the Convention. As mentioned earlier, the essence of the Convention lies in the consultation and participation between the state and the indigenous community. If the state consults these people (keeping their interests in mind) before initiating any project or implementing any policy in the area, it will mutually benefit both parties. For example, if the government of Pakistan takes more pride in preserving the Kalashi language and culture, it will result in more domestic as well as international tourism. The income earned from increased tourism will not only have a positive impact on local livelihood, but will also result in capital inflow for Pakistan.

The majority of the Kalashi were in agreement that government officials, institutions, and NGOs do consult with them before embarking on a new project, though the implementation of these projects is an entirely separate issue. Recently, the district police as well as the army have started providing security to the Kalashi people during their religious festivals. The main purpose behind this security detail is to ensure that they carry out these festivals in peace and harmony without any fear (due to local or external threats), which again demonstrates compliance towards the ILO 169 Convention.

Community Support and Compliance with 169 Convention

According to the results shown in the table above, there is a positive relationship between community participation and ILO. The variable, community participation, is significant at 5%, which implies that the higher the community participation, the higher will be the compliance with the ILO 169 Convention. Community participation can be defined both in terms of participation and perception.

High community participation will result in indigenous people enjoying more autonomy and engagement in the decision-making process. In Kalash, the locals are given the freedom to exercise their own legal system.¹⁰ According to the respondents, they settle their disputes through a Kazi or the elders of their community with minimum intervention from the government. Moreover, they are also given the option of settling disputes through the national legal system. The results found also show a similar trend. The variable legal autonomy, which measures the freedom given to locals to implement their own legal system, is highly significant at 1% and shows a positive relationship between legal autonomy and ILO.

Community Risk Factors and Compliance with 169 Convention

For a long time, the Kalash have been a victim of both internal and external threats. Living in an Islamic state, the distinct religious and cultural practices of Kalash are not easily and openly accepted in the society. As a result, Muslim missionaries and extremists are playing their role in influencing Islam into the Kalash Valleys. Different forms of victimisation were measured

¹⁰ Jirga system.

with respect to their intensity and frequency. Among others, the variable abduction (denoted by the name “victimisation” in the model) was the most significant at 1%. It showed a negative relationship with the dependent variable ILO, which means that as incidences of abduction from within the community rise, there will be non-compliance with the ILO 169 Convention. The variable showed significance due to a recent incident reported in the Valley. According to the respondents, a foreign NGO worker was abducted from their community by the Taliban, in order to send the tribe a message to stop their non-Islamic practices.

Other Potential Factors Explaining Compliance/Non-Compliance with 169 Convention

Individual profiles of Kalashi people (including one’s education status, sense of security and capacity to absorb other cultures) were also measured in order to show compliance with the Convention. The literature shows that there should be a positive relationship between the two, which also corresponds with the results found in this study. The independent variable came out to be significant at 5%. This means that as an individual’s profile improves, there will be more compliance towards the ILO 169 Convention. Although the education available to the people of Kalash is only till secondary level,¹¹ the tribe has a strong sense of security from within their own community (if not from communities outside the tribal boundaries). This is due to the fact that the Kalashi have a high context culture, where emphasis is more on interpersonal relationships. As a result of this sense of security, their cultural absorption capacity will also be high.

Lastly, a separate variable (knowledge outreach) was used to measure how easily the Kalashi can apply external knowledge to their community. The variable showed a positive relationship with ILO, meaning that there would be more compliance with the Convention if the Kalashi can easily apply external knowledge in their community. Unfortunately, in the case of Kalash the variable appeared to be insignificant. This is due to the fact that the tribe is geographically isolated with limited access to literature and technology such as high-speed internet, network coverage, technical machinery, etc., which prohibits them from applying external knowledge effectively.

CONCLUSION

Although Pakistan is not a signatory of the ILO 169 Convention, appropriate steps need to be taken in order to protect and preserve the culturally unique and rich Kalashi tribe, as it is an integral part of the country’s heritage. The findings of this study show how state institutions play a vital role in terms of not only economic development, but also in cultural and identity development of these indigenous people. Two major factors that show high compliance with the ILO 169 Convention include inter-jurisdictional governance coordination and community support, which are also the essence of the Convention. Even though the findings suggest that consultation and participation is necessary in order to comply with the Convention, it is equally important that these mutual agreements are implemented effectively by the State. In Pakistan, however, the situation is somewhat different.

LIMITATIONS OF THE STUDY

There were several constraints faced by the researcher while conducting this study. First and foremost, the researcher faced time constraints while conducting the surveys. The fact that each question had to be translated into either Urdu or Kalashi, only 44 respondents could be interviewed. Moreover, we used non-probability sampling design, keeping in view different cross-sectional people in the Kalash Valley, so the sampling design is convenience sampling. Furthermore, due to geographical constraints, only the indigenous people of Bumburet Valley

¹¹ Majority of the respondents received only primary level education

could be interviewed leaving out two other Valleys (Birir and Rumboor). Apart from that, some of the respondents took the survey not as an academic study but some sort of needs assessment for a developmental project in their community. As a result the researcher felt an apprehension while reporting vulnerability or state of deprivation. In some situations the language barrier was also an issue. Lastly, as it is student-based research, the researcher also faced some financial constraints.

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