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## Revisiting the 26th Constitutional Amendment: Implications for Democracy and Federalism in Pakistan

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### ABSTRACT

The changes that took place in October of 2024 with the 26th Constitutional Amendment of Pakistan are a step that will hugely alter the political and constitutional landscape in the country. The Amendment that has such far-reaching impacts on democracy and federalism is mainly designed to provide increased representation to the now Federally Administered Tribal Areas (FATA) in the Khyber Pakhtunkhwa Provincial Assembly. On the one hand, it strengthens democratic participation, making the politics of unheard communities inclusive. On the other hand, it raises some serious issues about the balance of federal power, equal distribution of resources, and efficiency of provincial governments. As the paper will revisit the Amendment as a historical, political, and constitutional amendment, its role will be critically assessed to establish the democracy values enhancement as it also questions the concept of federalism. Using legislative debates, constitutional theory, and realities on the ground, the study aims to provide a nuanced understanding of how the 26th Amendment affected the Pakistani democratic process and its federal system.

**Keywords:** challenges, historical context, laws, opportunities, theoretical context

## INTRODUCTION

Constitutional amendments have affected the political and legal order in Pakistan, in a country that is still trying to strike a balance between democratic consolidation and federal accommodation (Haider, 2025). These reforms included the 26th Amendment to the Constitution, which was unanimously passed by the Parliament in October 2024 (Daudpota, 2025). It also sought to abolish the political isolation of Federally Administered Tribal Areas (FATA) that had been in existence since the passing of a new constitution in 1975 (Nawaz & Bexci, 2025).

The Amendment was hailed as a democratic breakthrough, which symbolized the integration of the deprived tribal groups into the mainstream of the country after decades of political seclusion (Qaiser & Jamil, 2025). It was also a peculiar period of parliamentary consent, the applicability of all-inclusive representation in a parted polity (Muhammad et al., 2024). But the connotations of this Amendment go far beyond the aspect of electoral representation (Shah, 2025). It enhances the involvement on one hand and on the other hand raises issues about balancing the federal government, provincial government, and the even distribution of resources through the National Finance Commission (Qureshi, 2025).

The KP has invited a debate as to whether it has institutional resources to accommodate FATA without unduly straining its governance system (Saifulislam et al., 2025). Those opposed to it (Umar et al., 2025). Fear the possible distortions in federal arrangements, and those in support feel that democratic legitimacy requires an extension of participation, even in the transitional problems (Rajper et al., 2024).

### **Research Justification**

The 26th Constitutional Amendment is a historic reform that transformed the political and constitutional framework of Pakistan by enhancing the representation of the merged tribal districts in the Khyber Pakhtunkhwa (KP) Assembly. Although its short-term aim was to incorporate marginalized groups of people, little is known about its long-term effects on democracy and federalism. It is thus appropriate that this Amendment is revisited to determine whether it actually empowers democratic institutions in Pakistan or creates new tensions with the federal structure of the country. This study is essential as it grounds the Amendment in the twofold contexts of democracy and federalism. On the one hand, the Amendment is hailed as the extension of the right of representation to the communities that have not been able to exercise their democratic power. Conversely, it also casts serious issues of fair allocation of resources under the National Finance Commission (NFC) provincial autonomy and the capacity of the KP to accommodate additional constituencies. The discussion of these dimensions provides a fair perspective on how it affects governance. Lastly, this research is policy-relevant.

The research by looking at the promises as well as the challenges associated with the 26th Amendment helps in providing a contribution to the current debate on the issues of stability on the federal level, participatory democracy, and institutional reforms in Pakistan. It offers information not only to those in academia

but also to individuals in the policy-making arena who are interested in balancing democratic inclusion with federal harmony.

### Research Objectives

1. To discuss the historical context of the 26<sup>th</sup> constitutional Amendment.
2. To highlight the theoretical context of the 26<sup>th</sup> constitutional Amendment.
3. To analyze the laws encompassing the 26<sup>th</sup> constitutional Amendment.
4. To identify the key challenges regarding the 26<sup>th</sup> constitutional Amendment.
5. To explore the opportunities for the 26<sup>th</sup> constitutional Amendment.
6. To propose effective prevention and intervention strategies.

### RESEARCH METHODOLOGY

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008). The criteria for selection are listed.

1. **Relevance:** Researches that directly addressed the questions posed by this study are included.
2. **Quality:** Studies that meet a certain quality threshold (e.g., methodological rigor, bias risk) are included. Most of the research is from Scopus-indexed and Clarivate Analytics journals and reputed publishers.
3. **Recency:** Consideration of the publication date to ensure that the review reflects the most current evidence. Most of the studies are from the last three years.
4. **Language:** Only studies published in English are included.
5. **Data Completeness:** Previous studies must provide sufficient data on outcomes of interest for practical synthesis; this is also ensured in this research.

This study did not use primary data from human participants; therefore, no ethics clearance letter from the ethics committee was required.

### LITERATURE REVIEW

The 26th Constitutional Amendment has also experienced only little school and policy interest largely because of its connection to the amalgamation of the Federally Administered Tribal Areas (FATA) into Khyber Pakhtunkhwa (KP) (Rajper et al., 2024). Experts of Pakistani constitutional law point out that the Amendment was a continuation of the 25th Amendment, which aimed to make the democratic involvement more robust by securing political representation of previously marginalized groups (Umar et al., 2025). Legal experts believe this reform played a key role in ending historical disenfranchisement and inclusivity in governance (Saifulislam et al., 2025).

Democratic theory posits that inclusion of the excluded groups in the representation process contributes to the legitimacy as well as the robustness of the social contract (Gaviria, 2022), and in the case of Pakistan (Qureshi, 2025). The 26th Amendment is considered to be a remedial action to decades of exclusionary policies under the colonial regime and semi-autonomous system of governance (Shah, 2025). Nevertheless, challenges are also identified in the literature, such as poor institutional capacity, the absence of governance in recently merged districts, and a risk of political tokenism and lack of effective empowerment (Muhammad et al., 2024).

Therefore, there is tension between symbolic achievement in democracy and practical institutional constraints that are highlighted in existing writings (Qaiser & Jamil, 2025). With regards to federalism, research indicates that the Amendment offers a shift in the federal balance through skewing the representation in KP, thus affecting inter-provincial relationships (Nawaz & Bexci, 2025). Analysts observe that FATA inclusion in KP increases the size of the provincial assembly, but also results in new requirements on resource distribution, especially with the National Finance Commission (NFC) Award (Daudpota, 2025). The scholars of federalism say that the federal system in Pakistan is made to meet the needs of different regions, but any abrupt structural adjustments without simultaneous administrative adjustments can create tensions between the federation and the provinces (Haider, 2025). In literature, it is also emphasized that the process of democratic consolidation and federal peace demands equal participation as well as equal sharing of resources.

### **Historical Context of the 26<sup>th</sup> Constitutional Amendment**

It is hardly understandable why the 26th Constitutional Amendment took place without reference to the historical marginalization of the Federally Administered Tribal Areas (FATA) in the constitutional paradigm of Pakistan's relationships (Nawaz & Bexci, 2025). FATA has been traditionally governed by a colonial-era Frontier Crimes Regulation (FCR) that denied FATA inhabitants fundamental rights (Qaiser & Jamil, 2025). Representative government and a place in the national political mainstream, FATA had no representative in the provincial legislatures (Haider, 2025).

This arrangement led to political isolation, official negligence, and social backwardness, and rendered the region inaccessible to the democratic and federal system of Pakistan (Daudpota, 2025). A new twist came with the constitutional changes of the 2010s, most recently in 2018, when FATA and Khyber Pakhtunkhwa were unified and the jurisdiction of Pakistani institutions and courts increased (Muhammad et al., 2024). The provincial assembly did not settle the issue of representation until the 26th Amendment of 2024 (Shah, 2025).

The Amendment aimed at democratizing the government through the establishment of sixteen general seats (Qureshi, 2025). Other reserved seats in the KP Assembly are so as to institutionalize political inclusion. The factual background of the 26th Amendment (Saifulislam et al., 2025). The Amendment is the conclusion

of a longstanding integration battle and a step towards greater constitutional development in Pakistan that enhances democracy and federalism (Umar et al., 20225).

### **Theoretical Context of 26<sup>th</sup> Constitutional Amendment**

The 26th Constitutional Amendment may be discussed within the context of democratic theory that focuses on inclusion, participation, and legitimacy. Theorists such as Robert Dahl emphasize that democracy should grant equal opportunities to citizens to participate in the process of ruling. The Amendment demonstrates the concept of political inclusion by extending seats to the recently merged districts of the Khyber Pakhtunkhwa (KP) to address the historical marginalization of the tribal population by the Frontier Crimes Regulation (FCR). This transition is a shift towards participatory democratic governance and away from a colonial style of governance.

Simultaneously, the Amendment may be analyzed in terms of federalism. Federal theory in classical federal theory, power sharing of the central government and federating units is emphasized, together with the equal distribution of resources. The merger of FATA with KP and the following increase in provincial representation pose significant concerns of provincial autonomy, fiscal provisions, and the power balance within the federation. The changes challenge the resilience of the federal system, which has repeatedly failed to strike the right balance between diversity and unity. In theory, then, the 26th Amendment represents a twofold personality: on the one hand, it leads to further democratization through universalizing representation, but on the other hand, it may create tension within the federal order without proper administrative and financial changes. This dichotomy has rendered it a fundamental topic of constitutional and political study in Pakistan.

### **Laws Encompassing the 26<sup>th</sup> Constitutional Amendment**

In Pakistan, the constitution and federal system are given laws governing the relationship between the federation and provinces, as well as the citizens. The significance of the 26th Constitutional Amendment and its effects on democracy and federalism have to do with some significant points in the Constitution.

**1. The Constitution of Pakistan, 1973:** It is the supreme law, and as a result, a federal parliamentary republic is designed to provide representation, basic rights, and provincial autonomy to Pakistan. The Amendment is evaluated according to those articles that have relevance in the division of power between the federation and the provinces.

**2. 25th Constitutional Amendment, 2018:** This Amendment repealed Federally Administered Tribal Areas (FATA) and included it in Khyber Pakhtunkhwa. It extended the authority of the superior courts and started the administrative and political consolidation of the area.

**3. The 26th Constitutional Amendment, 2024:** This Amendment was unanimously enacted, leading to the increment of the representation of the merged districts in the Khyber Pakhtunkhwa Assembly to sixteen general seats (four of which belong to

women and one to non-Muslims). It tried to make more people democratic and politically engaged.

**4. The conditions of the National Finance Commission (NFC) Award:** The resource allocation is attached to the monetary bases of the merger, and there is a controversy over the equitable allocation of resources among the provinces.

#### **Challenges for the 26<sup>th</sup> Constitutional Amendment in Pakistan**

**1. Administrative and Judicial Integration:** The administrative and judicial integration of the tribal districts in Khyber Pakhtunkhwa requires complete reorganization of governance and justice systems. Weak administrative institutions created by a deficiency of coherence in the provision of effective services to citizens put citizens in limbo as to their rights and access to services of higher courts, since the expansion of the jurisdiction of higher courts is being done without the presence of trained officials and wasting time.

**2. Political Inclusion and Empowerment:** The Amendment would grant seats on the KP Assembly, but in practice, empowerment would require the existence of functioning local governments and institutionalized political activity. Ineffective political systems, ignorance, and illiteracy have the potential of making representation an aspect of tokenism rather than a tangible exercise of democracy.

**3. Resource Allocation and federal balance:** The new constituencies need huge financial resources to assimilate. Without a break in the distribution formula, the National Finance Commission (NFC) Award can hardly satisfy these requirements. It produces tensions between provinces and questions the argument that KP, with a higher representation, will cause an imbalance in the overall balance of power in the federation.

**4. Security and Public Goodwill:** Years of neglect and longstanding militancy instill mistrust in the citizens. Without real security change, infrastructure, and livelihood changes, there will be little change in the Amendment but a political farce.

#### **Opportunities for the 26<sup>th</sup> Constitutional Amendment in Pakistan**

**1. Democratic Inclusion and Representation:** The Amendment guaranteed the political inclusion of citizens of the merged districts that had hitherto been left out by giving those seats in the Khyber Pakhtunkhwa Assembly. This aspect reinforces the democratic process, expands the legitimacy of institutions, and incorporates marginalized voices into decision-making forums.

**2. Peacebuilding and Stability:** The Amendment provides opportunities to curb militancy and promote stability through the representation and development of grievances of neglected groups of people. Increased confidence between the people and the government may improve cohesion among the nations and bring long-term peace to the region.

**3. Strengthening Federalism:** The Amendment will give a chance to strengthen the Federalism of Pakistan by proving the state in its capability of accommodating different regions. When handled well, resource allocation and power-sharing arrangements based on the NFC Award can provide positive precedents for the fair governance of all provinces.

**4. Socio-Economic Development:** Integration opens the potential of specific development works, better infrastructure, and access to education, health, and jobs. Increasing the representation will enable legislators of the merged regions to better represent the new region in terms of resources, boosting development, and narrowing the gap between the two areas.

## DISCUSSION

The 26th Constitutional Amendment is the first attempt to integrate the traditionally marginalized regions into the Pakistani political and constitutional platform. This increase in representation in the Khyber Pakhtunkhwa Assembly is a step further in fostering the principles of democracy that are inclusive and participatory. This action, in addition to increasing the legitimacy of state institutions, will also offer a platform on which the historic grievances of tribal people can be resolved. The Amendment, therefore, is a key step in the present-day democracy consolidation process in Pakistan.

In the meantime, the Amendment exposes significant strains within the federal system. Allocation of resources in accordance with the NFC Award, provincial concerns regarding self-determination, and administrative concerns all indicate that the federal government is becoming a complex entity. The Amendment may even be symbolic and not empowering until these issues are resolved. Thus, it is the successful implementation process, the even distribution of the available resources, and the ongoing work at building trust between the state and the newly adopted citizens that will define the success of the 26th Amendment.

## CONCLUSION

One of the recent constitutional changes in the history of Pakistan was the 26th Constitutional Amendment, which aimed to democratize the process of representation and to increase the integration of the federal government. It brings decades of exclusion to a close by integrating the merged districts of Khyber Pakhtunkhwa into the political sphere and enhancing the inclusivity of democratic institutions. Its success, however, rests upon its capacities to surmount the barriers of administrative unification, resource allocation, and provincial equilibrium. The Amendment can transform the system of governance when used in good faith and in fairness. The Amendment can lead to socio-economic growth and enhance the integrity of the nation; hence, this Amendment can be instrumental in ensuring that not only democracy but also federalism is cemented in Pakistan.

### Recommendations

- 1. Advance inter-provincial consultation:** Advance inter-provincial consultation as a way to overcome the problems of federal balance and inter-provincial allocation of resources after the Amendment.
- 2. Build political awareness:** Conduct civic education and raise awareness to enhance active citizens' involvement in the democratization process.

- 3. Check and review:** They must establish an independent body of monitoring to undertake a regular review of the impacts of the Amendment on democracy and federalism.
- 4. Enhance access to judicial services:** Efficiently extend the presence of superior courts and develop infrastructure and training to support the delivery of justice services in time in the merged areas.
- 5. Give appropriate administration:** But make good administrative provisions, so that the requirements of the 26th Amendment may be made effective in the consolidated districts.
- 6. Improve security environment:** Improve law and order conditions and focus on community policing to create a more secure environment where political and social integration can be promoted.
- 7. Promote cultural integration:** Encourage cultural exchange programs, local media initiatives, and community events to preserve indigenous traditions while fostering unity and national identity among the people of the merged districts and other provinces
- 8. Strengthen local government:** Strong local government in merged areas to help achieve grassroots democracy and augment political structures.
- 9. Share the resources evenly:** Repackage the NFC Award so that there is equal distribution of funds whereby the merged districts receive enough financial resources without straining other provinces.
- 10. Spur socio-economic progress:** Launch particular development projects in the spheres of education, health, and infrastructure to reduce inequity and promote trust in government institutions.

### **Research Limitations**

Despite the critical analysis of the 26th Constitutional Amendment as presented in this paper, it has its own drawbacks, which must be discussed. The first is that there are not many academic materials specifically devoted to the Amendment since the Amendment is a relatively recent reform. Much of the discussion rests on policy papers, news stories, and parliamentary debates that may lack any significant scholarly nuance. In addition, secondary sources are also important to the study, and the absence of first-hand field information on the integrated districts makes it hard to get the ground realities.

The second limit is the dynamic nature of implementation. The effects of the Amendment on democracy and federalism cannot be conclusively ascertained as yet, since the full ramifications of the Amendment are yet to be experienced. Conclusions are tentative, as political turmoil, evolving federal patterns, and ongoing security concerns may change further. Thus, the study is informative, and the findings are to be understood as a part of a discussion rather than an evaluation.

### **Research Implications**

- 1. Constitutional Amendment Frameworks:** The paper is designed as a reference to assess potential amendments between democratic inclusion and federal harmony and to consider the best practices to pursue.

**2. Facilitating Democratic Participation:** The study also calls on the importance of involving the marginalized groups, as that can inform policymakers to facilitate participatory government and a representative democracy. It is possible to sway debate on provincial autonomy and equitable resource distribution with the help of Informing

**3. Federal Reforms:** Results to strengthen the federal system in Pakistan and adjust to new constituencies.

**4. Legal and Institutional Insights:** The study of legal and legislative issues sheds light on the challenge of expanding state institutions and legal systems to new territories that historically were marginal to them.

**5. Policy Making in Merged Districts:** The research shows that the merged districts need special socio-economic development and administrative reforms to guide resource allocations and administrative policies.

#### **Future Research Directions**

**1. Dynamics of federalism:** Learn how the Amendment affects the relationship between provinces, the distribution of resources, and the balance of power of the federation of Pakistan.

**2. Experience of Integration of marginalized regions in Pakistan:** Compare the experience of integration of marginalized areas of Pakistan to other similar experiences in different federal states, and then learn what has worked, or has not worked, in terms of making regions part of a democratic and federal government.

**3. Long-term Impact Assessment:** Long-run analysis of the long-run effects of the 26th Amendment on participation in politics and government in the combined districts.

**4. Public Perception and Trust:** A survey regarding citizen trust and perception of the state and democratic institutions after the merger, the level of confidence, political participation, and empowerment.

**5. Socio-Economic Results:** Investigate how political union affects education, health, employment, and facility building in previously locked-out districts.

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