

Routledge Advances in South Asian Studies

PERSPECTIVES ON CONTEMPORARY PAKISTAN

GOVERNANCE, DEVELOPMENT AND ENVIRONMENT

Edited by
Ghulam Ali and Ejaz Hussain



Perspectives on Contemporary Pakistan

This book analyses problems of governance, development and environment affecting contemporary Pakistan, issues that lie at the centre of federal and provincial policy deliberations, formulation and implementation.

Perspectives on Contemporary Pakistan offers a comprehensive assessment of these policies, or their lack thereof. Authors from a variety of disciplines empirically and conceptually evaluate the latest developments, events and data regarding law and order, economic under-performance, social intolerance and climate crisis. The book offers varied perspectives on state sovereignty, civil-military relations, spousal violence, rural development, the China–Pakistan Economic Corridor, nuclear governance and transboundary climate risk. Arguing that the conclusions should be adopted by the social, political and economic stakeholders of Pakistan, as well as the region at the higher level of governability, the book demonstrates that it would both boost national morale and inspire individuals to further investigate innovative solutions.

Examining some of the most pressing and persistent problems Pakistan and South Asia are facing, the book will be of interest to academics working in the fields of Political Science, in particular, South Asian Politics, Development Studies and Environmental Studies.

Ghulam Ali is Associate Professor in the Department of Political Science at Sichuan University of Science and Engineering, Zigong, China.

Ejaz Hussain is Associate Professor in the Department of Social Sciences at Iqra University, Islamabad, Pakistan.

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Perspectives on Contemporary Pakistan

Governance, Development
and Environment

**Edited by Ghulam Ali and
Ejaz Hussain**

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Contributors

Faisal Abbas is Associate Professor of Economics, in the School of Social Sciences and Humanities, the National University of Sciences and Technology (NUST), Islamabad, Pakistan. He is an ‘Experienced Research Fellow’, at the Centre for Poverty, Equity and Growth in the Developing and Transition Countries, Göttingen University, Germany. He has taught and conducted research at Cornell University, USA, the South Asian University, New Delhi, India, and COMSATS University, Islamabad. He is a Fulbright, DAAD, and Humboldt Fellow.

Sohail Ahmad is Assistant Professor at COMSATS University, Islamabad, Pakistan. He gained his PhD from the Department of International Relations, University of Peshawar, in 2015.

Shahzad Akhtar is Assistant Professor in the School of Integrated Social Sciences at the University of Lahore, Lahore, Pakistan. He holds a PhD in Politics and International Relations and an MA in Politics and International Relations from the University of Auckland, New Zealand. His research and teaching are focused on terrorism, conflict and conflict resolution. His work has been published in *The Third World Quarterly* and *Asian Survey*.

Ghulam Ali is Associate Professor in the Department of Political Science, School of Marxism, Sichuan University of Science and Engineering, Zigong, China. He obtained his PhD in History and Politics from Monash University, Australia, and his postdoc from Peking University, Beijing. He is the author of *China–Pakistan Relations: A Historical Analysis* (2017). He was a Hanban Fellow, Peking University, a Taiwan Fellow at the Institute of International Relations, National Chengchi University (2011), Lee Hysan Visiting Scholar at the University Services Center, Chinese University of Hong Kong (2008), and Contemporary China Fellow at the National Tsing Hua University (2006–7).

Khadija Amir was a lecturer at the Institute of Environmental Sciences and Engineering – National University of Sciences and Technology (IESE – NUST), Islamabad, Pakistan. Currently, she is working as senior program manager at Sustainable Environmental Solutions (SES), Islamabad, Pakistan.

She has a Master's in Sustainable Development from the University of Exeter and an MA in Environmental Sciences from the University of Peshawar.

Rafi Amir-ud-Din is Assistant Professor in the Department of Economics, COMSATS University, Lahore Campus, Pakistan. He has a PhD in economics. He has published in high impact journals such as *Social Indicators Research*. He is also a member of the Pakistan Society of Development Economists and the Pakistan Society of Applied Economists.

Aqeel Anwar is a faculty member in the Department of Development Studies at the Pakistan Institute of Development Economics (PIDE) University, Islamabad, Pakistan.

Muhammad Azam is Assistant Professor in the Department of Politics and International Relations, University of Sargodha, Pakistan. He has a PhD in International Relations from the International Islamic University, Islamabad. He was a Visiting Fellow at the Gulf Research Center (GRC), Dubai, UAE.

Muhammad Azhar has been Assistant Professor in the Department of Political Science and International Relations, Government College University (GCU), Faisalabad, Pakistan since 2017. Previously, he worked in the Department of Political Science, Islamia University, Bahawalpur.

Abdur Rehman Cheema is Team Leader in Research for the European Union-funded project, 'Sindh Union Council Communities Economic Strengthening Support' programme at the Rural Support Programmes Network (RSPN), Pakistan. Dr Cheema has been a Chevening Fellow (University of Oxford) and a Charles Wallace Fellow (Cardiff University). He has had a multidisciplinary education with a doctorate and a postgraduate diploma in Development Studies from Massey University, New Zealand, (2012) and an MBA in Human Resource Management (2004) and Master's in Economics (2002) from Pakistan. Dr Cheema had formerly worked at Shaheed Zulfiqar Ali Bhutto Institute of Science and Technology (SZABIST), Islamabad, COMSATS University and Aga Khan Rural Support Programme.

Ejaz Hussain is Associate Professor in the Department of Social Sciences, Iqra University, Islamabad. He gained his PhD in Political Science from Heidelberg University, Germany, in 2010. In addition, he obtained an MSc in International Relations from Quaid-i-Azam University (2003) and an MA in Asian Studies from Lund University, Sweden (2006). He is the author of *Military Agency, Politics and the State in Pakistan* (2013) and his work has appeared in peer-reviewed journals such as *Armed Forces & Society*. Dr Hussain was a Visiting Fellow at Fudan University, China, and a postdoc Fellow at UC Berkeley, USA. He is a DAAD, FDDI and Fulbright Fellow. Moreover, he has taught at COMSATS University, Islamabad, FC College University, Lahore, and Shanghai International Studies University (SISU), Shanghai, China. His articles have appeared on the BBC (Urdu), and in the

Express Tribune, the First Post, The Quint, Newslime, the Friday Times, Global Times, Daily Times and Naya Daur.

Syed Ali Zia Jaffery is a Research Associate at the Center for Security, Strategy and Policy Research at the University of Lahore, Pakistan.

Abdul Basit Khan is Assistant Professor in the Department of Political Science and International Relations, GCU, Faisalabad. He obtained his PhD from Bahauddin Zakariya University, Multan, in 2018.

Fazal Ali Khan is a Programme Manager in the SUCCESS programme at the Rural Support Programmes Network, Islamabad, Pakistan.

Muhammad Fahim Khokhar is Professor at the Institute of Environmental Sciences and Engineering – National University of Sciences and Technology (IESE – NUST), Islamabad, Pakistan. At IESE, he is the Team Leader of the C-CARGO (Climate Change and Atmospheric Chemistry Research Group). He gained his PhD from the University of Leipzig, Germany, and has worked at the Institute for Environmental Physics (IUP), Ruprecht Karl University of Heidelberg, Germany. Moreover, he has done postdocs at IUP Heidelberg and University of Pierre et Marie Curie, Paris, France. He is an active member of various international scientific organizations, such as ACAM, IGAC, IGAC-MANGO, EGU, DAAD, etc. The main focus of his research is climate change mitigation and adaptation, RS and GIS, air quality monitoring and assessment. His work has been published in many scientific journals of international repute.

Tooba Khurshid is a PhD candidate in International Law at KoGuan Law School, Shanghai Jiao Tong University, China. She is also the Associate Managing Editor for *Asian Journal of Law & Society*.

Tahir Mahmood is a Research Associate, OSB, American University of Beirut, Lebanon.

Maqsood Sadiq holds a Master's in Statistics and has worked with the Pakistan Bureau of Statistics (PBS).

Ahmed Waqas Waheed is Assistant Professor at the Center of International Peace and Stability, the National University of Sciences and Technology (NUST), Islamabad, Pakistan. He has a PhD in Political Science from Queen Mary, University of London. He is the author of *The Wrong Ally: Pakistan's State Sovereignty under US Dependence* (2018) and *Constructing 'Pakistan': The Architecture of International Knowledge Production* (2020). In addition, his work has been published in peer-reviewed journals, such as *South Asia Research, Asian Affairs and Third World Quarterly*.

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Abbreviations

AAD	advanced air defence
AC	Apex Committee
AIIB	Asian Infrastructure Investment Bank
AJK	Azad Jammu & Kashmir
AKF	Aga Khan Foundation
AKRSP	Aga Khan Rural Support Programme
AL	Awami League
ANP	Awami National Party
APS	Army Public School
AQK	Abdul Qadeer Khan
ATA	Anti-Terrorism Act
BAP	Balochistan Awami Party
BCIM	Bangladesh, China, India, Myanmar
BHU	basic health unit
BISP	Benazir Income Support Programme
BMD	ballistic missile defence
BoS	Bureau of Statistics
BRAC	Bangladesh Rural Advancement Committee
BRSP	Balochistan Rural Support Programme
CCNS	Cabinet Committee on National Security
CDD	community-driven development
CDLD	community-driven local development
CEC	Chief Election Commissioner
CENTO	Central Treaty Organisation
CI	confidence interval
CIF	Community Investment Fund
C-in-C	Commander-in-Chief
CISMHE	Centre for Inter-Disciplinary Studies of Mountain and Hill Environment
CJ	Chief Justice
CMLA	Chief Martial Law Administrator
CMR	civil–military relations
CO	community organisation

CoA	Court of Arbitration
COAS	Chief of Army Staff
COP	Conference of Parties
COPHC	China Overseas Ports Holding Company
CPEC	China–Pakistan Economic Corridor
CPI	Community Physical Infrastructure
CSD	Cold Start Doctrine
DFID	Department for International Development
DG Khan	Dera Ghazi Khan
DHS	Demographic and Health Survey
DND	draft nuclear doctrine
EBDO	Elective Bodies Disqualification Order
ECP	Election Commission of Pakistan
EEZ	Exclusive Economic Zone
EIA	environmental impact assessment
EU	European Union
FATA	Federally Administered Tribal Areas
FC	Frontier Corps
FCR	Frontier Crimes Regulation
FR	frontier region
FTA	free trade agreement
G-B	Gilgit-Baltistan
GBTI	Ghazi Barotha Taraqiati Idara
GDA	Grand Democratic Alliance
GDP	Gross Domestic Product
G-G	Governor-General
GHQ	General Headquarters
GHI	Global Hunger Index
GLOF	glacial lake outburst floods
HDI	Human Development Index
HN	Haqqani Network
IAEA	International Atomic Energy Agency
IBG	integrated battle group
ICJ	International Court of Justice
ICT	Islamabad Capital Territory
IDP	internally displaced person
IGG	income-generating grant
IGO	international governmental organisation
IJI	Islami Jamhoori Ittehad
IMF	International Monetary Fund
INGO	international non-governmental organisation
IPCC	Intergovernmental Panel on Climate Change
IPFCA	Interim Punjab Finance Commission Award
IPs	implementing partners
IPV	intimate partner violence

IRB	Indus River Basin
IS	Islamic State
ISI	inter-services intelligence
IWT	Indus Waters Treaty
J&K	Jammu and Kashmir
JCC	Joint Coordination Committee
JDC	Joint Development Committee
JETRO	Japan External Trade Organisation
JI	Jamaat-i-Islami
JIT	Joint Investigation Team
JuD	Jamaat-ud-Dawa
JUI	Jamiat Ulama-e-Islam
JUI-F	Jamiat Ulema-e-Islam-Fazal-ur-Rehman
JUI-P	Jamiat Ulema-e-Pakistan
KHEP	Kishanganga Hydro-Electric Plant
KKH	Karakorum Highway
KPK	Khyber–Pakhtunkhwa
KSEW	Karachi Shipyard and Engineering Works
LEA	law enforcement agencies
LeT	Lashkar-e-Taiba
LoC	Line of Control
LSO	local support organisation
MDG	Millennium Development Goal
MFP	microfinance provider
MHI	micro health insurance
MICS	multiple indicator cluster survey
MIRV	multiple independent re-entry vehicle
MMA	Muttahida Majlis-e Amal
MML	Milli Muslim League
MNA	Member of the National Assembly
MoU	Memorandum of Understanding
MPDR	Ministry of Planning, Development and Reform
MPA	Member of the Provincial Assembly
MQM	Muttahida (previously Mohajir) Qaumi Movement
MSDSP	Mountain Societies Development Support Programme
NAB	National Accountability Bureau
NAP	National Awami Party
NAP	National Action Plan
NASA	National Aeronautical and Space Administration
NCA	National Command Authority
NDRC	National Development and Reform Commission
NEQS	National Environmental Quality Standards
NFC	National Finance Commission
NFU	no first use
NJHEP	Neelum-Jhelum Hydro-Electric Project

NRLM	National Rural Livelihoods Mission
NRO	National Reconciliation Order
NRPU	National Research Programme for Universities
NRSP	National Rural Support Programme
NSC	National Security Council
NSP	National Solidarity Programme
NWFP	North-West Frontier Province
NWS	nuclear weapons state
ORBAT	Order of Battle
PAD	Prithvi Air Defence
P&DD	Punjab, Planning and Development Department
PAT	Pakistan Awami Tehreek
PBS	Pakistan Bureau of Statistics
PCIJ	Permanent Court of International Justice
PDHS	Pakistan Demographic and Health Survey
PERI	Punjab Economic Research Institute
PFC	Provincial Financial Commission
PIC	Permanent Indus Commission
PkMAP	Pakhtunkhwa Milli Awami Party
PLGA	The Punjab Local Government Act
PLGO	The Punjab Local Government Ordinance
PM	Prime Minister
PMDC	Pakistan Medical and Dental Council
PML-N	Pakistan Muslim League-Nawaz
PML-Q	Pakistan Muslim League-Quaid-i-Azam
PNA	Pakistan National Alliance
PPHS	Pakistan Panel Household Survey
PPP	Pakistan People's Party
PPP-P	Pakistan People's Party-Parliamentarian
PPRP	People's Poverty Reduction Programme
PRODA	Public and Representative Office Disqualification Act
PRS	poverty reduction strategy
PRSP	Punjab Rural Support Programme
PTI	Pakistan Tehreek-e-Insaf
PTM	Pashtun Tahafuz Movement
QWP	Qaumi Watan Party
RSP	Rural Support Programme
RSPN	Rural Support Programmes Network
SAARC	South Asian Association for Regional Cooperation
SAPAP	South Asian Poverty Alleviation Programme
SC	Supreme Court
SDG	Sustainable Development Goal
SEATO	Southeast Asia Treaty Organisation
SERP	Society for the Elimination of Rural Poverty
SEWA	Self-Employed Women Association of India

SEZ	Special Economic Zone
SLCM	submarine-launched cruise missile
SPD	Strategic Plans Division
SPD	Sustainable Development Plan
SRBM	short-range ballistic missile
SRSO	Sindh Rural Support Organisation
SRSP	Sarhad Rural Support Programme
SSD	Special Security Division
SUCCESS	Sindh Union Council and Community Strengthening Support
SVAW	spousal violence against women
TA	technical assistance
TAPI	Turkmenistan–Afghanistan–Pakistan–India
TLYR	Tehreek-e-Labbaik Ya Rasool Allah
TNSM	Tehrik-e Nifaz-e Shariat-e Muhammadi
TNW	tactical nuclear weapons
TRDP	Thardeep Rural Development Programme
TRGP	Thematic Research Grant Programme
TTP	Tehrik-i-Taliban Pakistan
TVST	technical and vocational skills training
UAE	United Arab Emirates
UC	Union Council
UCBPRP	Union Council Based Poverty Reduction Programme
UNDP	United Nations Development Programme
UNICEF	United Nations Children’s Fund
US	United States
VO	village organisation
WASH	water, sanitation and hygiene
WCD	World Commission on Dams
WHO	World Health Organization
WoT	War on Terror



Map 0.1 Pakistan with provinces and regions

Source: Map adapted with the permission of CartoGIS Services, ANU College of Asia and the Pacific, The Australian National University.

Note

The Federally Administered Tribal Areas (FATA) has been merged with Khyber–Pakhtunkhwa (KPK).

Introduction

Ghulam Ali and Ejaz Hussain

Contemporary Pakistan stands at a crossroads. On the one hand, development opportunities – offered, for instance, by the China–Pakistan Economic Corridor (CPEC) – have recently stirred economic activity across the country that now hosts more than 200 million people, 64 per cent of which are below the age of 30.¹ The youth, if equipped with necessary skills, can act as a catalyst to realise social cohesion and achieve economic growth. However, on the other hand, Pakistan faces certain existential challenges, ranging from political instability to terrorism, that, if not tackled in a timely way and effectively, risk intensifying the chaotic conditions that are already in place and affecting the social fabric, economic profile, governance and political system and, importantly, the physical environment, such as rivers that, in preceding decades, provided life-sustaining support to the country's agriculture, industry and the population at large.

Setting the context

Pakistan's contemporary paradox is contextually, if not structurally, unique as far as character, quantity and magnitude of the problems posed are concerned. Comparatively, during the 1950s, for example, the size of the population was quite small, along with untapped natural resources, such as minerals and petroleum products, discovered later, in Balochistan and an abundance of water resources, originating in the legally disputed state of Jammu and Kashmir. Moreover, the incidence of 'bureaucratic corruption' was comparatively low compared with the contemporary crusade against corruption and extortion.²

In addition, though political instability was compounded during the middle of the said decade, the problem of law and order, assumed here as governance, did not worsen statistically.³ Nevertheless, under the Ayub-led military regime, Pakistan overall achieved a high growth rate – mainly due to foreign economic and military aid coupled with remittances – in the pre-1965 war with India.⁴ In the post-war period, structural inequality⁵ between East and West Pakistan entered the political limelight as the major opposition party, the Awami League (AL), questioned not only the arbitrary nature of the

economic relations between the two wings but also demanded maximum autonomy.⁶

The country's political and military leadership failed to fathom the depth of Bengali nationalism and, as a result of (civil) war between India and Pakistan in December 1971, the latter lost more than half of its population and a quarter of its territory. At this critical juncture, the remaining Pakistan seemed a house of cards that would fall without any external push, in the following years. Surprisingly, however, the state not only held its ground institutionally but also started to play a leading role in, for instance, diplomacy regionally and internationally. Despite natural catastrophes in the 1970s, its economy stabilised, and the governance improved.⁷ Importantly, this was also the decade when the civilian leadership, led by Zulfikar Ali Bhutto, asserted control over the military and the civil bureaucracy, both constitutionally and politically.⁸ Owing to anomalies in the civil government's approach to establishing civilian control, the military, while invoking its agency in a favourable context, toppled the government in a coup d'état in July 1977.

The General Zia-led military regime, initially, received external criticism especially from the US Carter Administration.⁹ However, with the Soviets spotted in Afghanistan by the Americans, the global geopolitics affected not only the Zia regime but also Pakistan, in an unprecedented way. From economic and military assistance to a substantial increase in foreign remittances, the country witnessed Afghan refugees, harmful drugs and automated weapons. The militarisation of the social landscape in terms of provision of trained manpower for the Afghan jihad – that Pakistan participated in, along with Saudi Arabia, the United Arab Emirates (UAE) and the US-led Western world – caused severe governance issues with the crime rate, for instance, cases of murder, which witnessed an upward trend statistically.¹⁰ In addition, political wrangling continued that ultimately resulted in the formalisation of martial law in terms of the 8th Amendment to the 1973 Constitution.

During 1988–99, the so-called 'decade of democracy', Pakistan's economy underperformed.¹¹ Not so dissimilar were the cases of governance, the political system and social and environmental sustainability. Indeed, the population growth rate jumped up, along with a visible increase in the incidence of poverty.¹² Consequently, the problems of law and order only deteriorated to the effect that, in 1997, the Sharif government legislated and enacted the Anti-terrorism Act (ATA) to deal with the exceedingly high incidence of crimes mostly in the urban centres, such as Karachi, which is considered the commercial hub of the country. This will be discussed at length in Chapter 5. Also, political instability lingered during the mentioned timeframe with the effect that General Pervez Musharraf dislodged the Sharif government in a military coup in October 1999 on the stated charges of economic mismanagement, the unstable law and order situation and the personalised style of governance.

The Musharraf regime, much like its predecessors, bore the brunt of criticism from regional and international stakeholders due to the derailment of democracy. Nonetheless, the terrible attacks on the Twin Towers on 11 September 2001 proved a blessing in disguise for the regime. The latter hurriedly chose to

support the US-led War on Terror (WoT) in neighbouring Afghanistan for rational reasons. Politically, the military regime obtained the much-needed external legitimacy to survive in a hostile environment. Economically, the country was in receipt of a comparatively high volume of economic assistance and military aid, provided particularly under the Coalition Support Fund. In addition, remittances sent home by the expatriate community increased in volume. Cumulatively, these variables had a positive impact on the national exchequer though structural economic reforms could not be materialised. Consequently, regional, ethnic and gender-based socio-economic and political disparities widened.¹³

Above all, the most negative effect that Pakistan suffered, during this period, was related to worsening governance, especially in the border belt with war-ravaged Afghanistan. Not only did the first suicide attack occur as part of urban terrorism, but also Pakistani society, the economy and, overall, the state witnessed the incidence of large-scale terrorism that, between 2001 and 2019, took the lives of more than 30,000 civilians and security personnel along with \$50 billion loss incurred to the economy.¹⁴ In the post-Musharraf period, the civil government, led by the Pakistan People's Party (PPP) and the Pakistan Muslim League-Nawaz (PML-N) were initially reluctant, due primarily to political reasons, to chalk out a comprehensive counter-terrorism policy. Gradually, however, the military side of the government prevailed in terms of decision-making and policy execution in strategic understanding with its civilian counterpart. The military operations launched against terrorists in, for example, the Federally Administer Tribal Areas (FATA) – that are thoroughly analysed in this book – are a case in point.¹⁵

The foregoing has set out the political, socio-economic and strategic context that, on the one hand, marks the temporality of the political actors and social forces and, on the other, reflects the overwhelming significance of the structural constraints on the agentive aspects of the actors involved in the game of politics, economic (mis)management and (lack of) governance. As surveyed above, from its inception in 1947 till the present, at the centre of Pakistan's politics and public policy lie the two inter-related themes: governance and development. Both these categories have oscillated, at best, between complete collapse and ad hoc management. Moreover, the existing literature has not discussed governance at length; it is mostly described as a non-focal term often bracketed with the so-called failure of a democratically elected government. In other words, there is complete dearth of a conceptually rigorous and empirically sound category of governance that, if applied operationally, can provide a quantified explanation of, for instance, the incidence of terrorism. Similarly, the idea of development has been used in the existing studies to highlight basically the economic performance or otherwise of a government. It has, in other words, overlooked the social side of the equation, which is equally important to understand the state's desire to achieve national integration, given the multiple cleavages that are shaped along sectoral, ethnic, sectarian, regional and provincial, if not parochial, lines.

The third crucial theme of the environment, both in terms of governance and development, has remained essentially neglected in the policy and academic

circles in the past, to the effect that contemporary Pakistan now is among the world's top ten water-scarce countries.¹⁶ Importantly, the country's major cities lack clean drinking water for their burgeoning populations. Indeed, the water table has rapidly dropped down from what it used to be a few decades ago.¹⁷ Provincially, water politics has become the norm during policy deliberations. The (in)determination of the National Finance Commission (NFC) Award is a case in point. Regionally, both India and Pakistan are constantly concerned over the use of the Indus waters whereby both countries are busy constructing new dams to meet their growing energy requirements. Also, pollution, of all types, is rapidly deteriorating the (non-)human health.

In order to survive as a normal nation-state with a clear conception of state sovereignty, territorial integrity and, overall, pursuance of national interests, the state of Pakistan – contemporaneously beset with multiple challenges, i.e. national integration, ethnic harmony, socio-economic development and environmental protection – will have to take extraordinary and effective measures to convert challenges into opportunities in a timely fashion. The following sections, based on the studies conducted by the contributors of this book, take a look at the broader areas of governance, development and the environment in terms of empirically assessing and analytically explaining the contours of Pakistan's policy and its execution vis-à-vis the notions of state sovereignty and national integration, social cohesion, economic progress and climate crisis management.

Governance

The law and order situation is usually considered the primary responsibility of the state. The term is frequently equated with good governance. Nevertheless, governance is a flexible, encompassing and contested category. While disagreeing, both theoretically and empirically, with the available scholarship on governance, Mitra defined it as follows:

As a conceptual variable, governance has the paradoxical attribute of being visible by its absence rather than its presence... It is therefore important, particularly for the purposes of prediction, to develop conceptual and operational measures of governance from the point of view of social forces whose perceptions necessarily differ from that of the state. Seen through the eyes of the modern state, political order and challenges to legitimacy can be measured in terms of murders, riots and other forms of challenge to the authority of the state.¹⁸

As the above states, governance is no longer merely a subjective concept but rather a quantifiable category. Its measurability then is the basis of public policy centred on the concept of the welfare state which, constitutionally, if not historically, Pakistan claims to be. While taking empirical clues from Mitra's theory of governance, the present study approaches the latter in holistic terms that

include the state's focus on guarding its territorial sovereignty and realising national integration through institutional, legal and military measures. The latter, arguably, create space, though incrementally, for development projects particularly of an environmental nature.

As already mentioned, Pakistan has faced large-scale terrorism in various parts of the country due to terrorist organisations such as Tehrik-e-Taliban Pakistan (TTP). However, the most affected area was located in the (former) FATA that faced unique circumstances, such as insurgency that started in 2004. In Chapter 1, Shahzad Akhtar provides the background to the formation of the anti-state TTP insurgency in FATA in 2007. Having established its stronghold in the so-called 'no-go' areas governed under the colonial-era law called the Frontier Crimes Regulation (FCR), the TTP, in strategic alliance with other local and regional militant organisations, such as Uzbek, launched massive terrorist attacks on unarmed civilians and the security forces in Pakistan. In order to uproot the TTP, the Pakistani civil and military leadership designed its counter-insurgency strategy to establish the right of the state.

Chapter 1 posits that the execution of an effective counter-insurgency strategy, since 2009, has led to a decrease in insurgency as governance apparatuses gradually were institutionally grounded. The chapter also discusses how the changed American approach towards the Afghanistan-Pakistan region under the Obama Administration implicitly pushed Pakistan to adopt a hard approach towards the militants operating from the (former) FATA. Moreover, the author links the success of the counterinsurgency strategy to the presence of a strong political will expressed by the PPP and later the PML-N governments. Subsequently, the government adopted a 'clear, hold and build' model that focused on the elimination of the insurgents' political and military infrastructure, along with holding on to territory to prevent the resurgence of insurgency.

The eradication of armed terrorist organisations from the FATA provided Pakistan with an enabling environment to introduce a formal governance system, in tandem with the principles of federalism as well as clauses of the Constitution, for, as already highlighted, this region has been ruled in a unitary manner by the Centre since 1947. Sohail Ahmad, in Chapter 2, explains the newly legislated 31st Constitutional Amendment, in May 2018, that approved the merger of FATA with Khyber-Pakhtunkhwa (KPK) – which is one of the four provinces of Pakistan. The author opines that had there been no counter-insurgency plan put in place, the (former) FATA would have attracted more militants from across the region. Since the former bore the brunt of the War on Terror, its people, who had sacrificed kith and kin, and the political leadership demanded the application of formal rules and regulations instead of the FCR. The country's military leadership also subscribed to this view. Finally, the FATA merger materialised due to the concerted efforts of the local, provincial and federal stakeholders. Nevertheless, the federal government has set a two-year interim period for the formalisation of a governing structure in the region in order to comprehensively integrate it not only into the KPK but also the federation. An effective governance mechanism, therefore, would be the key to

introduce a welfare regime in the north-west of Pakistan. It may also serve as an overture to peace-building for neighbouring Afghanistan.

The focus of these chapters is on governance characterised in operational and constitutional terms in the north-west region of Pakistan. With respect to policy formulation and implementation, it accorded the prerogative to the centre over the units. In other words, such an approach reflects a top-down arrangement that, though it emphatically strives to achieve federal consolidation, yet it may not qualify as an encompassing formula for comprehensive decentralisation and sustained governance in terms of effective decentralisation.

To gauge it, Chapter 3 by Muhammad Azam carries the governance debate to the Punjab – the largest province of Pakistan in terms of the size of the population as well as the scale of the industrial and educational infrastructure. The author argues that the institution of Provincial Financial Commissions (PFCs) can play a significant role in taking the federalism project forward, not just in the Punjab but also in Pakistan as a whole by facilitating and ensuring a transparent mechanism of sharing provincial finance at the local level. Furthermore, the chapter argues that the introduction and implementation of a local government system in the country are a step in the direction of democratisation through decentralisation, which, in the medium to the long run, could embrace and sustain governance from below. Thus, in order to understand contemporary democratic processes in Pakistan, it is pertinent to contextualise (electoral) democracy at a broader level of political participation, whose (in)effectiveness, in turn, has a bearing not only on the mode of governance but also on the type of development.

In this respect, Muhammad Azhar and Abdul Basit Khan, in Chapter 4, explore and analyse emerging trends in electoral politics, and their impact on governance, at the national level. The chapter argues that electoral politics presently is plagued with certain undemocratic and despotic tendencies that have affected the political development in an adverse manner. Frequent party defection, regionalist and ethnic politics, moneyed elections, the patron-client structure and communal politics have intensified the chaotic fault lines of politics in contemporary Pakistan. Moreover, delayed and controlled elections, under-performance of elected governments, partisan politics, feeble and fragile institutions coupled with unconstitutional power transitions have encouraged electoral malpractices. However, the gradual rectification of the afore-mentioned malaise requires pro-people and issue-oriented politics on the part of the political forces. A proactive judiciary and a free and vibrant media along with a visible and active civil society can also play a pivotal role. Taking an optimistic view of the 11th general election in Pakistan, held in July 2018, the authors emphasise the continuation of the political processes in terms of free, fair and regularly held elections. For without elections, electoral democracy cannot be consolidated and progress towards liberal democracy, sustained development and climate care would remain stalled, thus negatively impacting the structure of governance.

A similar argument is made by Ejaz Hussain, in Chapter 5, who problematises governance and democratic development in the context of civil–military

relations in contemporary Pakistan. While academically challenging the existing notion of 'dyarchy',¹⁹ which advocated parallel constitutional and institutional measures adopted initially by the colonial-minded civil bureaucracy and, ultimately, embraced and enhanced by the military, Hussain, conceptually and empirically, proposes a 'duality' model that attempts to explain contemporary civil-military relations and governance from an altogether different epistemological position. It is defined in terms of constitutional-legal measures and institutional arrangements made by the parliamentary forces in a non-martial law setting to appease the military in order to prevent a coup or a return to martial law. The underlying objective of the political forces, especially the party in office, is to ensure political and parliamentary survival in terms of completion of the five-year tenure. The military also wanted such a dualist dispensation to be part of governance and economic management rather than staging a coup to remove a government that did not toe the line.

Whereas a dyarchical perspective takes a 'troika'-oriented view of, for example, politics in the 1990s, where the presidency was projected as an autonomously powerful institution vis-à-vis the military, the duality model negates such superficiality empirically, arguing that the military, as a principal actor, has dominated politics not just during the 1960s and 1980s but also the in the 1990s and 2000s.

Last but not the least, Pakistan has experienced the dualisation of civil-military relations in the post-Musharraf period, whereby the political forces have accorded more space to the military by creating dual structures for governance, economic management and dispensing justice. Consequently, duality has been added to the political system, if not culture, of contemporary Pakistan on account of the policy of appeasement adopted by the political and parliamentary forces in order to ensure their survival in office. Thus, rather than improving governance, the economy and democracy, the civil-military relations dynamism has functionally resulted in 'deterioration', defined by this study as institutional, political and policy decadence in terms of unbalanced civil-military relations, political instability, economic mismanagement, bad governance and, above all, the lack of structural reforms in the means of production.²⁰

Development

Development, like governance, is a contested category. Once it was understood in narrow economic terms. Thus, in classical economics, indicators were identified, for example, to measure phenomena, such as economic growth, unemployment and per capita income.²¹ However, development, from the 1960s onwards, was incrementally problematised to encompass social, cultural and political 'development'.²² In addition, certain studies focused on social aspects of human activity. Since the economic growth in the least developing countries is not equally shared on account of income inequality and unequal opportunities, since the 1980s, other indicators of human well-being, such as education, health, water and sanitation have assumed empirical significance. Examples of such

illustrative and broad-focused measurements are the Human Development and Gender Inequality Indices (HDI).²³

However, the overall disciplinary thrust has moved to the measurability of broader human progress in economic, social and environmental terms. The present study, thus, is an attempt to view development holistically, where human-centric development empowering communities in economic and socio-familial terms, reducing domestic violence, is considered in the assessment of 'household' as well as national well-being.

Therefore, in Chapter 6, Abdur Rehman Cheema, Aqeel Anwar and Fazal Ali Khan—three development practitioners – provide a comprehensive analysis of realising rural development, as it is largely in the countryside where under-development in terms of poverty has been structurally perpetuated for decades. According to the statistics, four out of 10 Pakistanis live in poverty while 9.3 per cent of the poor live in urban areas, compared to 54.6 per cent living in rural areas.²⁴ The situation in Sindh is even graver where nearly 43 per cent of the population lives in poverty, with 75.5 per cent of the poor living in rural areas, compared to 10.6 per cent living in urban areas.

In 2015, the Sindh Government, with technical support from the European Union (EU), launched a poverty reduction programme known as the Sindh Union Council and Community Strengthening Support (SUCCESS). The authors examine some of the ongoing gains and challenges emerging from the case of SUCCESS empirically. The latter was a Rural Support Programme (RSP) based on the community-driven development (CDD) model. The CDD models are bottom-up, operated and managed by local people and, therefore, are regarded as one of the strategies to address rural challenges. Interestingly, Pakistan was one of the first countries where the CDD approach was introduced during the 1960s in the Comilla Thana of the then East Pakistan (now Bangladesh).²⁵ One of the most successful experiments of the CDD approach was the Aga Khan Rural Support Programme (AKRSP), which was started in Gilgit, Nagar, Hunza, Baltistan and Chitral Districts.²⁶ Over the years, it has become a catalyst for development in the Northern Areas of Pakistan and, owing to its success, has been replicated in other parts of contemporary Pakistan. Following the AKRSP's success model, SUCCESS has been rolled out in Sindh. The programme emphasises the mobilisation of rural households by providing economic and social services and preparing a policy framework.

The authors found that low literacy among rural women and lack of interest by the local bureaucracy were the key issues in the implementation of the project. With a view to enhancing the performance of the CDDs, the authors suggest an increase in partnership with the local communities, amendments to government rules of bias – giving more roles to local communities in order to enhance their agency – adequate allocation of pro-poor resources and closer links with government departments. As this programme is household-focused and limited in its scope, it is not expected to drastically dent the socio-economic situation or implement poverty alleviation of the underdeveloped regions. Within its limitations, however, SUCCESS has made notable progress. If it

accomplishes its goals by the completion of its six years tenure in 2021, its scope might be expanded not only in Sindh but also to other parts of Pakistan.

As the afore-mentioned highlighted, developmental action, on the part of the (provincial) government in collaboration with global actors, such as the EU, remained preoccupied with the socio-economic dimension of development, thus, it does not cover its subjective side in terms of physical and mental health, especially of the women which are conventionally subjected to patriarchy and socio-economic discrimination in the South Asian region and elsewhere.

In Chapter 7, Rafi Amir-ud-Din and Faisal Abbas analyse wide-ranging structural and contextual factors associated with spousal violence against women (SVAW) in contemporary Pakistan. SVAW is a serious, pervasive and under-recognised issue not only in Pakistan but also in other parts of the world.²⁷ It is a public health hazard with lasting social and economic consequences. The authors find that Pakistan is a male-dominated society in which women have a weaker bargaining position vis-à-vis men in almost all social and economic spheres. This put them at a permanent disadvantage. Some of the obvious symptoms of what the authors termed the 'social anomaly' are operational in the form of honour killing, *vani* (marriage to settle a dispute) and *watta satta* (bridal exchange).

While exploring the reasons behind SVAW in Pakistan, the authors identified the educational status of women and their spouses, the household wealth index, the number of children, and the attitudinal acceptance of spousal abuse as the primary drivers of anti-women behaviour. Moreover, until women are both physically and mentally healthy, the realisation of, for example, economic development and a sustainable climate – in which the women's action and share are globally increasing – will remain a distant dream for the policy-makers in Pakistan. In addition, violent households generate law and order problems, thus involving the state in personal and familial affairs. Ironically, SVAW remained outside the ambit of the legal domain due to cultural, religious and social norms that are deep-rooted in Pakistani society. It is only recently that legislation against SVAW has been initiated in four provinces. This, in the view of the authors, is a step in the right direction, though it will take time to change the culturally embedded mindset of Pakistani men.

While female participation in political and socio-economic activity is a prerequisite for the overall health of Pakistani society and the economy in the contemporary context, to achieve long-term socio-economic and climatic stability, investment in the physical, mental and social well-being of children is absolutely necessary as Pakistan is facing an acute problem of child under-nutrition, as about 38 per cent of Pakistani children were stunted, about 7 per cent were wasted and 23 per cent were underweight in 2018. The Punjab, the largest province of the country by population and the GDP share, had a stunting, wasting and underweight prevalence of 30 per cent, 4 per cent and 14 per cent respectively during 2017–18. Given the significance of this population for the (under) development of the county, Faisal Abbas, Maqsood Sadiq and Tahir Mahmood statistically examine, in Chapter 8, the nature and character of food insecurity

and its impact on childcare. The study is the first of its kind to analyse the determinants of under-nutrition in the Punjab, using three waves of the Multiple Indicator Cluster survey (MICS 2008, 2011 and 2014), which include more than 146,000 children under five years of age.

Predicted probabilities show that the rural Punjab is relatively better off in terms of the prevalence of stunting, wasting and underweight children compared to the urban Punjab and, surprisingly, girls are better off than boys. Moreover, stunting for wealthy quintile children showed a rapid reduction from 2008 to 2014 more than lowest wealth quintile – and this is true for the education categories as well. Administrative divisions such as Dera Ghazi Khan, Bahawalpur and Multan are observing higher child under-nutrition compared to Lahore and Rawalpindi divisions. On an ethnic basis, the prevalence of under-nutrition in children of Seraiki-speaking households – which are mostly concentrated in South Punjab – is higher compared to the Punjabi- or Urdu-speaking samples. This points to social exclusion based on ethnicity. It is, therefore, argued that the provincial government should focus on the provision of education and better health care and childcare services to the people in the disadvantaged areas and, thus, promote an egalitarian development model as well as mindset.

Quite contrary to the conclusions offered by Cheema *et al.* in Chapter 6 – where the financial role of international organisations such as the European Union in contributing towards Pakistan's development is empirically recognised, Ahmed Waqas Waheed, in Chapter 9, take a critical view of the US-led financial and institutional arrangements, such as the military and economic aid during the military regimes. While applying cosmopolitanism, which emphasises democracy, human rights and sovereignty, Ahmed focuses on the period before and after 9/11. As Pakistan's role became crucial in the War on Terror (WoT), the US-led allies ignored the nature and character of the military regime in Pakistan. Similarly, the International Monetary Fund (IMF) and the World Bank also acted generously when addressing Pakistan's requests for bailout packages, while ignoring the authoritarian nature of the Pakistani governments.

Clearly, the geopolitical interests of these actors overpowered their regard for democracy. Moreover, the US drone attacks in Pakistan, though with the implicit connivance of the latter, violated both Pakistan's state sovereignty and human rights. This was in stark contradiction to the much-touted cosmopolitan spirit of territorial integrity and promotion of democracy as well as human rights in the Third World.²⁸ In addition, while dealing with multilateral institutions, Pakistan often found itself caught in a hierarchical relationship where multilateral institutions were found to be readily complacent, and in some cases, employed to further the political interests of the powerful states. The discourse on human rights, democracy and similar normative values only served as a tool in the hands of the large states. The author argues that cosmopolitanism did not capture the political reality of the Third World. This was clearly reflected in the case of Pakistan.

Unlike Pakistan's experience with the US and the western (financial) institutions, Pakistan's interaction with China in the past, however, has remained

cordial, in our view. The latest addition to Sino-Pakistan bilateral relations is the launch of the multibillion China–Pakistan Economic Corridor (CPEC), which was proposed in May 2013 and launched in April 2015.

Ghulam Ali, in his detailed review of the CPEC, in Chapter 10, argues that apart from criticism and uncertainties, the CPEC has been transformed from a concept into a reality. Most of the projects under early harvest have already been completed while the mid-term projects are in an advanced state. Pakistan has not only made progress in four key areas of cooperation, namely, energy, infrastructure, the Gwadar Port and industrial cooperation, but also in agriculture, maritime issues, human resources and defence. The CPEC has also attracted investment from other countries such as Saudi Arabia, the UAE, Qatar and Malaysia and, thus, enhanced Pakistan's regional standing. Ali argues that the mutuality of interests of the two countries guarantees an unflinching commitment to the completion of the project. As Pakistan has received huge investment and technological assistance, China, too, would benefit from the CPEC.

In addition, Ali argues that China would get access to the Indian Ocean via a shorter distance; it could link Xinjiang's economy with the outer world and could get a suitable alternative to the Malacca Strait through which the bulk of its trade and energy pass. Strategically, the Gwadar Port, which is the culminating point of the CPEC, may help in securing China's maritime interests. To optimise the use of CPEC, both sides need to take several measures. Islamabad, in Ali's view, ought to develop a national consensus by taking all stakeholders on board and addressing governance problems, such as terrorism. China, for its part, needs to be mindful of the local culture, and the political, economic and religious realities.²⁹

In the context of the CPEC, the Pakistani state seems preoccupied with national security vis-à-vis Afghanistan, India and, to some degree, Iran. Most recently, the 'Balakot' episode has not only intensified bilateral rivalry but also put (extra)regional stability at stake.³⁰ Historically, as well as contemporaneously, Pakistan, being a small state compared to large India, has pursued military parity with India, which seemed a herculean task, insofar as conventional capability is concerned. Thus, after the post-1971 debacle, Pakistan, covertly, started its nuclear programme to neutralise the Indian threat (non) conventionally. In order to gauge contemporary Pakistan's governance capability in terms of 'deterrence' development, Syed Ali Zia Jaffery, in Chapter 11, revisits Pakistan's nuclear programme by highlighting the contemporary 'deterrence' dynamics in terms of doctrinal transformation from 'credible minimum' to 'full spectrum' deterrence.

As mentioned above, Islamabad had started its nuclear programme during the 1970s, it became an overt nuclear state in 1998 by detonating nuclear weapons in a tit-for-tat response to India's tests. In the following years, Pakistan's nuclear programme stepped into the international limelight³¹ due to Pakistan's introduction of tactical nuclear weapons (TNWs), seaward nuclearisation – also referred as the second-strike capability³² – and defiant refusal to change its First Use policy. The international community exerted pressure on Islamabad by pointing

to its nuclear proliferation regime that could destabilise South Asia strategically as India also possessed nuclear capability.

While addressing these concerns, the author makes a persuasive case in support of Pakistan's nuclear programme as being vital to its national security and regional stability. Nevertheless, Jaffery maintains that Pakistan's nuclear strategy has, with time, changed from a purely war-prevention doctrine to one that aims to prevent war by adopting war-fighting capabilities. However, these shifts are consistent with its deterrence goals and, therefore, are a source of strategic stability in South Asia.

The environment

Whereas governance and development traditionally have received considerable academic and policy attention in Pakistan, it was the environment, both physical and human, that was neglected at the political, policy and operational level. Even academically, pre-9/11, climate research remained a non-priority in local universities, think tanks and government departments. However, the environment has assumed immense academic, policy and political significance in recent years, nationally and regionally.

Nevertheless, the discourse on, for instance, climate change in terms of global warming is extremely contested politically, to the extent that Donald Trump, the current US president, has publicly denied global warming and termed it a Chinese 'hoax'.³³ On the other hand, however, certain European governments under the framework of the United Nations, i.e. the Conference of Parties (COP21),³⁴ have candidly amassed a global consensus on the gravity of the climate crisis facing the (non-)human population of the planet. Indeed, the recent study conducted by the world's top-ranked climate scientists has come up with alarming findings.

The authors found that if greenhouse gas emissions continue at the current rate, the atmosphere will warm up by as much as 2.7 degrees Fahrenheit (1.5 degrees Celsius) above preindustrial levels by 2040, inundating coastlines and intensifying droughts and poverty.... Avoiding the most serious damage requires transforming the world economy within just a few years, said the authors, who estimate that the damage would come at a cost of \$54 trillion. But while they conclude that it is technically possible to achieve the rapid changes required to avoid 2.7 degrees of warming, they concede that it may be politically unlikely.³⁵

The foregoing findings include Pakistan and the South Asian region, in general. Regionally, South Asia has witnessed a rise in the number of climate-induced disasters, such as floods, heat waves and droughts. This has caused great loss of human lives, damage to infrastructure and a blow to the economy.³⁶ Pakistan holds a key position in South Asia, both strategically and economically. Amidst the discussion on mutual strengthening of the region in terms of social and

economic development and strained relationships with its neighbours, an important aspect has been overlooked in the mainstream geopolitical discussion, namely, environmental governance, particularly in the transboundary context and with shared resources.

Pakistan is facing pressing environmental challenges as its natural resources are becoming not only increasingly polluted but also scarce. In addition to a declining natural resource base, the country is facing serious environmental pollution challenges, particularly in air and water, land degradation, urban congestion, desertification, deforestation, loss of biodiversity and habitat, water scarcity and declining water quality coupled with extreme weather events. In the foregoing context, Muhammad Fahim Khokhar and Khadija Aamir explore, in Chapter 12, the major environmental concerns and climate change challenges faced by Pakistan. Since climatic conditions geographically are mostly overlapping and climate crisis is a cross-country and cross-continental phenomenon, the authors, while taking an anthropogenic view of the environment, have briefly focused on the transboundary air pollution and water issues between India and Pakistan. In this respect, climate governance is deemed as a prerequisite, on the one hand, for the realisation of the socio-economic development of Pakistan and, on the other, to prevent a water war between the two nuclear-armed neighbours who, in March 2019, were on the brink of their fifth war.³⁷

While highlighting the overwhelming significance of the transboundary shared natural resources between India and Pakistan, Tooba Khurshid, in Chapter 13, conducts a case study on the Indus Waters Treaty (IWT) with reference to transboundary water dispute resolution. The chapter argues that India and Pakistan share a complex relationship – apart from a common border, culture and history – of sharing the Indus Basin, which has been a major source of contention between the two sides since partition in 1947. Partition placed the extensive canal headworks in India, thus, turning India into the upper and Pakistan, into the lower, riparian state. Owing to the 1948 water conflict emerging out of the unsettled nature of the Indus Basin, the World Bank, on behalf of the western powers, especially the United States, intervened and helped negotiate the IWT in 1960. Since then, the treaty has been mostly implemented faithfully.

Nonetheless, in the contemporary context, water issues, such as the construction of dams by India on the Indus and Jhelum rivers, have panicked Pakistan which has taken a legalist approach under the IWT framework. The chapter posits that both states ought not only to abide by the treaty but also to seek avenues to incorporate environmental risks and related vulnerabilities into its framework in order to enhance the bilateral dispute resolution mechanism, which is urgently required, given the tense nature of bilateral relations and the scarcity of transboundary (water) resources.

This book, thus, reflects the collective concerns of educated Pakistani youth who – being professionally trained in the discipline of political science, development studies and environmental sciences – are academically engaged in conducting a conceptually compact and empirically sound analysis of

certain pressing issues related to governance, development and the environment that Pakistan, as a society and state, is grappling with. The primary aim of the collection of these fresh and, in some cases, innovative perspectives – which, at times, seem to be thematically overlapping – on contemporary Pakistan is to carry home the extraordinary significance of the analysed domains, which lie at the centre of policy deliberations, formulation and implementation. If some, if not all, conclusions drawn by this study were adopted by the social, political and economic stakeholders of the country as well as the region at the higher level of governability, it would certainly boost morale, individually and collectively, to further solve the most pressing and persistent problems and perplexing phase that Pakistan, in particular, and the South Asia region, in general, are passing through, and come up with innovative solutions.

Notes

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- 9 Ejaz Hussain, 'Failure to Understand Military Intervention in Pakistan: A Rejoinder', *Armed Forces & Society* 44, no. 2 (2018), 368–78.
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- 12 *Ibid.*
- 13 Shahid Javed Burki, *Changing Perceptions, Altered Reality: Pakistan's Economy under Musharraf, 1999–2006* (Karachi: Oxford University Press, 2007), 29–30.
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- 15 The FATA was merged with Khyber–Pakhtunkhwa (KPK) under the terms of the 31st Constitutional Amendment. For details, see Chapter 2 of this book.
- 16 *Daily Times*, 'Water Crisis: Why Is Pakistan Running Dry?', 10 December 2018. Available at: <https://dailytimes.com.pk/331822/water-crisis-why-is-pakistan-running-dry/> (accessed 18 December 2018).

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1 Fighting for the FATA

Military action and governance in the tribal areas of Pakistan

Shahzad Akhtar

Introduction

Since its independence in 1947, Pakistan has essentially faced, and suffered from, three interrelated challenges of governance: that revolve around (1) the perennial problem of unbalanced civil–military relations; (2) lack of socio-economic development; and (3) the environment, that largely have remained neglected in the public policy domain. As the first chapter in this volume, this study thus deals with the lingering crisis of governance and development in Pakistan through studying the case of the (former) Federally Administrated Tribal Areas (FATA),¹ which, in recent years, has witnessed various military operations, legal and institutional arrangements and, above all, (extra-)regional attention with respect to cross-border insurgency. Bearing in mind the aforesaid challenges along with the sub-regional significance of the FATA in terms of governability and federalism, this study aims to emphasise the conceptual, empirical and thematic value of the case in hand for other studies in this book, which are conducted on similar themes, though in different parts of Pakistan. Moreover, this initial chapter will also serve as a point of reference for Chapter 2 that explains the FATA's merger with Khyber–Pakhtunkhwa.

In order to fully comprehend the said merger, it is pertinent to highlight and analyse the processes, the policy and the actors that shaped the political, demographic and institutional dynamics of the (former) FATA which comprises 27,200sqkm and has a population of approximately five million. A British-era legal framework, the Frontier Crimes Regulation (FCR), provided the basis for local governance through the collective responsibility of tribes. The tribal people were allowed to retain their semi-autonomous status in exchange for loyalty to Pakistan. The FATA lagged far behind, compared to the other parts of the country, in terms of socio-economic and political development, primarily because of this minimal state presence. In addition, as a result of the lack of a proper governmental set-up and the weak authority of the Pakistani state, the FATA emerged as a safe haven for Al-Qaeda and the Afghan Taliban militants who fled the US attacks in Afghanistan. Under the terms of its alliance with the US in the War on Terrorism, Pakistan attempted to exert control over the FATA, hitherto a semi-autonomous territory, around 2004 that backfired and insurgency began there.

Since then, the Pakistani military has carried out various military operations in different parts of the FATA to suppress the rising Pakistani Taliban insurgency, also known as Tehrik-i-Taliban Pakistan (TTP). The Pakistani government's initial counterinsurgency campaign from 2004 to 2008, that relied on conventional forces and used force indiscriminately, did not succeed in curbing the insurgency. Instead, the insurgency in the FATA became powerful and brought significant territory under its control. However, Pakistan improved its counterinsurgency strategy around 2009 and started retaking areas under the control of the TTP.

Consistent military assaults in different agencies or areas of the FATA, including Operation Zarb-e-Azb in North Waziristan area, launched in June 2014, forced the TTP to relinquish its control of the region completely in 2016–17. Hundreds of the TTP's militants were killed and most of the leadership fled across the border to Afghanistan's eastern provinces where the Afghan government has little or no control. Following the defeat at the hands of the Pakistani military, the TTP splintered into many small groups, operating independently. The destruction of the powerful Pakistani Taliban insurgency raises a few important empirical questions. Why did the FATA insurgency disintegrate? How important was the role of the United States, particularly of the Obama Administration, in shaping Pakistan's changed counterinsurgency approach? What changed in the Pakistani government's counterinsurgency approach that led to the defeat of the TTP? How much has the Pakistani government changed its governance mechanism in the region to stop the resurgence of insurgency? This chapter focuses on addressing these questions.

I argue in this chapter that a robust counterinsurgency strategy by the Pakistani government, characterised by adapting conventional forces into a counterinsurgency force, a more judicious use of force targeting insurgents and securing the civilian population, and following a clear and hold strategy, led to the defeat of the TTP insurgency. The chapter is organised as follows. The first section begins with an analysis of how the TTP insurgency escalated and posed a serious threat to Pakistan's security. This also discusses how the initial growing strength of the insurgents created an alarming situation that forced the government officials to take the threat seriously. The chapter also discusses how the changed American approach towards the Pakistan–Afghanistan region under President Obama pushed Pakistan to adopt a hard line towards militants operating in the FATA region. The chapter then moves on to explain the elements of the Pakistani government counterinsurgency strategy that led to the defeat of the FATA insurgency.

Pakistan's responses to the growing power of the TTP

The US invasion of Afghanistan in the wake of the 9/11 terrorist attacks toppled the Afghan Taliban regime. Many Al-Qaeda militants and Afghan Taliban members sought refuge in the FATA due to the geographical proximity, shared ethnicity and Islamic brotherhood. The FATA had long enjoyed a

semi-autonomous status and the Pakistani government exercised only limited authority there. The FATA comprises around 27,200 sq km of territory, roughly the size of Maryland in the United States. In addition, the FATA tribes did not follow any formal laws (i.e. the laws of a modern state to govern society) but their own tribal system based on the centuries-old code, *Pashtunwali*, that provided the basis to govern their daily lives. This tribal system is sometimes misunderstood as lawlessness in the absence of a formal governance system, which is not true. Johnson saw *Pashtunwali* 'as an alternative form of social organisation which advances conflict resolution mechanism'.²

The US pressurised the Pakistani government in 2002–03 to take military action against the foreign militants hiding in the FATA to deny them space and to stop them from attacking American-led international forces across the border in Afghanistan. Pakistan initially resisted American pressure to undertake a military operation because of the semi-autonomous status of the FATA region and the fierce independence of the tribesmen. The Pakistani government exercised limited control of the area through a patronage network that was established during British colonial times. Local tribal leaders, also known as *Maliks*, were given a share of power by the government in administering the tribal areas in addition to disbursement of allowances and subsidies in return for their loyalty to the Pakistani state. This *modus vivendi* of maintaining the status quo helped the Pakistani state avoid rebellion from the FATA tribes for a long time before 2004.

However, in 2004, the Musharraf government finally gave in to American pressure and became willing to use military force against the tribesmen in the FATA. The US also incentivised Pakistan with economic and military assistance along with designating the country a major non-NATO ally. Pakistan finally launched military operations in the FATA against the local tribal groups who were alleged to be providing support to the foreign militants. The military's use of force against the locals not only broke the long tradition of not interfering in the semi-autonomous region of the FATA but it also wildly disrupted the patronage network that had played a key role in keeping the tribes under control. The disruption of the long-held status quo marked the onset of insurgency in the FATA. In the following years, the FATA insurgency became very powerful.

Pakistan's poor counterinsurgency strategy from 2004 to 2008 provided space and strength to the FATA insurgency. The Pakistani government lacked commitment to fighting the insurgency and employed an ad hoc strategy that involved excessive use of force, on the one hand, and offering peace negotiations to the insurgents without defeating them, on the other. Indiscriminate and extreme use of force alienated the larger population, and peace deals provided the insurgents with strength and confidence.³ In December 2007, the local groups fighting independently against the Pakistani government came together and set up TTP, an umbrella organisation, to coordinate their activities.⁴ The formation of a single coherent organisation not only helped the insurgents to increase their influence and hold in the FATA, but they also extended their control in the settled districts (outside the tribal territories) of Pakistan. For

example, the TTP helped its allied group in challenging the authority of the Pakistani state in some settled districts of the Malakand region, not very far from the capital of Pakistan.⁵ The international community, especially the United States, became seriously concerned over the increasing power of the FATA insurgents because of their ongoing active support for the insurgency in Afghanistan.⁶

Some security analysts, around 2008, started viewing the TTP as a serious threat to Pakistan's internal stability. Ahmed Rashid, for example, asserted that the Pakistani Taliban had become a bigger threat to Pakistan's security than India.⁷ Another observer of the Pakistani Taliban suggested that Pakistan needed to destroy TTP and its infrastructure and hold its leadership accountable, for the sake of internal security.⁸ Furthermore, the emergence of TTP as a terrorist organisation and its involvement in a number of terrorist attacks outside the FATA in the different cities of Pakistan forced the Pakistani ruling elites to take the threat seriously. This led to a shift in the government's perception of the primary threat to the country from India to the TTP, at least momentarily.⁹ The change in Pakistan's threat perception was accompanied by a change in public mood that was becoming increasingly anti-TTP.

Public opinion turned significantly against the TTP because of their involvement in several terrorist attacks, targeting mosques and marketplaces¹⁰ and became more critical of the TTP after the organisation termed Pakistan's Constitution unIslamic. This helped to build popular perceptions that any Pakistani offensive was driven by the growing TTP threat, not by US pressure.¹¹ The majority of Pakistan's people therefore demanded that the government take stern action against the TTP. The World Public Opinion poll conducted in 2009 put anti-TTP sentiment among the Pakistani public at 81 per cent.¹² A Pew Research Poll, carried out in August 2009, showed that 77 per cent of the public supported military operations against the Pakistani Taliban.¹³ In addition, religious political parties also supported military operations against the TTP.¹⁴ Beryman and Salman argued that, 'Growing revulsion against the Pakistani Taliban's outrageous behaviour is one of the major factors underlying improved public support for the Army's counterinsurgency offensives.'¹⁵ A changed US administration also pressured the Pakistani government to take a hard approach towards the militants hiding in the FATA. Contrary to the previous administration who diverted attention from Afghanistan to Iraq in 2003, the new administration under President Obama resolved to focus more seriously to eliminate the Al-Qaeda network from Pakistan and Afghanistan.

The Obama Administration's approach towards the Pakistan–Afghanistan region

President Obama's carrot and stick policy towards Islamabad contributed significantly to shaping Pakistan's counterinsurgency approach in the FATA. The Bush Administration did not succeed in countering the Taliban insurgency in Afghanistan and eliminating its support networks in Pakistan's tribal areas.

Before President Obama came to power, the insurgency in Afghanistan became a far more serious threat. The US and NATO forces had had a tough time fighting a resilient insurgency that had secured sustained support from the FATA.¹⁶ The Obama Administration, after assuming power, realised that Pakistan 'was a necessary element of the military and counter-terrorism campaign in Afghanistan'.¹⁷

President Obama announced the new US strategy, 'Af-Pak', towards Afghanistan and Pakistan on 27 March 2009.¹⁸ He resolved to focus on the Pakistan–Afghanistan region more seriously than his predecessor. Obama's Af-Pak strategy had a clear and focused goal, 'to disrupt, dismantle, and defeat Al Qaeda in Pakistan and Afghanistan, and to prevent their return to either country in the future'.¹⁹ The Obama Administration held the view that the future of both countries was 'inextricably linked' and problems in Afghanistan could not be resolved without addressing problems in Pakistan.²⁰ Therefore, the new administration decided to treat the two countries as part of 'one theatre of operations for US diplomacy and one challenge for [Washington's] overall policy'.²¹ The administration designated the FATA region a critical threat as most of the terrorist attacks that occurred elsewhere in the world could be traced to this region.²²

The Obama Administration was critical of Pakistan's performance in the War on Terrorism, putting pressure on the Pakistani government by stating that America would not give Pakistan a 'blank cheque' in the future.²³ President Obama pledged US support to the Pakistani government if the country showed resolve and willingness to 'eliminate the sanctuary enjoyed by Al Qaeda and other terrorist groups'.²⁴ In addition, the Obama Administration focused on enhancing the partnership with Pakistan through military and economic assistance. The US Department of Defense allocated almost US\$400 million to train and equip the paramilitary Frontier Corps (FC) in an attempt to build Pakistan's capacity to fight the insurgency. Furthermore, an additional amount of US\$3 billion was allocated over the next five years to train and equip Pakistan's army and paramilitary forces for counterinsurgency missions.²⁵

The US also increased military supplies to Pakistan. In March 2010, the US delivered 14 AH-1Cobra gunship helicopters to Pakistan.²⁶ Washington also offered to supply Pakistan with 14 F-16 C/D Block 52 fighter jets in addition to the previous 18 Block 52 F-16 aircraft.²⁷ In June 2010, the Pakistani Air Force (PAF) received three F-16s from the US, which removed a long-standing impediment in the US–Pakistani military ties.²⁸ The United States also provided Pakistan with shadow drones for surveillance.²⁹ However, in exchange for the uninterrupted flow of US military assistance, the US Secretary of State needed to make sure that Pakistan 'has demonstrated a sustained commitment to and is making significant efforts towards combating terrorist groups'.³⁰ Apart from the military assistance, the Af-Pak strategy also focused on the development of Pakistan's civilian sector in order to demonstrate US long-term commitment to the country. The new US policy introduced the Enhanced Partnership Act 2009 (also known as the Kerry–Lugar Bill) which aimed at tripling US economic assistance to Pakistan to US\$1.5 billion per annum between 2010 and 2014.³¹

Besides providing military and economic assistance, the US pressurized Pakistan to expedite its efforts against terrorism by taking actions against all sorts of terrorist groups. In November 2009, the US National Security Advisor, James Jones, delivered President Obama's letter to the Pakistan President, Asif Ali Zardari, which read that Pakistan's policy of using some terrorist groups to gain regional objectives 'cannot continue', and demanded stern actions 'against all extremist groups, including Al Qaeda, the Afghan Taliban, the Haqqani Network (HN), Lashkar-e-Taiba (LeT), and the TTP'.³²

Since 2009, President Obama significantly had increased US drone strikes in the FATA region to target Al-Qaeda and its allies.³³ He strongly realised that eliminating the support base in the FATA was absolutely necessary to control the insurgency in Afghanistan.³⁴ President Obama remarked that 'this border region [the FATA] has become the most dangerous place in the world'.³⁵ President Obama's drone policy aimed to destroy the terrorists' safe havens without waiting for Islamabad to act. Fair argued that President Obama's increased drone strikes in Pakistan reflected American resoluteness to achieve rapid results against terrorism and insurgency in Afghanistan.³⁶ As a result of this increased US pressure and the Af-Pak strategy, Pakistan intensified its counterinsurgency campaign in the FATA. A sustained and better counterinsurgency policy by the Pakistani state led to the defeat of the TTP in the FATA. The following explains how a strong and effective counterinsurgency led to the decline of the FATA insurgency.

Pakistan's counterinsurgency campaign

A strong political will to defeat the insurgency played an important role in formulating and executing a better counterinsurgency strategy by the Pakistani government. A strong political will is a necessary condition to achieve success against an insurgency.³⁷ A change in threat perception in Pakistan's political and military elites, replacing India with the TTP insurgency, led to a strong political will to confront the threat seriously. In an interview with the German magazine, *Der Spiegel*, General Shuja Pasha, the head of Pakistan's chief spy agency, Inter-Services Intelligence (ISI), said that 'terror [TTP insurgency] is our enemy, not India'.³⁸ Similarly, Pakistan's Prime Minister Yousuf Raza Gilani termed the war against insurgents 'a war of the country's survival'.³⁹

The Pakistani government further demonstrated a strong political will, when it announced that negotiations with the insurgents would no longer be an option. By the end of 2008, the government had outlawed the TTP. Previously, the government's negotiations with the insurgents only helped the latter to strengthen their hold over the FATA. Zaidi, an expert in FATA counterinsurgency, commented on the government's halting of negotiations with the insurgents, 'the realization had perhaps dawned in government circles that the negotiation process had not yielded many dividends',⁴⁰ adding further, 'The continuous peace deals and their unilateral revocation by the militants sapped the

negotiating will of the government, which banned the Tehrik-e-Taliban [Pakistan].⁴¹ A strong political will lead to a better counterinsurgency strategy and tactics that cause the defeat of the insurgency.

Military counterinsurgency training and skills

Pakistan's military elites clearly understood that the forces fighting the insurgency lacked counterinsurgency training and equipment. Success in counterinsurgency operations is contingent upon the military's ability to adapt its organisational structure and strategy from conventional warfare to counterinsurgency warfare.⁴² To improve counterinsurgency skills, the then-chief of the armed forces General Ashfaq Kayani initiated a change in the military curriculum and changed the new arms procurement choices to include counterinsurgency training and equipment. General Kayani initiated reforms in the Directorate of Military Operations and intelligence operations to meet the needs of counterinsurgency warfare.⁴³ In addition, paramilitary forces such as the Frontier Corps (FC), were given counterinsurgency training and provided with modern counterinsurgency weapons, along with better salary packages and promotions.⁴⁴ These measures transformed the FC into a modern counterinsurgency force.⁴⁵

The Pakistani government also sought counterinsurgency training assistance from the United States in 2009.⁴⁶ The United States Army Special Forces conducted counterinsurgency training for FC officers.⁴⁷ Previously, the Pakistani military leadership had declined American offers of such training. The Pakistani military officials were reluctant to change the orientation of the forces from conventional to counterinsurgency, because they believed that the country's main security threats emanated from India and not from the TTP. However, with the change in threat perception from India to the TTP, Pakistan's military elites realised that their forces needed counterinsurgency training to fight effectively against the insurgents. A US intelligence assessment noted a significant improvement in Pakistan's counterinsurgency skills, 'Pakistan has added more border posts, begun counter-insurgency training, [and] fenced portions of the border and seeks to obtain counter-insurgency equipment while also expanding para-military forces.'⁴⁸ These new measures enhanced the forces' counterinsurgency capabilities to better fight the insurgents and defeat them.

The Pakistani military also improved its counterinsurgency approach through the process of 'learning by doing'.⁴⁹ Based on the experiences of the counterinsurgency operations during 'Operation Sherdil (Lionheart)' in Bajaur, in August 2008, junior officers, who were directly battling the insurgents, were made part of the decision-making process to devise better counterinsurgency strategies.⁵⁰ 'Learning by doing' or the battleground experiences coupled with input from junior officers made the counterinsurgency in the FATA more effective. The newly acquired tactics allowed discriminatory use of force that proved efficient against the insurgency.⁵¹

Targeted use of force against insurgents

A judicious use of force that targets insurgents and protects the civilian population is very important in waging against an insurgency. An intensive firepower approach in a counterinsurgency campaign is never productive. A counterinsurgency scholar, Samarjit Ghosh, contended that, 'The use of brute force instead of low-intensity strikes is a classic flaw in counterinsurgency campaigns ... it invariably embitters the local population.'⁵² The security of the local population is very important in any counterinsurgency campaign which can be achieved by a minimum or discriminate use of force. An expert on counterinsurgency, Paul Dixon, suggested a less coercive approach to counterinsurgency or using 'minimum force' to avoid civilian damage.⁵³

From late 2008, the Pakistani military adopted a counterinsurgency approach that shifted from the outright indiscriminate use of force to a more targeted use of force. A more targeted use of force helped to reduce collateral damage.⁵⁴ The Pakistan government asked the local population to leave the areas under the control of the FATA insurgents in order to target these areas.⁵⁵ After isolating the population from the insurgents, the Pakistani military used air power to soften up the insurgents' targets, followed by the entry of ground forces in order to secure the area from the militants.⁵⁶ An observer of Pakistan's counterinsurgency tactic, Haider, contended that '[Pakistan] has made a significant but tenuous move toward a hybrid approach that relies on killing the enemy but minimizing collateral damage.'⁵⁷

Collateral damage significantly decreased because of the more discriminate use of force.⁵⁸ For example, the military 'Operation Sherdil' carried out in Bajaur agency saw the targeted use of force that helped to avoid civilian damage.⁵⁹ The FC also emerged as a more competent local force that chased the fleeing insurgents without alienating the local population.⁶⁰ Similarly, the Pakistani military launched Operation Rah-i-Nijat (Path of Salvation) in South Waziristan agency, on 17 October 2009, with a clear objective of dismantling the TTP organisational infrastructure and avoiding harming the civilian population.⁶¹ To achieve this, the civilian population were evacuated before launching the military attack.⁶²

The Pakistani military also used psychological techniques to discredit the TTP militants in the eyes of the civilian population. The military used the local religious authorities to inform the youth that this was a 'false jihad' and blamed the militants for bringing destruction to their region.⁶³ The Chief of Army Staff General Kayani sent a letter to the local leaders of the Mehsud tribe, informing them that this military operation would target only the insurgents, not the Mehsud tribes.⁶⁴ These tactics helped to create a distance between the civilians and the insurgents which in turn helped to achieve a targeted use of force.⁶⁵

Destroy, clear and hold

Dismantling the insurgents' military capability and other related infrastructure is essential to defeat them completely. Melshen, a counterinsurgency scholar,

argued that ‘if the infrastructure is not destroyed, the insurgent organization will either survive as it is, or adapt to the current counterinsurgent pressures on the organization’.⁶⁶ Pakistan’s post-2009 counterinsurgency campaign focused on eliminating the insurgents’ infrastructure, such as destroying their hide-outs and training centres. The forces also dismantled the huge tunnels built by the insurgents and recovered large stockpiles of weapons and ammunition and other materials, such as guerrilla warfare manuals and bomb-making instructions.⁶⁷

Military operations in the Bajaur agency conducted in 2010 destroyed the insurgents’ military infrastructure completely, wresting back control of 95 per cent of the area from them and established the authority of the government.⁶⁸ In addition, the forces conducted search operations to apprehend the fleeing militants. Similarly, the insurgents’ sanctuaries and other insurgency-related infrastructure were completely destroyed during military operations in South Waziristan in 2009.⁶⁹ The military established its control after the insurgents were either killed or managed to flee across the border into Afghanistan.

Similarly, during Operation Zarb-e-Azb in North Waziristan, conducted in June 2014, the Pakistan Air Force targeted the militants’ hideouts with precision weapons to destroy the insurgents’ infrastructure in order to weaken their overall capability.⁷⁰ After destroying the insurgents’ infrastructure, the forces focused on clearing the area of the remnants of the insurgents. Pakistan’s counterinsurgency strategy also involved the implementation of a clear and hold model. After clearing areas from the insurgents’ control, the military troops were stationed to hold the territory in order to prevent the chances of insurgents’ return.⁷¹ Haider maintained that Pakistan’s counterinsurgency strategy had ‘executed a presence-oriented approach’,⁷² which means creating a military presence after ‘clearing an area, and supporting local intelligence and militias for continued success’.⁷³

Winning the hearts and minds

A successful counterinsurgency also requires winning the hearts and minds of the population by addressing their socio-economic and political grievances. After defeating the insurgents militarily, the Pakistan government developed projects to win the hearts and minds of the FATA people. However, these attempts did not succeed. For instance, after defeating insurgents in Bajaur in 2010, the military built schools, local health units, and developed the road infrastructure in the agency. In addition, the military also helped the local people to rebuild their houses destroyed during military operations.⁷⁴ But the local people reported a lack of adequate funding to restart their life.

Massive displacement of the local population took place due to the military operations. To avoid collateral damage, large numbers of local people were asked to leave their houses before Operation Rah-i-Nijat was launched in 2009 in the Mehsud-dominated area of South Waziristan. Similarly, as a result of Operation Zarb-e-Azb in June 2014 in North Waziristan, around two million local people, the majority of them women and children, were displaced.⁷⁵ The

government was not well prepared and did not have sufficient financial resources to deal with this massive displacement of local people.⁷⁶ The camps established for the internally displaced people lacked basic necessities, such as water, electricity, washrooms, and proper living arrangements.⁷⁷ The lack of civilian-led governance in the FATA further added to the problems, thereby increasing the vulnerability of the displaced people.

Since 2015, the government has taken certain measures for the repatriation and rehabilitation of the internally displaced people. The government sanctioned Rs.5 billion (US\$33.33 million) to help the local people in their resettlement and rehabilitation. The government also provided financial assistance to the local people to rebuild their homes.⁷⁸ However, the local people complained that they could not rebuild their homes with the money provided by the government and faced serious hardships in the process of resettlement.⁷⁹ The displaced people, after they returned to their homes, faced serious hardships because of a poorly performing agricultural sector, limited or non-existent employment opportunities, and broken businesses and markets.⁸⁰

The government launched the Sustainable Development Plan (SDP) spread over the years from 2006 to 2015, to create social and economic development in the region, including the development of infrastructure and the commerce and industrial sectors.⁸¹ In addition, the government also established different institutions, such as the FATA Secretariat, a FATA Task Force and the FATA Development Authority to cater to the development needs of the region. However, many of these plans aimed at developing the region did not materialise due to either lack of interest by the government or due to insufficient resources.

The FATA region has historically lagged far behind the rest of Pakistan in terms of socio-economic and institutional development because of its semi-autonomous status. The emergence of the TTP insurgency and its expansion brought the realisation among Pakistani officials that the semi-autonomous status of the FATA region and the resultant lack of political and socio-economic development provided a conducive environment for the insurgency to begin and flourish.⁸² However, concrete steps were taken only when the government constituted the FATA Reforms Committee (FRC) in November 2015 to deliberate on the question of integrating the FATA into the mainstream Pakistan nation-state while ending its semi-autonomous status. The committee recommended abolishing the semi-autonomous status of the FATA region and put forward a five-year transition plan, including legal, political, administrative measures, in addition to a ten-year socio-economic development plan. As part of implementing the recommendations of the FRC, the government passed the 31st Amendment to Pakistan's Constitution to merge the FATA with the neighbouring province, Khyber-Pakhtunkhwa (KPK).⁸³ Mainstreaming the FATA and giving its people socio-economic and political rights like other parts of the country would help to alleviate the long-held grievances.

However, this requires a true commitment on the part of the government and significant resources. Failure to address the socio-economic conditions of the

people would lead to breaking the fragile peace in the region. An expert in counterinsurgency, Shaukat Qadir, maintained that, 'The virtual absence of a holistic governance response to the counterinsurgency strategy leaves a vacuum that, if left unfilled, would doom the state's efforts to pacify militants permanently.'⁸⁴ The emergence of the Pashtun Tahafaz Movement (PTM), which has proclaimed itself a peaceful social movement, demonstrates the existence of socio-economic grievances among the people of the former FATA. Attracting the attention of a significant section of the population of the FATA, PTM has staged a number of peaceful protests demanding the complete return of the dislocated population to their homes and the removal of the military troops from the region. Addressing the socio-economic grievances of the FATA people would provide a durable basis for peace in the region. However, a sizeable number of Pakistani military troops would stay in the FATA for some time to prevent the resurgence of the insurgency and to ensure the smooth integration of FATA into KPK.

Fragmentation of the FATA insurgency

An effective counterinsurgency strategy, harnessed to specialised counterinsurgency forces, judicious use of force, and a focus on destroying the insurgency infrastructure, implemented by the Pakistani government, led to the defeat of the TTP insurgency. Continued military operations severely damaged the operational capability of the TTP which was evident from the reduction in terrorist-related violence in Pakistani cities, particularly in the FATA.⁸⁵ The TTP lost its organisational strength and fractured into a number of factions. Several leaders of the TTP broke away from the main organisation and formed a new faction called Jamaat-ul Ahrar in September 2014.⁸⁶ Moreover, in October 2014, several other TTP leaders pledged adherence to the head of the Islamic State, Abu Bakr al-Baghdadi.⁸⁷

In the face of territorial losses and internal factionalism, the TTP attacked soft targets in Pakistan. A TTP faction, led by Mullah Fazlullah, attacked the Army Public School in Peshawar on December 16, 2014, and killed 142 school children and staff members. This attack was called 'Pakistan's 9/11'.⁸⁸ Another group of the TTP, known as Jamaat ul-Ahrar, attacked the Pakistan-India border crossing near Wagah, Lahore, on 2 November 2014, killing 55 people.⁸⁹ In early 2016, a faction of the TTP, led by Mullah Mansoor, attacked the Bacha Khan University in Charsadda, 20 miles from Peshawar, and killed 20 people, including students and teachers.⁹⁰ These attacks demonstrated the deep frustration within TTP ranks over the huge losses suffered at the hands of the Pakistani military.

The Pakistani military's continued counterterrorism operations pushed the TTP leadership and its cadres out of the FATA, but most of the leadership fled across the border into Afghanistan and sought a safe haven there because of the weak authority of the Kabul government. However, the TTP was dealt a serious blow when its notorious leader, Mullah Fazlullah, was killed in a US drone

strike in June 2018 in Kunar Province, Afghanistan.⁹¹ Fazlullah, after taking over as TTP leader in 2013, was involved in a relentless series of terrorist attacks in Pakistan including masterminding the shocking killing of school-children at the Army Public School in Peshawar in December 2014. The death of Fazlullah deprived the TTP of its long-standing leader, which further weakened the organisation.

Conclusion

This chapter has argued that the Pakistani government's strong counterinsurgency plan launched in 2009 has deprived the TTP of its stronghold in the FATA, especially in the Bajaur, South and North Wazirsitan agencies. The Pakistani government was alarmed over the consolidation of the FATA insurgents when different groups hitherto operating independently from each other united in December 2008 to form a coherent organisation to coordinate their activities and share their resources. The formation of the TTP emboldened the insurgents and raised them to the level of posing a serious challenge to the internal security and stability of the country. This forced the Pakistani government to pay serious attention to the growing TTP threat. The government's realisation of the seriousness of the TTP threat provided the necessary political will which was followed by a better counterinsurgency strategy and tactics that ultimately led to the defeat the FATA insurgency. After observing the initial successes of Pakistan's effective counterinsurgency around 2010, the TTP resorted to indiscriminate terrorist attacks that further increased anti-TTP sentiments among the public. The government capitalised on the public sentiment and intensified counterinsurgency operations against TTP in the (former) FATA.

As part of an effective counterinsurgency policy, the Pakistani government trained its forces to meet the needs of counterinsurgency warfare and devoted considerable military resources to carrying out military operations against the FATA insurgents. A more judicious use of force rather than sheer use of force destroyed the insurgents but limited civilian damage. Although a massive displacement of the people took place and some civilian properties were destroyed during operations against insurgents, the lives of civilians were protected for the most part. Importantly, the forces followed the clear and hold model to consolidate the gains made militarily. This effectively prevented the insurgents' attempts at re-infiltration. The government also attempted to win the hearts and minds of the local population by initiating development work, though people were not satisfied with the current government measures. Bringing economic and social development to a region that has been long neglected requires long-term and concerted efforts on the part of the government. To improve governance in the region, the government amended the country's Constitution to end the long-held semi-autonomous status of the FATA and to integrate it with the neighbouring KPK Province. These political developments need to be supplemented with deeper economic and social reforms to prevent the resurgence of insurgency in the region.

Acknowledgements

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Notes

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2 The FATA merger with Khyber–Pakhtunkhwa

Governance challenges and development opportunities

Sohail Ahmad

Introduction

Historically, the Federally Administered Tribal Area (FATA) was quite important for the domination of the British Empire on the western front of British India in the nineteenth century. The FATA is situated in the north-western region of Pakistan, on the border separating Afghanistan and Pakistan, known as the Durand Line, with the Pakistani provinces of Khyber–Pakhtunkhwa (KPK) and the Punjab to the east, and Balochistan to the south.¹ The total area of the former FATA is 27,224 sqkm that comprises of seven agencies or areas now referred to as districts, each having different tribal structures and administrative headquarters. These seven agencies lie on various geographical positions in the tribal region. Bajaur and Mohmand agencies are located in the north. Khyber, Kurram and Orakzai agencies are situated in the centre, while North and South Waziristan lie in the south. Moreover, it consisted of six Frontier Regions (FRs): FR Peshawar, FR Kohat (Darra Adam Khel), FR Bannu, FR Lakki Marwat, FR Tank (Jandola) and FR Dera Ismail Khan (Darazinda). These FRs are situated on the border of the tribal belt.²

The majority of the population of Pakistan's tribal areas is Pashtun, with Pashtuns residing on both sides of the Durand Line. The Pashtuns in Pakistan mainly reside in KPK Province, Karachi and certain districts of Balochistan Province. They are further sub-divided into different tribes such as the *Wazirs* and *Mehsud* who live predominantly in South Waziristan; the *Dawars* who are largely found in North Waziristan, and the *Afridis* and *Shinwaris* who live in the Khyber tribal district. According to Pakistan's 2017 census, the total population of the FATA was approximately 5 million, making it one of the least populated areas of Pakistan. The province of KPK is one of the poorest regions of Pakistan and around 60–80 per cent of its people are unemployed.³ Most of the tribal residents migrated to the developed cities of KPK and other parts of the country, primarily for economic reasons, leading to, for example, Karachi becoming the hub of the Pashtun community which controls many businesses in the metropolitan area.⁴ The main profession of the tribal people is transportation and the construction sector. Along with voluntary migration due to economic reasons, forced migrations from the former FATA have also become a factor,

i.e. internal displacement due to the conflict between militants and the security forces.⁵

Both the poverty-induced and conflict-induced migrations illustrate the poor and multi-dimensional socio-economic and security situation of the tribal belt. Basic facilities that are the right of every citizen of a state were out of reach for the masses of this region, forcing the majority of the people in the area to live below the poverty line.⁶ According to a survey conducted by the Ministry of Planning, Development and Reform, there is only one health care centre for every 42,000 people and more importantly, only one doctor is available for every 78,000 people. In addition, the education sector in the area is extremely underdeveloped. According to the FATA Development Indicators Household Survey 2013–14, the literacy rate in the FATA is 33.3 per cent as compared to the national level of 58 per cent while the youth unemployment rate is 11.8 per cent as compared to the rest of the country.⁷ Another aspect is the gender discrimination that is directly impacting the rate of education among individuals of the tribal region. Moreover, the literacy rate for men is around 45 per cent, and for women it is about 7.8 per cent, which highlights the dominance of cultural and social norms over the weak legal system that restricts the empowerment of women and the development of the region.⁸

Colonisation of the region

Originally the British took control of the Punjab after defeating the Sikhs in 1849; the territory of the Punjab under the Sikh Empire and later the British Empire encompassed present-day KPK and the tribal area adjacent to it. Historically, the tribal belt was referred to as *Yaghistan* meaning the ‘land of the rebellious people’, owing to its reputation of being extremely difficult to govern and control.⁹ The British, much like the previous foreign rulers, faced tremendous challenges in establishing the authority of the state in the tribal region. The tribesmen opposed colonial rule by leading incursions into the settled areas of the empire. In order to maintain control over these territories of British India – mostly comprising today’s KPK, Balochistan and the tribal areas – the British Raj implemented a system of legal and formal codes in the form of the Indian Penal Code¹⁰ and the Code of Criminal Procedure.¹¹ Similarly, in 1871, the Crimes Tribes Act was designed to control and monitor the activities of the tribes on British India’s western frontier. Therefore, the Punjab Frontier Crime Regulations were immediately developed and implemented in 1872. However, despite these regulations, the situation worsened, especially in the Peshawar valley. Rebellions against colonial rule continued to rise in the tribal region. The clashes between the tribesmen and the British forces escalated in the latter half of the nineteenth century.¹²

The legal measures adopted were ineffective in regulating the tribal areas. This resulted in the implementation of a set of criminal and civil laws in the tribal belt entirely distinct from rest of the British India. In 1901, Lord Curzon demarcated the North West Frontier Province (NWFP) from the area comprising the present-day KPK and made the tribal area known as the FATA into a buffer

state between Afghanistan and British India. On 24 April 1901, the Punjab Frontier Crime Regulations were modified and came to be known as the Frontier Crime Regulations (FCR) and were applied all over the NWFP. Although the British failed to bring peace to the tribal areas, they introduced a legal framework that was supposed to ensure effective governance in this otherwise turbulent region. The FCR was called a ‘black law’ because it allowed the local chiefs considerable power to govern the area as long as they were willing to meet the conditions of the British Raj.¹³

The post-partition period

In 1947, the British divided India into two independent states; the Muslim majority areas became Pakistan while the Hindu majority areas became India. Around five hundred princely states were given the option to join either of the two states. After partition, the Pakistani authorities preferred to keep the same law to rule this region because most of the local people agreed to join Pakistan on the condition that their status as an independent tribal entity would not be altered. Eventually most of the mainstream areas of NWFP were freed of these laws with the endorsement of the Constitution of 1956. Dir, Malakand and Balochistan gained their freedom from its claws with the promulgation of a new Constitution of Pakistan in 1973. Unfortunately, the former FATA remained the only region that was governed by this framework of laws for 71 years after partition, from 1947 till 2018.¹⁴ It is noteworthy that while the FCR was valid, the jurisdiction of the Supreme Court and High Court could not be extended to this region. Under the FCR, the tribal residents did not enjoy the rights guaranteed by the Constitution of Pakistan to the rest of the Pakistani citizens. The right to appeal against a conviction, present evidence or even request a legal representation were denied. Each tribal agency was governed by the political agent who held executive and judicial powers without any mechanism for transparency or accountability.¹⁵

The FATA was technically under the control of the federal government of Pakistan. The President of Pakistan had the sole authority to implement the authority of the state in this region since the Constitution of the country governed the FATA through the FCR. On behalf of the president, the governor of the adjacent province, i.e. Khyber–Pakhtunkhwa, acted as his agent, exercising executive authority in these areas,¹⁶ while the KPK provincial assembly had no say in the affairs of the FATA. Therefore, these legal intricacies created a political vacuum in the FATA as well as the FRs. In other words, the 1973 Constitution via Article 247 only perpetuated the semi-autonomous status of the FATA and did not mainstream the region through a merger with the rest of the country. Thus, governance in the region remained bureaucratic rather than constitutional in nature and character.¹⁷

Rise of the Tehreek-e-Taliban in the FATA

The history of the rise of the Taliban in the FATA goes back to the 1980s. During the Soviet invasion of and presence in Afghanistan (1979–88), the FATA

was used as a launching pad against the Red Army by Pakistan with the assistance of the United States, since Pakistan was an ally of the US in the Cold War, which was being fought by both superpowers to increase their sphere of influence. Thus, thousands of Muslim fighters – then termed mujahideen and later labelled Taliban and militants – were recruited and trained.¹⁸ After the Soviet defeat and the resultant withdrawal from Afghanistan in 1989, the mujahideen-turned-militants did not leave the FATA, which had become their ‘second home’. In the meantime, Afghanistan remained an unstable state where different warring factions kept fighting to gain control of the country.¹⁹ The USA’s complete neglect of Afghanistan after the Soviet withdrawal in 1988/89, the deteriorating law and order situation in the tribal area, along with Pakistan’s growing influence in its neighbourhood, led to the rise of the Taliban who formed a sharia-based government in Afghanistan in 1996.²⁰ Pakistan was one of the three governments which officially accepted the Taliban government in Afghanistan.

After the September 11 attacks, the US demanded the Taliban hand over Osama Bin Laden, the Al-Qaeda leader to them. They refused, consequently, the US attacked Afghanistan to dislodge the Taliban regime and dismantle the Al-Qaeda network.²¹

To combat militancy in its north-western part and safeguard its position in the regional and international politics, Pakistan, in the face of coercive US diplomacy, chose to abandon its ally in Afghanistan, and became a US ally in 2001 against the Taliban and terrorist organisations operating in and around Afghanistan. There were several reasons for the rise of the Tehreek-e-Taliban Pakistan (TTP) in the FATA, such as the migration of militants to the area after the war in Afghanistan, high levels of poverty; unemployment; sympathies for the Afghan Taliban; and a desire for the imposition of sharia law in the tribal areas. Moreover the resentment about killings of innocent citizens and collateral damage as a result of drone attacks in the FATA gave rise to anti-Pakistan sentiments in various segments of the population. All these factors culminated into the emergence of the Non-State Actors.²² Therefore, in 2007, various militant groups operating in the FATA, joined hands under the umbrella of the TTP and filled the vacuum left due to the low presence of governance in the region. Pakistan’s decision to join the US-led War on Terror provoked Al-Qaeda and other sympathisers of the Taliban. Thus, the Non-State Actors declared war on Pakistan.²³

The Pakistan army carried out Operation Al-Mizan (2002–06), Operation Sherdil (2007–09), Operation Zalzala (2008) and Operation Rah-i-Nijat (2009–10) among other measures to clear the area of the FATA of militants. It ostensibly achieved its objective of defeating militants in the area, but failed to mainstream the region.²⁴

Thus, it became clear to the policy-makers that the merger of the FATA was necessary to improve the socio-economic, political and security conditions in the tribal belt. Apart from this, the merger would facilitate the internal security of the country and build stable relations with Afghanistan.²⁵ Finally, in May 2018, the parliament of Pakistan passed the 31st Constitutional Amendment to

merge the FATA with KPK, creating a new province from the merger. However, it is pertinent to study the events leading to the merger, the challenges and controversies involved and its implications for Pakistan and the South Asian region.

The FATA on the eve of the 31st Constitutional Amendment

As already highlighted, no law enforcement agency could implement laws in the FATA except those stipulated in the FCR. This created a political and administrative vacuum. This attracted the terrorists to fill the space left by poor governance and lack of checks and balances under the FCR. Likewise, under the FCR, the political agent retained all powers; no investment was made in human welfare. The tribesmen were not even extended basic civil and judicial rights. Poverty, unemployment and lack of accountability of the political agents made it easy for the militants to gather support from the aggrieved people and establish their authority. The authorities deemed it necessary to address the aforementioned issues in order to eliminate terrorism and the militants from the FATA. Thus, efforts were made to draw up a constitutional plan as well. The radical elements in the government demanded reforms in the FCR that were initially launched by General Musharraf. The PPP government that came to power in 2008 promulgated many reforms through the Frontier Crimes (Amendment) Regulation, 2011, along with the extension of the Political Parties Order to the FATA the same year.²⁶ In 2017, Nawaz Sharif led the PML-N (Pakistan Muslim League-Nawaz) government to approve the agenda of mainstreaming the FATA, but there were many challenges in its implementation.²⁷ Though these initiatives taken by the democratic governments were positive, they were insufficient to tackle the problems of a region which had suffered massively due to chronic neglect by the state.

For instance, the subsequent showdowns between the military and the militants in the FATA in Operation Rahe Nijat in 2009 and then in Operation Zarb-e-Azab in 2014 resulted in the displacement and subsequent suffering of millions of ordinary people. The internally displaced people (IDP) of the FATA migrated to the ‘camp cities’ established by the provincial and federal government in KPK. They left their homes for an indefinite period. The people of FATA considered themselves isolated from the mainstream population of Pakistan. Though they deemed themselves to be citizens of the country, they also wanted to feel the sense of ownership that other people enjoyed; however, they were denied the rights of fully-fledged citizenship under the FCR.²⁸ For example, they were not accorded the right to resort to the judicial system to redress their grievances.

Furthermore, certain political leaders were not interested in mainstreaming the FATA because of their vested interests. They believed that mainstreaming would either reduce their vote bank in the area or it would disconnect the area from bordering Afghanistan – thus dividing the neighbouring Pashtun communities of the tribal area. Hence mainstreaming of the FATA was considered a

threat to the Pashtun nationalism that the few local politicians thrived on. Prominent among such political leaders are Mehmood Khan Acakzai, the head of the Pakhtunkhwa Mili Awami Party (PkMAP) and Maulana Fazal-ur-Rehman, the leader of the Jamiat Ulema-e-Islam (Fazal-ur-Rehman). On the other hand, civil society groups, students and most of the common people of the FATA wanted its merger on a priority basis.²⁹ Therefore, in 2017, hundreds and thousands of political activists and students of the tribal areas recorded their protest outside the governor's house in Peshawar. They raised slogans against the draconian FCR and called for the mainstreaming of the FATA through the merger of the FATA with KPK.³⁰ The rising realisation of this demand, the return of the temporarily dislocated people from other parts of the province and the rehabilitation of the infrastructure in tribal areas also affected the political dynamics of the area. The tribal people, especially the youth, who experienced displacements, interacted with the rest of Pakistani society and observed disparities between the tribal laws and rights guaranteed by Pakistan's Constitution and seemed much more aware of the plight of the affectees and the solutions enjoined by the Constitution.

Moreover, the internal displacement due to conflict in the tribal areas also contributed to the demands for FATA reforms and the resultant political activism. The local youth in the tribal areas wanted to get rid of the FCR, the *Riwaj* Act and all such laws, acts and bills that were delaying reforms and the mainstreaming of the FATA. Thus, the youth of the region was found to be an effective advocate for the rights and demands of the tribesmen.³¹

The most recent and notable movement having an impact on FATA reforms is the Pashtun Tahafuz Movement (PTM). The latter was launched in the first half of 2018 by the local youth and vociferously demanded constitutional rights from the state. They were motivated because of the long-standing instability, the military presence, military operations and resultant displacement in the area.³² These harsh realities of the suffering masses of the FATA due to their protracted internal displacement over the past decade have contributed to the formation of the PTM. The population of the former FATA had observed the stark difference between their status as belonging to the tribal belt and that of other citizens of the country in the settled and mainstreamed areas, leading to increasing demands for rights and the formation of political groups and militant organisations to demand these rights from the government of Pakistan.³³

The merger of the FATA with KPK in 2018 was not a smooth one and led to differences among political parties over the issue. For example, Naeema Kishwar Khan³⁴ voiced her party's political concerns in opposition to the merger.³⁵ She argued that there was no explanation in the framework for the implementation of Article 175³⁶ of the 1973 Constitution³⁷ since the FATA was not a province, neither was it under any province; therefore, the Constitution itself acted only as a hurdle to extend the jurisdiction of the judicial system to the area. In this respect, the government recommended a bill which proposed the extension of the jurisdiction of Peshawar High Court to the area. A second bill was put forward by the opposition party JUI (F). They termed these reforms and

the proposed merger as being politically motivated by its rival parties and demanded a free and fair referendum in the FATA.

Moreover, since both Maulana Fazal-ur-Rehman of JUI (F) and Mahmood Khan Achakzai of the Pakhtunkhwa Mili Awami Party (PkMAP) had reservations over the merger of FATA with KPK, they allied together in the opposition to both the merger and the FATA's status as a province.³⁸ The JUI's opposition was based on its political interests as the merger could have weakened its position vis-à-vis other political parties, such as the Pakistan Muslim League (PML-N), the Pakistan People's Party (PPP), the Pakistan Tehreek-e-Insaf (PTI), the Awami National Party (ANP), the Qaumi Watan Party (QWP) and Jamaat-e-Islami (JI). Furthermore, the JUI (F) did not accept the result of the general elections of 2018 because of its defeat and it, therefore, resorted to 'protest politics' and demanded fresh elections. The PkMAP, on the other hand, had no strong political affiliation nor vote bank in the FATA and opposed the merger on technical grounds. In addition, the representatives of the FATA in the parliament also acted as a hurdle towards mainstreaming of the area as they were the primary beneficiaries of the status quo.

The efforts of the JUI and the PkMAP to delay and postpone the merger of the FATA would have heightened the grievances of the tribesmen and adversely affected their trust in politics and the state. However, the ANP, JI, the QWP, the PTI and the PPP were able to generate political support and a parliamentary consensus in favour of the merger.³⁹ Thus, the policy of FATA reforms and the merger gained momentum towards the end of the tenure of the PML-N government in 2018, particularly since the country's military establishment also favoured reform and the merger and this led to the passage of the 31st Constitutional Amendment by the parliament on 27 May 2018 – a day before the expiry of the National Assembly. Also, the provincial assembly of KPK legislated the same bill with a two-thirds majority, though amid protest by the members of JUI (F). Thus, the FATA became part of Khyber–Pakhtunkhwa.⁴⁰ Moreover, the agencies of the FATA would from then onwards be called the districts of KPK and the name of the province would remain KPK.

The interregnum

While the constitutional amendment approving the merger of FATA with KPK was passed in 2018, it could not be completed overnight as the FCR had been governing the area for more than a century. The constitutional amendment which approved the merger also introduced 'The FATA Interim Governance Regulations 2018'. This interim law will govern affairs regarding justice and governance of the tribal belt until its complete mainstreaming, though the time frame for the Interim Governance Regulation is not fixed. However, the federal government intends to help the provincial government achieve the objective of complete mainstreaming of the FATA on a priority basis.

Though the merger is a step in the right direction, the interim governance regulations, however, present a different picture. Some scholars believe that the

FATA Interim Governance Regulations, 2018, is a sequel to the infamous FCR. Some of these interim regulations indeed continue to suppress the voice of the FATA population and prove to be a hindrance to the democratic governance in the region. For instance, the assistant commissioner of a tribal district is supposed to act as a judge, undermining independent, non-political judicial adjudication in the region. This interim structure was the very power structure that the assistant political agent used to enjoy under the FCR legal system. Moreover, the civil courts would have no jurisdiction on tribal matters during the interim period.

In addition, the interim regulations promote *riwaj* (local tribal customary laws which were strictly followed in the former FATA) and *jirga* (a group of tribal elders who deliberate on an offence or dispute) at the expense of the modern judicial apparatus. For example, the right to appeal would depend on the consent of the commissioner and/or assistant commissioner subject to the approval of the governor of KPK. Interestingly, any residential construction would require due approval of the district administration. In this respect, the governor has been empowered to stop the creation of any new villages near the Afghanistan–Pakistan border, which the authorities might consider detrimental to the security of the whole district due to the proximity of such settlement to the Afghan–Pakistan border.⁴¹

Governance implications of the merger

Merging the FATA into the mainstream is expected to bring plenty of opportunities for the population of this region. To begin with, the governance conditions of tribal areas are likely to improve as the provincial government of the KPK will be obliged to extend its authority to this region. More significantly, the KPK police will become responsible for maintaining law and order in the former agencies and Frontier Regions. It is hoped that improvements in the security in the newly merged areas might be helpful in improving security along the whole Pak–Afghanistan border. The people of the area would have opportunities to actively take part in political activities and elect comparatively better representatives to the provincial and national assemblies. In addition, it offers the tribal people an opportunity to enjoy the status of being full citizens of Pakistan, since hitherto, under the FCR, they were essentially stateless entities, having no constitutional rights and being completely under the authority of the political agent.⁴² Post-merger, this impoverished area will be eligible to receive about Rs.122 billion per annum as development funds from the federal government.⁴³

The FATA has been formally brought into the mainstream, therefore, the image of the area within Pakistan as well as in the international community is very likely to improve because, previously, Pakistan had been severely criticised for not safeguarding its tribal belt against the militants. However, with the aforementioned amendment, the Law Enforcement Agencies (LEAs) would now be able to tackle the issue of militancy in the former lawless areas. In addition, the extension of the mainstream judicial system to the former FATA can prove

vital in reducing the sense of deprivation among the inhabitants of the area, because the population will enjoy the same constitutional rights and redress as the rest of the country. Furthermore, after the said amendment, measures may begin to be taken to tackle the problem of unemployment in the area – on a par with the rest of the country. In this regard, the development of institutions, the introduction of local body elections and the division of tribal areas into district and *tehsil* levels would provide an opportunity for government representatives to pay heed to the issues faced by the common people. It would also increase interactions between the public and the government officials and, thus, help in realising effective governance.

Also, this region is blessed with enormous natural resources, such as copper, manganese, gypsum and marble, etc. Moreover, it has various ecologies and enormous potential for tourism. It can attract tourists from mainland Pakistan and also abroad once the situation improves and this will generate revenue for the local population and provide new avenues for employment. In addition, the merger would help in the revitalisation of educational institutions there. Building a public education infrastructure in the area will have a healthy effect on the youth in this hitherto heaven for various kinds of unlawful activities and would encourage them to become productive members of society and would also be helpful for uplifting the local economy. Further, this will help in changing the hackneyed impression people have about these tribesmen, both nationally and internationally.

Regionally, Afghanistan has raised some serious issues about the merger. Indeed, it does not accept the Durand Line as an international border; nor does it recognise the former FATA as part of Pakistan. Nevertheless, despite historical bitterness between Kabul and Islamabad, it is expected that with the merger of the FATA with KPK, the governance and security in the region would improve. This merger could prove to be beneficial to both countries, in particular, and the South Asian region in general. Also, probably the merger will create enhanced governance apparatus in the area which might help Pakistan convince the Afghan authorities of the sagacity of its actions which might be conducive to further amicable relations between the two countries.

Conclusion

Although the FATA was merged with KPK constitutionally in 2018, however, there are still daunting challenges on the path to an effective merger. Some of the difficulties include the semi-autonomous status of the FATA with the subsequent characteristics: the continuing powers of political agents; abject poverty; a disputed system of governance; cross-border tribal and ethnic connections; strong Pashtun traditions and the incidence of terrorism.

In view of these factors, it is the need of the hour to focus on the smooth transition of the tribal belt into mainstream politics and statecraft. In this respect, the rehabilitation of the IDPs should be given top priority. Second, since infrastructure there is virtually non-existent in most of the tribal belt, special

attention and resources must be allocated to the immediate construction of transportation, telecommunication, health and educational networks for the residents of the area so that they have the basic civic amenities. They will be able to enjoy their status as full citizens of Pakistan only if they are extended constitutional rights in letter and spirit.

Last but not least, it is expected that the interim period will be underway during 2019–20, however, the government ought to be mindful of the pitfalls during the interim period. Anti-merger elements might attempt to capitalise on transitional loopholes such as the non-availability of annual funds and the slow pace of development work, etc. The federal and the provincial governments should be vigilant in order to check disruptive moves and should be perspicacious in order to ensure the effectiveness of the reforms. Lastly, the tribal region has played a significant role in the political dynamics of Pakistan, both before and after partition because of its chequered relations with Afghanistan; also it has to some extent affected ties with India and the US in terms of regional geopolitics. As posited by this study, it is expected that the FATA reforms and merger will enhance governance in the tribal areas. Furthermore, the provision of state-of-the-art infrastructural, commercial and educational opportunities and facilities will increase the security of the area and ensure better governance as well as facilitating tracking down anti-state elements. Local tribesmen would be enlightened by exposure to the rest of the country and the rest of the country would be enlightened by their exposure to the former FATA as a result of better facilities there.

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3 Provincial Finance Commissions in the Punjab

Implications for development and governance

Muhammad Azam

Introduction

Mechanisms such as the Provincial Finance Commissions (PFCs) contribute towards ensuring a more equitable distribution of finance and reducing the possibility of violent conflict. In Pakistan's province of the Punjab, Lahore – the provincial capital – and some of its neighbouring cities such as Gujranwala, Gujrat and Sialkot not only have received comparatively greater attention from the provincial government but also have been allocated a larger share of the provincial finance for development projects. Keeping in mind the huge amount of literature available on the relationship between democratisation and decentralisation, it may safely be argued that decentralisation of finance, in the public as well as the private sector, is required for the protection and promotion of democracy. PFCs may be assumed to be the mechanisms for performing this function in the public sector in the case of the Punjab.

Significance of the PFCs

The PFCs are a feature of the institutionalisation at the provincial and local level, and institutionalisation is a fundamental dimension of democratisation. Similarly, democratisation is a process characterised by the decentralisation of political and financial powers. The PFCs are an integral part of the mechanisms developed for financial decentralisation. Decentralisation requires the transfer of power and resources from the higher to the lower strata. The PFCs do the same, i.e. transferring financial resources from a higher (provincial) to lower (district, *tehsil*, and union council) levels. They were introduced to provide the necessary fiscal support to the local governments to achieve certain stated objectives. They are supposed to guarantee 'continuous and adequate financing of devolved functions'.¹ The aim is to provide 'institutional mechanisms for equitable revenue sharing' between the provincial and local governments.² The formula-based fiscal transfer system 'ensures ... transparency of resource availability to local governments and minimizes the chances of arbitrariness on the part of the provincial government'.³ Democracy is a participatory form of government and the PFCs provide and ensure the means and opportunities for making local

governments more participatory through the provision of reasonable financial allocation.

A case study of the Punjab

The case study of the Punjab is selected to address the following questions: (1) to what extent are the PFCs compatible with a democratic framework?; and (2) what are the problems and challenges that hamper the role of PFCs in promoting democracy in Pakistan?

Structure and functions of the PFCs

The PFCs, introduced in 2001, are a rule-based fiscal transfer system. The PFC Punjab was established through the Punjab Local Government Ordinance (PLGO) in 2001. Since PFCs determine the financial share of the annual budget to provincial and local governments, they are structured in such a way that individuals from the provincial as well as the local governments are included as members. Initially, the PFC comprised ten members.⁴ The Punjab Local Government Act (PLGA) 2013 increased the number of PFC members from nine to 19.⁵ Moreover, PFC formulas are based on various surveys and indicators. The Multiple Indicator Cluster Survey (MICS)⁶ along with data collected by the Punjab Economic Research Institute (PERI) was also considered while determining the share of the local governments under the PFC Award 2006.⁷ The PFC Award 2006 expired in 2009⁸ but was extended because the new PFC was constituted in 2016.⁹ The Interim Punjab Finance Commission Award 2017 remained in force from February to June 2017.¹⁰ The commission was reconstituted in July 2017.¹¹

The Punjab Finance Commission makes recommendations to the provincial government following a formula for the distribution of the proceeds of the Provincial Consolidated Fund (PLGA 2013, Section 112[1]). Under the award, the Provincial Consolidated Fund is divided into the provincial retained amount and the provincial allocable amount. It further makes recommendations on (1) the share of each local government in the provincial allocated amount; and (2) their share in lieu of *octroi* and *zila* tax. The recommendations made under the PFC award remain in force for five years.¹²

The local governments' share was decided to be 41.9 per cent of the Provincial Consolidated Fund and 58.1 per cent for the provincial government in the PFC Award 2006.¹³ Under the Interim Punjab Finance Commission Award (IPFCA) 2017, the amount retained by the provincial government was fixed at 62.5 per cent of the Provincial Consolidated Fund and the remaining 37.5 per cent was earmarked as the provincial allocated amount (IPFCA 2017, Articles 3, 4). The IPFCA 2017 earmarked an additional 6.5 per cent share from the amount retained by the provincial government as special purpose grants to be provided to local governments. Thus, the total share of the local governments was 44 per cent of the net Provincial Consolidated Fund. The funds released to local governments under IPFCA 2017 were classified as general purpose grants¹⁴ (82 per

cent), development grants¹⁵ (11 per cent) and transition grants¹⁶ (7 per cent). Special purpose grants are provided for specific functions of local governments in accordance with the provincial policy.^{17, 18}

The PFCs and democratisation

The PFCs play an important role in promoting democracy in two significant ways.¹⁹ First, their composition is based on democratic principles. Individuals from the ruling party as well as opposition parties are appointed as members. Second, they oversee the financial matters and transactions that are related to the PFCs. Additionally, they are supposed to keep a check on the smooth transfer of the respective provincial share of funds from the national divisible pool. For example, if the federal government does not transfer the provincial share in due course, the PFCs can highlight the issue accordingly. Furthermore, they act as safeguards against any financial irregularities in the provincial departments.²⁰ The functioning of the PFCs is also based on democratic principles. They make decisions through voting on the basis of the majority of the sitting members.²¹ Unlike Musharraf's military regime (1999–2008), the majority of the members of the Punjab Finance Commission are representatives of the people; hence, better decisions may be reached for the equitable redistribution of provincial resources.

Furthermore, grants allocated to the local governments are 'no longer lapsable'.²² In this way, the PFCs contribute to the sustainability and growth of local governments. Prior to the establishment of the PFCs, the gap between financial needs and the available revenue was very high at the local level. After the establishment of PFCs, this gap began to narrow because resources were regularly being provided at the local level. There is also an increased likelihood of ensuring transparency in the allocation and transfer of funds. For example, the details of the Punjab Finance Commission Award, including the formula and the amounts allocated to various local governments, are available on the official web pages of the government.²³

As Table 3.1 illustrates, the local governments in the Punjab have received continuously increasing financial amounts since the establishment of the PFC in 2001. For example, the Interim Punjab Finance Commission Award (IPFCA) 2017 earmarked 391 billion rupees (US\$3.7 billion) – 37.5 per cent of the provincial consolidated fund – for local governments in total. Of this, 338 billion rupees (US\$3.2 billion) were formula-based transfers – 23 per cent higher than the previous fiscal year.²⁴

It is pertinent also to see the amounts of funds flowing to individual districts and *tehsils*; Sargodha district in the Punjab may be taken as an example. Under the PFC Award 2006, Sargodha district's share was 3.9 per cent. At that time, the number of districts was 35. Under IPFCA 2017, out of a total of 36 districts in the Punjab, Sargodha got a 3.77 per cent share from the general purpose and the development grant. The IPFCA further divided this share among the various *tehsils* in Sargodha district. Sargodha district itself got 1.32 per cent, the municipal corporations of Sargodha 0.49 per cent, and the

Table 3.1 Allocation to local governments under the Punjab Finance Commission (billion rupees)

<i>Fiscal year</i>	<i>District Governments/ District Councils</i>	<i>Tehsil Municipal Administrations/ Municipal Committees</i>	<i>Union Administrations/ Union Councils</i>	<i>Total</i>
2001–02	–	–	–	61
2002–03	–	–	–	60
2003–04	–	–	–	64
2004–05	–	–	–	65
2005–06	–	–	–	90
2006–07	106	7	4	118
2007–08	106	19	5	130
2008–09	109	19	5	133
2009–10	107	15	5	127
2010–11	132	14	5	151
2011–12	148	16	5	169
2012–13	187	17	6	210
2013–14	215	17	6	238
2014–15	236	17	6	259
2015–16	245	17	6	268
2016–17	–	43	–	391
2017–18	–	–	–	368

Sources: ‘PFC Award to Be Okayed This Month’, *Dawn* (18 June 2003), www.dawn.com/news/107061/pfc-award-to-be-okayed-this-month; ‘Punjab Government May Announce PFC Award This Month’, *Business Recorder* (1 July 2005), <http://fp.brecorder.com/2005/07/20050701290792/>; Annual Budget Statement for 2015–16, Government of the Punjab, p. 29; Mansoor Malik, ‘Local Councils to Get Rs391bn in Current Fiscal Year’, *Dawn* (31 December 2016); Jawwad Rizvi, ‘PFC Award 2017 in Punjab May Be Delayed, Linked to Census Outcome’, 22 July 2017, www.thenews.com.pk/print/218154-PFC-Award-2017-in-Punjab-may-be-delayed-linked-to-census-outcome (accessed 10 December 2018); Budget 2012–13, White Paper, Budget 2014–15, p. 97.

municipal committees of Kot Momin 0.33 per cent, Sahiwal 0.29 per cent, Bhalwal 0.53 per cent, Bhera 0.27 per cent, Shahpur Saddar 0.24 per cent and Sillanwali 0.31 per cent.²⁵ Out of the total education share from general purpose (current expenditure) and development grants, the district education and health authorities in Sargodha were allocated 3.54 per cent and 3.62 per cent respectively.²⁶

Moreover, financial amounts provided under IPCFA 2017 (which remained in force from 2 February 2017 to 30 June 2017) to certain local government organisations of four districts of the Punjab, namely, Attock, Rahimyar Khan, Sargodha, Sialkot – selected from North, South, and Central Punjab – are shown in Table 3.2.

With the introduction of the PFCs, local governments received significantly larger allocations of the financial resources, enabling better service delivery and infrastructural development. People feel closer to local administrators and they also felt the impact of the changing system of the local administration.²⁷ With

Table 3.2 Monthly releases of grants to municipal corporations, district councils and municipal committees of selected districts under the Interim Punjab Finance Commission Award (IPFCA) 2017 (million rupees)

<i>Receiving organisation</i>	<i>Current/non-development grant</i>	<i>Development grant</i>	<i>Transition grant</i>
<i>Attock</i>			
District Council	13.2	3.7	7.1
<i>Municipal Committees</i>			
Attock	5.6	1.6	4.9
Hazro	3.8	1.0	0.1
Hassanabdal	3.8	1.0	0.9
Fateh Jang	3.8	1.0	1.1
Pindi Gheb	3.8	1.0	0.1
Jand	5.6	1.0	0.1
<i>Rahimyar Khan</i>			
District Council	37.9	10.5	5.0
<i>Municipal Committees</i>			
Rahimyar Khan	15.9	4.4	4.1
Khanpur	12.3	3.4	0.3
Sadiqabad	14.0	3.9	0.3
Liaquatpur	6.3	1.7	0.1
Trinda Saway Khan	3.8	1.0	0.1
Kot Samaba	3.8	1.0	0.1
Zahir Pir	5.4	1.5	1.1
<i>Sargodha</i>			
Municipal Corporation	10.2	2.9	20.6
District Council	27.6	7.7	21.4
<i>Municipal Committees</i>			
Kot Momin	6.9	1.9	0.2
Sahiwal	6.1	1.7	0.1
Bhalwal	11.1	3.1	0.2
Bhera	5.7	1.6	0.1
Shahpur Saddar	5.0	1.4	0.1
Sillanwali	6.5	1.8	0.1
<i>Sialkot</i>			
Municipal Corporation	11.5	3.2	31.4
District Council	28.0	7.8	32.2
<i>Municipal Committees</i>			
Daska	14.4	4.0	0.3
Sambarial	9.6	2.8	0.2
Pasrur	12.3	3.4	0.3

Sources: Current/Non-Development Grants: Notifications SO(DG&PFC)2-2/2016, dated 7 February 2017, 21 March 2017, 17 April 2017, 16 May 2017, 22 May 2017; Development Grants: Notifications SO(DG&PFC)2-2/2017, dated 7 February 2017, 21 March 2017, 17 April 2017, 15 May 2017, 22 May 2017; Transition Grants: Notifications SO(DG&PFC)2-2/2017, 10 February 2017, dated 27 March 2017, 17 April 2017, 16 May 2017, 22 May 2017, Section Officer PFC, Finance Department, Government of the Punjab.

the introduction of a number of service delivery and infrastructure development projects, constituents began to increasingly realise the value of their electoral choices. This was an incentive for them to cast their votes and take an interest in the political process at the local as well as the provincial level. The PFCs are thus incrementally contributing to enhance popular ownership of the democratic process. Without such mechanisms concentration of finance remain in the national and provincial capitals, leading to excessively disproportionate development of the metropolitans vis-à-vis the peripheral towns and villages, sowing seeds of relative deprivation and exploitation among the people living in far-flung areas where the governance mechanism is often ineffective. On the other hand, even in the more democratic set-up under the PFCs, members of the provincial and national assemblies, in general, are alleged to neglect and not visit their constituencies after they get elected.

For its part, the provincial governments, under the terms of the PFCs, have at least initiated a systematic financial process in terms of allocation of resources at the local level in the province. The PFCs prioritise the underdeveloped districts for the development of education, health, sanitation, and water supply facilities.²⁸ Although several governments in the past, particularly the military regimes, had installed local governments in the country, in the absence of sufficient and regular funds to the local levels, those experiments were in vain. For example, during the General Zia regime (1977–88), the provision of funds for development at the grassroots level was practically nil,²⁹ leading to a virtual absence of, for example, public schools, which in turn led to the establishment of private services such as religious schools. Before the establishment of the PFCs, local governments had very scarce resources at their disposal; therefore, service delivery was almost non-existent. Overall, the whole scenario presented an undemocratic outlook. Comparable data is not available because no alternative mechanism was in place for the equitable distribution of finances, particularly developmental resources, among the local governments. The provincial governments used to spend most of the budget at their discretion.

The PFCs, apart from furbishing the local bodies with funds, also strengthened financial regulation, making them a source of stability for the local governments as well as more meaningful and workable. In the past, the education and the health sectors had always remained neglected in the provinces. Distribution under the PFC formula is a step forward to give greater attention to these neglected sectors at the local level. The PFC Award 2017–18 allocated 368 billion rupees (US\$3.5 billion) to local governments. Of this amount, 227 billion (US\$2.1 billion) were earmarked for the district education authorities and 73 billion rupees to the district health authorities. The IPFCA 2017 allocated 226 billion rupees for primary and secondary education at the district level – 19 per cent higher than the previous year. More than 55 billion rupees (US\$0.52 billion) were allocated to the health sector at the district level; this was 37 per cent higher than the previous year.³⁰ The remaining amount was distributed among the metropolitan corporations, municipal corporations, municipal committees and district and union councils.³¹

In the pre-PFC period, local governments mainly relied on their very limited own-source revenues which were insufficient for any meaningful delivery of services. As Table 3.3 highlights, revenue from the local governments' own resources is a minuscule amount compared to the PFC transfers. In 2012–13, for instance, district governments in the province could generate only 1.4 per cent, i.e. approximately three billion rupees (US\$31.5 million)³² on their own, whereas PFC grants provided 98.6 per cent, i.e. 213 billion rupees (US\$2.24 billion) of their overall income. While the amount of their own resources stayed small and constant, the PFC brought a huge inflow of resources.

Therefore, the contribution of the PFCs to the provision of finances to local governments for longer than 15 years cannot be ignored. Thanks to the increased financial availability to local governments under the multi-factor PFC formula, the delivery and quality of the services provided to the population have started to improve. Financial flows to local governments under PFC awards facilitate better planning and development at the local level. The local governments have since been able to prioritise various development schemes because of the steady inflow of funds from the provincial government. Thus, several projects have already been completed and others are in the pipeline. It was out of the question for the local governments to complete these using their own resources, for example, during the fiscal year 2013–14, the share of the Punjab local governments in installing the water delivery systems was 91 per cent as compared to the 6 per cent share from non-governmental entities and 2 per cent from the households themselves.³³

Another aspect of the ineffectiveness of the local governments because of lack of funds in the pre-PFC era was that this level of government lived in isolation and generally was out of touch with the masses. The constituents would turn to their representatives in the provincial and national assemblies to address their needs. In this situation, the Members of the Provincial Assembly (MPAs) and the Members of the National Assembly (MNAs) would pay more attention to what was perceived as favours to the local voters rather than giving proper attention to legislation, which is their real responsibility.

Table 3.3 Comparison of PFC transfers against own-source revenue receipts of district governments in the Punjab (billion rupees)

<i>Fiscal year</i>	<i>PFC transfers</i>	<i>Own receipts</i>	<i>Total income</i>	<i>Own receipts (% of total income)</i>
2007–08	110	5	115	4.2
2008–09	125	7	132	5.5
2009–10	131	4	135	3.0
2010–11	143	2	145	1.7
2011–12	172	4	176	2.4
2012–13	213	3	216	1.4

Source: White Papers, Finance Department (Lahore: Government of the Punjab).

Thus, due to the impact of the pro-people nature of the PFCs, greater democratic awareness of the legislature and accountability and greater assurance in the system because of the regular provision of financial resources to local governments, in the long run, these commissions may be a contributory factor in the turnout in the general elections. A glance at the past eight general elections reveals that the three general elections that were held when the PFCs were in place locally (2008, 2013, 2018) witnessed an 8.5 per cent average increase in turnout compared to the ones (1988, 1990, 1993, 1997, 2002)³⁴ held in the pre-PFC era.³⁵

Challenges

Despite the positive contribution of the PFCs, several issues and challenges remain in order to realise this system's full potential to promote democracy and improve governance at the local level. To begin with, the PFCs are not constituted regularly. Delays in the PFC constitution and in holding local government elections have been seriously affecting the evolving role of these institutions in strengthening democracy.³⁶

Another problem faced by the local governments pertains to the overwhelming share (more than four-fifths) of grants reserved for recurrent expenditure which mainly comprise salaries. In comparison, development amounts are modest. Furthermore, resource allocation is mainly done at the provincial instead of the local level.³⁷ Similarly, discretionary financial powers lying with the federal and provincial governments have been undermining the attempts to address disparity among the various districts within the province.³⁸ Administrative and financial powers have thus not been transferred to the public representatives at the local level in letter and spirit, and pro-people legislation and political consensus at the national and provincial level are required for an effective and meaningful local government experimentation.³⁹

Nonetheless, the finances allocated by the provincial governments to different local governments from the Provincial Consolidated Fund indicate that the condition of the local governments and their ability to function have vastly improved. Moreover, with further improvement in local governance in terms of sustained provision of financial and institutional arrangements, the quality of democracy would also improve at both the local and the provincial levels.⁴⁰

Conclusion

The establishment of the PFC is a step towards strengthening democratic norms and procedures not only in the Punjab but also in Pakistan as a whole, which historically has struggled with development, governance and democracy. The PFCs facilitate democratisation by empowering the local masses in terms of the allocation of resources and the provision of health, education and sanitation, all of which, by default, have positive effects on governance. Moreover, the PFCs undertake decision-making in a democratic manner and, more importantly,

ensure fiscal support to local governments by establishing institutional mechanisms for equitable revenue sharing and implementation of public policy at the micro level. Thus, this study posits that Pakistan needs to consolidate the PFCs in order to effectuate federalism at the local and, by default, also at the provincial and national levels. Decentralisation with regard to public welfare will be the corollary of the PFCs.

Notes

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- 6 The Multiple Indicator Cluster Survey (MICS) encompasses around two hundred indicators, classified into nine categories. Bureau of Statistics, 'MICS6 Indicators and Definitions' (Lahore: Government of the Punjab, 2018). Available at: http://bos.gov.pk/system/files/Punjab_MICS6%20Indicators%20and%20Definitions%2020180604_Final.pdf (accessed 22 September 2018).
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- 8 Sumra, 'No Finance Commission for Punjab'.
- 9 Finance Department, 'Budget 2010–11', White Paper (Lahore: Government of Punjab, 2010). Available at: <http://pnd.punjab.gov.pk/system/files/3WhitePaper2010-11.pdf> (accessed 2 September 2018), 113.
- 10 The committee further formed a technical group. Officials from the provincial finance department and international consultants were among the group's members. *Express Tribune*, 'Grassroots Governance: Interim Finance Body to Disburse LG Funds', 21 December 2016. Available at: <https://tribune.com.pk/story/1269419/grassroots-governance-interim-finance-body-disburse-lg-funds/> (accessed 14 March 2019).
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- 12 Under the Punjab Local Government Ordinance 2001, the period of the PFC award was three years (Section 120-F).
- 13 Sumra, 'No Finance Commission for Punjab'.
- 14 The general purpose grants are meant to meet current expenditure needs.
- 15 Development expenditure needs are met by development grants.
- 16 The transition grants are provided to meet shortfalls.
- 17 Interim Punjab Finance Commission Award 2017, FD(DG)1–31/2005(P), Articles 2 and 5, Law and Parliamentary Affairs Department, *The Punjab Gazette* (Lahore:

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- 18 *Punjab Portal*, 'Interim Provincial Finance Commission Award 2016'.
 - 19 Awais Qasim, former member of the Punjab Finance Commission and member of the Provincial Assembly, telephone interview with author, 9 September 2017.
 - 20 Ibid.
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 - 25 Interim Punjab Finance Commission Award 2017, Schedule D.
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 - 27 'Local government' and 'local administration' are used interchangeably in the study.
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 - 29 Aisha Ghaus, former finance minister of the Punjab and Member of the Provincial Assembly, telephone interview with author, 9 September 2017.
 - 30 *Punjab Portal*, 'Interim Provincial Finance Commission Award 2016'.
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 - 34 Though the PFC Awards were implemented in 2002, they affected the budgetary allocations for the first time in the fiscal year 2002–03.
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4 Electoral trends and political development

Impact on governance

Muhammad Azhar and Abdul Basit Khan

Introduction

The electoral and political history of Pakistan is quite rich in terms of portraying heterogeneous trends. The oscillating and vacillating military and democratic governments, twisting and splitting political parties, self-centred, moneyed and dynastic politics, rigged and engineered elections, divergent orthodoxies and beliefs, sectarian and partisan tendencies and societal intolerance had already polluted the political and electoral landscape of the state. Democracies require the equal participation of both the haves and the have-nots to develop an inclusive and representative society but owing to the never-ending race for materialistic pleasure, the middle class has already become indifferent to the electoral process in Pakistan. As various recent studies have already established, the majority of the middle class has forgotten its national responsibility of participating actively in the electoral process. Interestingly, they also found that people belonging to the lower socio-economic and educational strata more actively participate in the electoral process whereas the majority of the individuals with reasonable social, financial and educational resources show apathy to elections.

Winning an election has become a significant benchmark for the political parties of the contemporary world. In a competitive electoral battle, political parties do everything to secure maximum electoral support. During the election campaigns, parties use attractive and catchy slogans, and make use of all tactics to appeal the voters. Media managers are hired to defame political competitors. Unfortunately, each election in Pakistan had attracted a lot of hue and cry, and the credibility and authenticity of the majority of the elections remained in doubt. The endless wrangling of pre- and post-electoral allegations and counter-allegations has been poisoning the polity and the state. Over the years, political parties have managed to win the support of electorates by arousing multifaceted passions in the name of religion, region, language and caste but the post-election number game required to claim the majority in both the national and provincial assemblies forces political parties to compromise on codes and values, ethos and ethics, morality and dignity, and philosophy and ideology which, in practice, has weakened the basis of politics in Pakistan.

However, in recent years, the stakeholders have somewhat improved the quality of democracy and accountability in Pakistan. For the first time in the history of Pakistan, in 2013, the transition of power was completed under a democratic set-up and the electoral mandate won by the political parties was respected and honoured. Also, the 18th Amendment to the 1973 Constitution (brought into force in 2010) which delegated more autonomy to the federating units is considered a paradigm shift for the political and electoral landscape of the country. By virtue of the said amendment, the electoral and administrative malpractices inserted into the Constitution by General Musharraf (1999–2008) were removed and the political forces succeeded in devising a unanimous mechanism to shun them. Furthermore, the amendment devised a consultative mechanism to appoint the Chief Election Commissioner (CEC) of Pakistan as well as other important constitutional positions, which is a sign of participatory democracy.

This study highlights the emerging trends in the electoral politics of contemporary Pakistan. During the period under analysis, four general elections were conducted. Prior to each election, the political horizon witnessed quite uneven changes which will be discussed by this study along with the effects of these changes on politics and governance in Pakistan.

Established electoral trends: an overview

As mentioned earlier, the political numbers game requiring the majority of seats in the houses elected by the people compels the political parties to compromise over ethics and ideology and make use of all the available means and methods to win elections. Hence, instead of promoting decency, conscience and resilience at the national level, the electoral politics of Pakistan has compromised over legality, morality and social harmony. From that perspective, it can safely be concluded that the following tendencies have plagued the political and electoral culture of the country.

Dynastic politics

Democracy guarantees equal opportunities to the stakeholders to take part in the political and electoral process. The right to elect representatives through a vote and the freedom to contest elections have been the basic pillars for any state to institutionalise democratic norms and values in letter and spirit.¹ Moreover, a number of social and political changes have occurred on the world stage during the twenty-first century. The global community is now committed to securing the basic human rights, such as liberty and political freedom. Despite that, electoral politics in the developing countries seems to be unchanged, which had been reduced to the whims of a limited number of financially strong families who could tactfully manoeuvre the electoral process. Political dynasties, thus, have become a permanent feature of the political horizon in the developing countries.

For example, Kim in North Korea and Assad in Syria were the long-standing ruling dynasties in those authoritarian states. A highly controlled state apparatus under a single party system makes it easy for such rulers to consolidate their

hold over the masses.² It is also worth mentioning here that such political dynasties are also common in the USA and certain other developed countries of the world. For example, Gloria Macapagal Arroyo, the tenth president of the Philippines, was the daughter of Diosdado P. Macapagal – the ninth president of the Philippines. She enjoyed the office of the president for more than ten years. Furthermore, former U.S. vice-president Al Gore's father was a Senator; Chicago's Mayor Richard Daley's son was a cabinet member in the Clinton Administration as well as campaign manager for Al Gore. The son of Teamsters Union President Jimmy Hoffa also occupied his father's slot. Importantly, the Bush family enjoyed three terms of the US presidency.

Nevertheless, South Asia has emerged as the most fertile region for extending the rule of political dynasties. Pakistan, India, Bangladesh, Sri Lanka and Nepal internalised the traditions of electing dynasties for the highest constitutional slots. Little wonder, Bandaranaike in Sri Lanka, Nehru in India, Mujib and Zia in Bangladesh, Koirala in Nepal and the Bhuttos and the Sharifs in Pakistan are also well-known 'democratic dynasties'.³

Political analysts have diagnosed three main reasons for the success of political dynasties in the contemporary world.⁴ First, owing to the excessive role of money, politics has become expensive and unaffordable for a layman. Someone with wealth has brighter opportunities to participate in electoral politics. In the developing countries, only a limited number of families can participate in electoral politics since the common man lacks the requisite resources, time and money. Second, some people are respected for rendering services to their country at critical junctures; hence, they enjoy an unquestioned and widely accepted legacy. The Nehru family in India, Aung San Suu Kyi in Burma, Megawati Sukarnoputri in Indonesia, Hafez al Assad in Syria and Kim Il-Sung are some examples of this brand. Finally, some leaders have a charismatic aura, hence they rate highly in popular imagination. Z.A. Bhutto of Pakistan, Sirimavo Bandaranaike of Sri Lanka, Peron of Argentina, Zia-ur-Rahman and Mujibur Rahman of Bangladesh and the Kennedys of the United States represented this type of dynastic leadership. This charisma is 'transferred', in cases, to their scions, too.⁵

In Pakistan, almost all the political parties have been reduced to the enterprises of powerful families and/or personalities in terms of hereditary politics. Since it has become impossible for a common man, who lacks resources and social capital, to contest elections in Pakistan, hence for these dynasties, elections are nothing but a means to encapsulate personal interests under state patronage wherein clan, caste, tribe or *biradari* play a major role in the perpetuation of their dynastic politics.⁶ Structurally, such dynasties keep the constituencies in their grip right from the grassroots level. The socio-economically subjugated masses vote for them, irrespective of their political affiliation, because of their patronage.

It is also a fact that the members of the same clan, *biradari* or tribe join different political parties in order to protect their family interests. For example, the Magasis from Balochistan and the Saifullahs from Khyber-Pakhtunkhwa (KPK) are influential political families whose members had joined different

political parties. The Magasi family has political influence both in KPK and Balochistan. In the recent past, the family had more than ten elected members in the National Assembly, the Senate and the provincial assemblies of KPK and Balochistan. They were either elected on the party tickets of the Pakistan People's Party-Parliamentarian (PPP-P) or the Pakistan Muslim League-Quaid-i-Azam (PML-Q).⁷ The same is the case of the Saifullahs of KPK who are enjoying political power through the platform of different political parties. For instance, Salim Saifullah and Humayun Saifullah completed their tenure of the Senate and National Assembly on the platform of the PML-Q. In addition, Anwar Saifullah was elected as the member of the KPK assembly on the PPP-P ticket. The party also accommodated Osman Saifullah, the son of Anwar Saifullah, by electing him as senator from Islamabad. Recently, Salim Saifullah and his family joined Imran Khan's Pakistan Tehreek-e-Insaf (PTI).⁸

The assassination of Benazir Bhutto in December 2007 provided space to the Zardari family to compete in the realm of electoral politics. Consequently, Asif Ali Zardari became Pakistan's president after Musharraf in 2008 whereas his sisters, especially Faryal Talpur, enjoyed considerable influence over the party cadre.

Over the decades, the Sharif family of the Punjab has emerged as the most influential and powerful political dynasty. Little wonder, Nawaz Sharif remained Prime Minister of Pakistan thrice whereas his younger brother, Shahbaz Sharif, completed two consecutive tenures as chief minister of the province during 2008–18. The latter's son, Hamza Shahbaz, has been elected twice as a member of the National Assembly. Moreover, Kalsoom Nawaz, the wife of Nawaz Sharif, won the bye-election even during her absence in Pakistan. Interestingly, Abbas Sharif, another younger brother of Nawaz Sharif, also remained a member of the National Assembly. Not only this, Muhammad Safdar, the son-in-law of Nawaz Sharif, also made it into parliament along with Ishaq Dar, the father-in-law of the youngest daughter of Nawaz Sharif, who had also served as finance minister in the previous Pakistan Muslim League-Nawaz (PML-N) governments.⁹ All of these represent the same political party, i.e. PML-N.

Moreover, the famous Gillani, Qureshi, Dogar, Cheema, Makhdoom, Leghari, Mazari, Dareshak, Khar, Doultana, Gondal, Awan, Wattoo, Manika and the Bhattis are cases of dynastic politics in the Punjab. In Sindh, Pagara, Shah, Bejarani, Jattoi, Khoro and Somro are the influential political families. The Khattak, Bilore, Sherpao, Houti, Wali and Mufti Mehmood families dominate the politics of KPK whereas Bugti, Marri, Jam, Magasi and Bizenjo are influential actors in the electoral politics of Balochistan.

Most of these political dynasties are rural in outlook with feudal origins. However, with time, certain families from the urban, industrial, religious and military backgrounds have also gained political currency. For example, the Sharif family, which had a prominent corporate origin, phenomenally entered politics in the Zia regime during 1980s. Deviating from the existing norms, it tactfully strengthened itself on the political scene with the support of the urban mercantile class of the Punjab.¹⁰

It is also an interesting fact that, with few exceptions, the majority of the aforementioned dynasties supported the governments formed by various military regimes; the military sought their support to legitimise and perpetuate its rule whereas the political dynasties intended to enjoy state patronage to protect their political interests. Also, some of these families were indeed propped up by military regimes. Soon after the overthrow of the Nawaz Sharif government in 1999 and the takeover by the then Chief of Army Staff General Pervez Musharraf, the majority of the Nawaz coteries offered unconditional support to the military ruler. This dissident faction of the PML-N assembled later under the banner of the PML-Q. Mian Muhammad Azhar, a Lahore-based politician, was the chief of this dissident group, who was replaced by Chaudhary Shujaat Hussain, who is a patriarch of one of the most powerful political dynasties in the Punjab. The party remained in power for five years till 2007. It later became the key partner of the PPP-led coalition government during 2011–13.¹¹

Importantly, the dominance of political dynasties remained intact during the 2018 general elections. The electoral results showed that 140 traditional political families captured more than half of the total seats of the national and provincial assemblies. Some of these families even introduced their third and fourth generations into electoral politics. The PTI, which usually criticised the dynastic politics in Pakistan, itself incorporated such dynastic political families, i.e. Khattak from KPK, Qureshi, Gondal and Tareen from the Punjab. Thus, the current provincial and federal assemblies are dominated by the same old guard. It is a sad reality of Pakistani politics that the richest are representing the poorest; the industrialists are representing the labour class and the feudal class is representing the peasants, which is a serious blow to the democratic politics of Pakistan.

Politics of defection

Members representing the party in parliament must observe the party discipline. This is a fundamental requirement for the survival of the parliamentary form of government. In the contemporary world, the political systems of most countries are plagued with political disorder and issues of governance. Both industrially advanced and socio-economically developing societies are struggling to contain the political mess and to ensure political cohesion and stability. Therefore, Pakistan is not an exception when portraying similar trends.

The politics of defection has been one of the most calamitous and virulent political problems in Pakistan entailing a gross miscarriage of fair conduct. The legislators frequently switch loyalties from one party to other parties to ensure political and electoral gains; in particular, the pre-election inter-party shift has been a regular phenomenon among candidates who conveniently manage to win the favour of the parties they have newly joined. Importantly, prior to each election, an average of 500–800 candidates, i.e. 19 per cent of the total candidates per election, switched sides. Nevertheless, the success rate in elections of such defectors during the elections remained at more than 60 per cent.¹² In the initial years of Pakistan's politics, an early political defection took place when

opportunistic politicians from the Muslim League constituted the Republican Party, which was locally known as the first ‘King’s Party’ in the political history of the country. Afterwards, some members of this recently founded party rejoined the Muslim League. In the 1960s, when Pakistan was under military rule, the lack of intra-party democracy and internal fractions led to the emergence of two separate political entities, namely, the Council Muslim League and the Convention Muslim League – two split branches of the Pakistan Muslim League. A section of opportunistic politicians invited General Ayub Khan, the then president of Pakistan, to chair the Muslim League (the Convention). During that period, the Krishak Saramik Party and the Awami League also faced frequent defections.

By and large, the political class wanted to stay close to the power centres, i.e. the civil–military bureaucracy.¹³ Moreover, legal and institutional measures, such as the Public and Representative Office Disqualification Act (PRODA) 1949 and the Elective Bodies Disqualification Order (EBDO) 1959 were taken, at the behest of the civil–military bureaucracy, to squeeze political and electoral space. Thus, fake cases were registered to harass and arrest anti-regime politicians. Zulfikar Ali Bhutto also defected from the Ayub regime and formed the Pakistan People’s Party (PPP) at a time when the Ayub regime was falling from grace.¹⁴ In late 1977, General Zia-ul-Haq, the then Chief of Army Staff, toppled the Bhutto government and banned political activity and parties. Interestingly, the majority of senior party leaders defected from the PPP and sided with Zia-ul-Haq to save their own interests. In addition, low-scale inter-party defections continued in the 1990s (see Figure 4.1). The defections mostly took place in the PPP and the PML-N.¹⁵

Political instability in Pakistan during the 1990s culminated in the imposition of martial law by General Pervez Musharraf on 12 October 1999. In order to

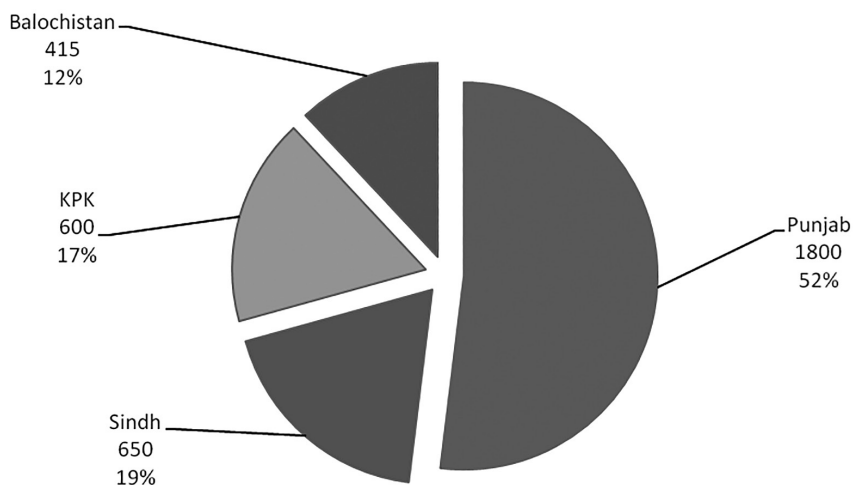


Figure 4.1 Province-wise defections, 1990–2013.

Source: Authors.

control the political fraternity, the National Accountability Ordinance (1999) was promulgated by the military regime, which forced politicians to switch their political affiliation in favour of the military regime, hence the PML-Q was founded by defectors from the PML-N. However, the results of the 2002 elections upset the plans of the Musharraf regime and a major section of PPP lawmakers were permitted by the regime to defect from the PPP to form another 'King's Party' – the PPP-P. As mentioned before, the King's Party consisted of pro-military politicians. In addition, smaller parties, too, suffered from defections. In the post-Musharraf era, the PPP, with the support of other political parties, attempted to put an end to this practice legislatively. However, such measures proved ineffective due to non-implementation. Most recently, in the senate elections held in 2018, various members of the PTI, too, defected implicitly or explicitly.¹⁶ Importantly, the politics of defection was not only a federal phenomenon but also a provincial reality. This has been observed throughout the country's political history. Figure 4.1 highlights the degree and scale of defections in the provinces in 1990–2013.

Since 1990, the politics of the Punjab, in particular, have revolved around political defection, to the extent that more than 50 per cent defections have taken place there compared to the incidence of defection in Sindh, KPK and Balochistan where the ratio remained 19 per cent, 17 per cent and 12 per cent respectively.¹⁷ It can safely be concluded on the basis of above discussion that, compared to other provinces, dynastic politics encouraged party switchers and opportunists in the Punjab at a higher rate.

Moreover, in Pakistan, after party defection, the chances of electoral victory are comparatively low. The relevant data suggests that only 25 per cent of the total defectors in the Punjab and Sindh gained electoral victory. In Balochistan and KPK, the corresponding percentage remained 27 per cent and 23 per cent respectively. It is quite interesting that the majority of defectors secured the favour of the electorate even after switching parties and that occurred, also, on a regular basis.¹⁸ However, some scholars believe that political parties did not convince voters in their own capacity but electoral success was due to the 'electables'. Electable is frequently used term for those political figures who are known in their constituency and can win elections with or without any party affiliations. These electables play a pivotal role in a party's victory.¹⁹ However, the micro-level analysis of the electoral results reveals that the electables in Pakistan use the platform of political parties merely to win elections, since the political parties have developed to such a level that each and every constituency of Pakistan has a sizeable proportion of party-centric voters.²⁰

The following section analyses another trend which is central to electoral politics in contemporary Pakistan: communal politics.

Communal politics

Religion has often been used as a tool by political activists in Pakistan to achieve their desired ends. Political parties, whether in government or

opposition, use Islam as a political slogan to mobilise the masses. For example, in the 1980s, General Zia-ul-Haq tactfully used religion as a tool to strengthen his rule and contain the popularity of secular political forces, such as the PPP. During the said period, the Jamat-e-Islami (JI) and other religious political parties of the Deoband school of thought shared the power cockpit with Zia.²¹ Indeed, the weaponisation of the religious political parties and the emergence of militant Islamic groups under the institutional patronage of the state proved a blessing in disguise for the clerical forces with political designs. The mullah-military bond remained intact even after the end of the so-called Afghan jihad in the late 1980s. Thus, their 'safe homes' later became the operative centres of activists from Al-Qaeda who fled to Pakistan after the US attack on Afghanistan in the last quarter of 2001.²²

The religious political parties in Pakistan have always offered their services to the military dictators. The equation of mutual interests has, to a large extent, been honoured and protected by both parties. Contrary to a democratic and progressive vision, Pakistan has been gradually transformed into a theocratic state with totalitarian connotations.²³ For example, during the 2018 general election, violent protesters invoked religious symbols and vocabulary tactfully to mobilise their followers while disguising their political motives in the name of religion.²⁴

In almost all the past elections, too, religion had been instrumentalised for electoral purposes; for example, the Muttahida Majlis-e Amal (MMA) contested the 2002 election under the electoral symbol of the 'book'. Importantly, during this electoral campaign, the MMA candidates tactfully used this symbol which resembled the holy book of Qur'an, claiming that the vote for the book would be the vote for the holy Qur'an or otherwise.²⁵ The *Ulema* also used the institution of the *masjid* (mosque) in an eloquent way to motivate their followers in favour of candidates contesting elections under the symbol of the 'book'. In addition, the *madaris* (religious seminaries) acted as electoral camp offices and students of those seminaries were used in the electoral campaign. Consequently, the highest number of Islamists gained seats in the parliament of Pakistan as a result of the general elections of 2002 (see Table 4.1).²⁶

Table 4.1 Comparison of political parties' vote share and parliamentary seats in the general election, 2002

Party/Alliance	Votes (million)	Share of total vote (%)	Number of seats won
PPP-P	7.39	25.01	62
PML-Q	7.33	24.81	77
PML-N	3.32	11.23	14
MMA	3.19	11.10	53

Source: International Crisis Group (2003) *Pakistan: the Mullahs and the Military*, Islamabad: International Crisis Group, 23. Available at: www.files.ethz.ch/isn/28363/049_pakistan_mullahs_military.pdf (accessed 20 December 2018).

The popularity of these religious political parties had been affected adversely owing to their failure to deliver in Balochistan and NWFP (now KPK) and their support for Musharraf, the military dictator; hence, before the 2008 election, this alliance of divergent religious political parties fell from grace and disintegrated. Thus, the former MMA parties either contested the election independently or joined an electoral alliance with the mainstream parties. However, the JI boycotted the elections, along with PTI and Pakhtunkhwa Milli Awami Party (PkMAP).²⁷ Those religious parties which did contest the 2008 general election could not win any substantial success because of the aforesaid reasons. Their stereotypical slogans such as 'Islam under threat' coupled with religious symbols which they used in the 2002 elections failed to attract voters in 2008.²⁸

New entrants: the TLYR and the MML

The political parties, inspired by the Barelvi school of thought, a sect within Islam which puts emphasis upon the following of religious saints, demonstrated street power in the urban centres of Pakistan in March 2016. This reinforced the pursuit of sectarian-based political agendas through violent means.²⁹ Earlier, Dr Tahir-ul-Qadri, the head of Pakistan Awami Tehreek (PAT), had successfully demonstrated street power by arranging a sit-in (*dharna*) in Islamabad.³⁰ Contemporary Pakistan also witnessed the emergence and rise of a new Barelvi political force called the Tehreek-e-Labbaik Ya Rasool Allah (TLYR), which registered itself as political party before the 2018 election. The Tehreek succeeded in amassing public support in visible proportions during its Faizabad sit-in which resembled the Barelvi street power manifested by the Jamiat-e-Ulema Pakistan (JUP) under Maulana Niazi and Maulana Noorani in the early 1970s.

Furthermore, the means used by the incumbent government to control the situation of the Faizabad sit-in further helped the Tehreek to propagate its agenda politically and socially.³¹ The military played a key role in dispersing the sit-in. Ultimately, the military had to intervene in order to settle the issue, hence the failure of the civil government to efficiently handle the religious activists left many questions unanswered.³² The TLYR leaders, strategically assisted by elements within the security establishment, made an 'accord' with the civil government, which struggled to ensure orderly rule. This was the first step towards achieving their ultimate goal of establishing a sharia-based political system in the country. Hafiz Naeem, the ameer of JI's Karachi chapter, admitted that the Tehreek has successfully propagated its narrative to the masses.³³

The TLYR protestors paralysed the federal capital for weeks, thus, causing serious law and order issues. The way that the PML-N government, led by then Prime Minister Shahid Khaqan Abbasi,³⁴ did a deal with the protesters damaged the PML-N vote bank, especially in North Punjab. This was obvious from the results of two by-elections. The disguised motives of the TLYR were revealed when it announced that it would contest the 2018 elections across the country. The mainstream political parties, especially the PML-N, faced an

episodic jolt by the TLJR in the by-election of NA-120 in Lahore held in September 2017.³⁵ The latter not only fielded a candidate against Begum Kalsoom Nawaz, the wife of the PML-N supremo, but also bagged the electoral favour of more than 7,000 voters from the PML-N stronghold. Similar results were obtained in the by-election of NA-154, in Lodhran, South Punjab, held in February 2018.

In the general election of July 2018, the TLJR made its first formal entry into electoral politics and surprised the political pundits by becoming the sixth largest political party in terms of received votes. In the Punjab, the TLJR remained in fourth position; it stood seventh in Sindh, eighth in KPK and sixteenth in Balochistan. Although the party failed to become a parliamentary party, it succeeded in winning the votes of more than 2.1 million voters. Interestingly, the party secured more votes in the Punjab than Pakistan People's Party-Parliamentarians, which is a mainstream political party. In Lahore, the TLJR candidates took a lead over the most seasoned and experienced candidates of the PPP-P and the MMA.³⁶

Another religiously inspired entrant into the electoral politics of contemporary Pakistan is the Milli Muslim League (MML) – a political offshoot of the banned Jamaat-ud-Dawa (JuD). It struggled to register with the Election Commission of Pakistan (ECP), which was in vain due to its implicit affiliation with the JuD. In future, if the MML succeeds in registering with ECP, it would conveniently get electoral support of the Ahle-Hadith sect. It may invoke anti-India rhetoric, particularly playing the 'Kashmir card' in its future electoral campaign, if it enters the electoral arena. Surprisingly, in its first appearance in the by-election of NA-120, which was held to fill the vacant seat of Prime Minister Nawaz Sharif after his disqualification by the Apex Court, the MML-backed candidate, Yaqoub Sheikh, an individual designated a terrorist by the United States in 2012, secured 5 per cent of the vote. In terms of campaign tactics, he effectively channelled sectarian links, the JuD ideology and the personality cult of the JuD's leader, namely, Hafiz Saeed.³⁷

In sum, ineffective governance, corruption, nepotism, underperformance, political marginalisation, frequent defection and socio-economic injustices, by both the political elite and the state, provided an enabling environment for religious forces to enter Pakistan's politics in order to pursue a religious agenda in terms of establishing an Islamic state on puritanical principles.

Politics of alliances

To optimise the available opportunities to seek political power through elections, political parties often engage in pre- and post-election alliances which are not everlasting arrangements in the electoral politics of Pakistan. Hence, opportunism more than ideology has gained centrality with respect to alliance (de)formation. Consequently, it facilitates the politics of expediency.³⁸ For example, during the 2002 general election, the MMA – a unique electoral alliance of six ultra-conservative religious political parties with opposing sectarian identities,

i.e. Deobandi, Shia, Ahle Hadith – won massively in Balochistan and KPK. Thus, the MMA formed the government in those provinces where it advocated the promulgation of a sharia-based legal system.

The MMA came into the limelight in the context of the US-led War on Terror (WoT) in Afghanistan.³⁹ Moreover, the then military rule of Pakistan, under General Pervez Musharraf, also wanted to keep the two mainstream political parties, i.e. the PPP and the PML-N, out of parliamentary politics by using different methods, as was done by previous military ruler, General Zia-ul-Haq. Thus, the MMA benefitted from such strategic calculations of the Musharraf-led military establishment.^{40, 41} For instance, prior to the general election of 2002, Musharraf made it mandatory for the electoral candidates to have a bachelor's degree in order to be eligible to contest the election. However, he assisted the candidates from the religious political parties, especially the MMA, by granting 'equivalence' to their degree certificates issued by religious seminaries (*madaris*), which was a legacy of General Zia-ul-Haq. The said arrangement provided a convenient space to the MMA to contest the elections. Ironically, prior to the scrutiny of the nomination papers, the criminal cases registered against the MMA candidates, were dropped.⁴²

Due to political differences, the JI parted ways with the MMA alliance in the course of the general election of 2008 and, therefore, boycotted it, whereas the remaining parties, under the umbrella of MMA, could not win a sizeable support of the voters; only a few top leaders of those religious parties won. Interestingly, Maulana Fazal-ur-Rehman, the chief of JUI-F, was defeated in his native constituency of Dera Ismail Khan; however, Akram Durrani, the outgoing chief minister of KPK, offered him the opportunity to contest his native seat from Bannu, where Fazlur-ur-Rehman was able to win a seat.⁴³ The general election of 2008 upset the MMA where it lost more than three-quarters of its votes and 40 out of the 45 seats it had won in 2002. Three key factors contributed to this failure. The departure of the JI, which was the most organised religious party; bad performance in KPK and Balochistan; and the decline in anti-American sentiments, which were rising high soon after 9/11. Hence, this religio-politico alliance fell from grace; its fall was as phenomenal as its meteoric rise.⁴⁴

At the provincial level, the situation in Sindh was not much different. In Sindh, five political parties, namely, the Millat Party, the Sindh Democratic Alliance, the National People's Party, the National Awami Party (Wali) and the Sindh National Front formed the National Alliance to contest the general election of 2002. The alliance made seat adjustments with the PML-Q and, thus, bagged 4.6 per cent of the popular votes. However, in 2004, the alliance merged with the PML-Q to form the United Muslim League. In 2008, the United Muslim League faced tough electoral competition from the PML-N and the PPP, and it could only grab third position in terms of number of seats in the parliament. Meanwhile, the party faced several defections, which squeezed it further. Thus, it had to struggle for its survival during the 2013 general elections.⁴⁵ Here, it seems relevant to mention that in 2002, the institutional manoeuvrings by Musharraf failed to provide a level playing ground for the PML-Q to form an

independent government in the centre. Coercive and intimidating measures were taken to cause defections from the mainstream parties. Hence, only a coalition government of different political parties with different ideologies could be installed under special constitutional arrangements.

However, in 2008, a coalition government of different political parties at the national level, with divergent interests and identities, was formed under the PPP-P, led by Asif Ali Zardari.⁴⁶ The philosophy and outlook of the major allies, i.e. the PPP-P and the PML-N, were at odds, but they shared the same ladder to achieve their respective goals. In addition, the ANP, the MQM and the JUI-F were the other members of this coalition government. However, owing to policy differences, the PML-N quit the alliance, and that compelled the PPP-P to shake hands with the PML-Q to complete the five years' tenure. Ironically, ideological and philosophical divergence, heterogeneous electoral base, diversified manifestoes and idiosyncrasy in their outlook did not prevent these parties serving under a coalition government. In the 2013 election, Nawaz Sharif's PML-N won massively, thus forming a government in the centre and in the Punjab on its own. However, that was not the case in other provinces. For example, in KPK, a tri-party (PTI, JI and QWP) coalition government was formed. These political parties had their distinct political and electoral agendas and had contested elections against one another. Yet, they became partners in a coalition government since none of them had the required number of seats to form an independent government.⁴⁷

Politics of money as an emerging trend

Historically, the contours of electoral politics in Pakistan have been determined by non-monetary variables such as kinship, caste, sect and ethnicity. There were certain cases and contexts, for example, the PPP during the 1970 election, where issue-oriented politics was played out. However, Pakistani electoral politics, overall, have been characterised by non-issue politics where, for instance, (religious) ideology assumed immense social and electoral significance.

Most recently, however, a new electoral trend is emerging where the political elite, by and large, is manifesting its economic superiority over the marginalised masses in terms of heavily investing in electoral campaigns. The 2018 election reflected this trend in unequivocal terms. Money had been used in the politics of Pakistan for campaign purposes. Currently, it seems that the political elites of all the major political parties are engaged in this practice and, therefore, need more funds to sustain electoral support of voters since a phenomenal rise in the number of political parties and technological advances have revolutionised the political process.⁴⁸ From arranging processions, rallies, and corner meetings to distributing campaign literature and hiring party workers, all require finances.⁴⁹ In the contemporary world, politics works like a business. Individuals make a heavy investment in elections which returns with profit after joining the parliament, particularly the cabinet.

In Pakistan, the non-democratic intra-party structure provides an opportunity for the wealthy and influential members of society to maintain their grip over

political parties and electoral constituencies, hence, a layman cannot aspire to be a part of the electoral process as a candidate with a chance of winning. To secure party tickets and to run electoral campaigns, huge investments are required. Little wonder, the structure of electoral politics in terms of the moneyed elite remained intact during the 2018 election (see Table 4.2), whereby the leading political parties, in terms of number of seats, were controlled by industrialists, real estate magnets and the landed-feudal class.

Moreover, with few exceptions, lawmakers make huge investments to get ministerial portfolios. The misuse of money in by-elections, especially in Lahore and Lodhran, has been referred to the Election Commission of Pakistan which, being institutionally weak, is struggling to process the cases.⁵⁰ Democracy in developing countries, it seems, has become the scene for setting propositions for the elite to protect its interests through moneyed politics. Little wonder, huge donations from big businesses and corporations protect only the vested interests of the investors and not that of the underprivileged masses.⁵¹

In addition, the frequent military intervention in Pakistan also weakened the body politic. Political parties have been the soft target of military dictators such as Ayub Khan and Pervez Musharraf, who tactfully used (in)formal channels to create the maximum defections within the opposition. To legitimise the regime, military rulers heavily invested in politicians in terms of ministerial portfolios and development funds. Thus, the military rule extended the political life of otherwise tested and failed politicians. The perks and privileges as well as the support and patronage enjoyed by the politicians encourage them to stay in the

Table 4.2 General election, 2018: National Assembly results, 25 July 2018¹

	<i>Name of party</i>	<i>Total seats</i>
1	Pakistan Tehreek-e-Insaf	116
2	Pakistan Muslim League (Nawaz)	64
3	Pakistan People's Party (Parliamentarians)	43
4	Independent	13
5	Muttahida Majlis-e-Amal (MMA)	12
6	Muttahida Qaumi Movement (MQM)	6
7	Pakistan Muslim League (PML-Q)	4
8	Balochistan Awami Party (BAP)	4
9	Balochistan National Party (BNP)	3
10	Grand Democratic Alliance (GDA)	2
11	Awami Muslim League	1
12	Awami National Party (ANP)	1
13	Jamhoori Wattan Party	1

Note:

- 1 Pakistan's 11th general elections were held on 25 July 2018. These results reflect the party position vis-à-vis the general seats. For details, see www.ecp.gov.pk (accessed 19 May 2019).

corridors of power at any cost. Thus, the principles of equality, equal opportunity and equal value of vote are overwhelmed by the monetisation of (electoral) politics.⁵²

In Pakistan, the prevailing practice of investing huge amounts of money in the election has turned the democracy into a plutocracy where the space for the people with limited resources is shrinking alarmingly. The political parties have become economic enterprises and private limited companies instead of becoming the mouthpiece of the public. The *Changa Manga*, which pejoratively refers to moneyed politics, has turned politics into the domain of the corporate elite. Thus, the Mehrangate Scandal, under which money was distributed among politicians to form a political alliance, namely, the IJI to block the path of the PPP's return to power in Pakistan, is lingering in the country's lethargic judicial system, and this is a case in point.⁵³

In addition, the use of social media for the electoral campaigns has made the electoral process more expensive. The effectiveness and the importance of the print, electronic and social media in the contemporary world can never be denied. Political parties and politicians in the developed and developing states are vigorously using social media such as Facebook to convey campaign messages to the masses. Thus, media has become an important tool in political socialisation.⁵⁴ Little wonder, political parties and politicians in Pakistan, too, invest heavily in some media houses for their electoral campaign and pay for these expenses through donations. However, this emerging trend has the potential to further favour the corporate elite who practise moneyed politics in the transitional societies and developing democracies, such as Pakistan.

Conclusion

A democratic system, if provided with an opportunity to run in a country without any intervention, has the potential to rectify itself. Electoral cycles provide an episodic accountability and contribute to the emergence of new trends. However, it all depends on how representative, strong and internally democratic the political parties are and how people-centric the state apparatus is. Delayed and controlled elections, destitute and impoverished delivery of elected governments, partisan and self-centred politics, feeble and fragile institutions, and unconstitutional power transitions have bred political and electoral malpractices. The numbers game has compelled political parties to use all available tactics to win elections, thus, compromising ethics and ideology.

Thus, in the present context, one can argue that the electoral politics of Pakistan is plagued with undemocratic and despotic tendencies that have negatively affected political development. In addition, frequent political defections, ethnonationalist politics, moneyed elections, client-patronage partnerships, communalisation of politics and unholy alliances have resulted not only in socio-economic chaos, but also in deinstitutionalisation with adverse effects on socio-economic development and, importantly, governance capacity, which has been reduced owing to the lack of focus on Institution building by the civil-military ruling elite.

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5 Duality, dynamism and deterioration

Civil–military relations and governance in contemporary Pakistan

Ejaz Hussain

Introduction

Civil–military relations (CMR) lie at the centre of any meaningful debate on Pakistani politics, society and the state. The pattern and typology of CMR, however, are fluid and context-specific. As explained later in the chapter, the civil bureaucracy remained a powerful force during much of the 1950s. Similarly, the military ruled the country, in a direct manner, during most of the 1960s, the 1980s and the 2000s.¹ Nonetheless, the pattern and type of civil–military relations in the post-Musharraf period (2008 onwards) look comparatively dissimilar, as will be seen, from the past patterns and typical types. As there is a dearth of theoretically-oriented literature that can explain the emerging elements of civil–military relations and governance in contemporary Pakistan,² this study intends to contribute to the field by proposing a new deductive model of civil–military relations that, arguably, is applicable to Pakistani CMR in the contemporary context.

As derived from the empirical intricacies of post-2008 civil–military relations, the proposed CMR model is a duality. It refers to constitutional measures, i.e. military courts,³ and institutional arrangements, i.e. Apex Committees (ACs),⁴ adopted by the parliamentary forces in a non-martial law context in order to appease the military to prevent the imposition of coup/martial law. The military, for its part, wanted a dualist dispensation to indulge in governance rather than staging a coup against a government that did not toe the line. In other words, duality implies dual institutional and legal/constitutional structures rationally created by politicians/political parties to accord more space to the military in, for instance, the sphere of governance. The underlying objective of political forces especially the party-in-office is to ensure political and parliamentary survival in terms of completion of its five-year tenure.

Functionally, the civil–military developments, such as passing a constitutional amendment, reflect dynamism, that generates an impression of institutional build-up, improved governance and sustained democratisation. However, in reality, duality, as a consequence, generates deterioration, defined, by this study, as institutional and policy decadence in terms of unbalanced civil–military relations, economic mismanagement, lack of governance and, above all,

lack of structural reforms in the means of production.⁵ Since the proposed model is deductive and context-specific, it is pertinent to provide an overview of the trajectory of civil–military relations from the inception of the state in 1947 onwards to see whether, and to what extent, duality has existed in the political system and dynamics of the country.

Civil–military relations post-independence, 1947–71

Pakistan's history is a mix of bureaucratic control, military rule and civilian authoritarianism. Post-partition, the civil leadership faced multiple challenges of state formation, including the nationalisation of the civil–military bureaucracy in terms of recruitment from the local masses. Constitutionally, the 1935 India Act, as amended in 1947, empowered the Governor-General vis-à-vis the office of prime minister. Nonetheless, the early political leadership stressed civilian supremacy.⁶ The demise of the top political leadership, including Mohammed Ali Jinnah and Liaquat Ali Khan, caused the decline of the political class, along with providing space to the bureaucratic forces that assumed the premier position in politics within no time. Thus, the civil–military bureaucracy ruled in the period 1951–58.⁷ Little wonder that Governor-General Ghulam Mohammad, a bureaucrat, abhorred parliamentary democracy since he considered politicians to be both corrupt and incompetent to run the country. He dismissed not only the Nazimuddin government in 1953 but also dissolved the Constituent Assembly the next year. The apex judiciary, however, provided legitimacy to the Governor-General's actions in terms of the 'doctrine of necessity'.⁸

The political forces, for their part, lacked unity and institutional capacity to challenge the supra-parliamentary actors that entrenched the dual rule in terms of the 1956 Constitution that ensured a strong presidency.⁹ Dyarchy was initially introduced by the Montague-Chelmsford Reforms (1919) which divided the functions of the provincial governments between the civil bureaucracy and the political class. Though the 1935 India Act ensured 'responsible government' provincially, it accorded a 'veto power' to governors, along with establishing dyarchy at the centre. The 1947 Indian Independence Act also carried similar features. Indeed, it vested emergency powers in the Governor-General. Thus, Mohammad Ali Jinnah, as Governor-General, prevailed over the Constituent Assembly and the prime ministerial cabinet from the outset.¹⁰

As highlighted, the president assumed immense powers over the prime minister under the 1956 Constitution. Thus, four prime ministers were dismissed during 1956–58 on shaky grounds by President Iskander Mirza who, ultimately, declared martial law on 7 October 1958 on account of 'corruption' and 'incompetence' committed by the political elite.¹¹ However, as a result of the power tussle between Iskander Mirza and Ayub Khan – the latter had already assumed the powers of the Chief Martial Law Administrator (CMLA) – the former was ousted from office by Khan within a few weeks. The earlier form of CMR, however, reflects a normative dyarchy, that was invoked by the civil bureaucracy often in strategic understanding with the military,¹² the latter ultimately

emerged as a dominant actor that took direct control of politics and the state in the post-Mirza period.

The Ayub regime tried to make itself more democratic through various measures, ranging from holding a presidential referendum in 1960 to creating a Constitution in 1962. As per the existing studies,¹³ the 1962 Constitution empowered the presidency over the prime minister. However, this arguably was not the case since the real power lay with the office of the Commander-in-Chief (C-in-C); Ayub Khan acted in that position from 1951–58. Importantly, in October 1959, Ayub Khan uniquely conferred upon himself the hitherto unknown rank of a five-star general as ‘field marshal’ of the Pakistan armed forces.¹⁴ Moreover, from 1958 till 1962, Khan acted as CMLA while delegating the C-in-C role to a pliant general, Musa Khan, who maintained studied silence on political matters till Yahya Khan was appointed C-in-C in 1966. Though through a controlled referendum (1960) and the Constitution (1962), Ayub Khan became the self-appointed president of Pakistan, this was, arguably, a political move to disguise his ‘military’ face under a civilian cover.

Operationally, then, as field marshal, he prevailed over parliament, the presidency as well as society till he politically lost power in the wake of the rigged 1965 presidential election. The combined opposition resorted to agitation politics during 1967–69. Paradoxically, Ayub Khan did not trust his own ‘presidential system’ and arbitrarily delegated powers to the then-C-in-C General Yahya Khan who, while asserting military agency, staged the second coup in March 1969. Thus, dyarchy, where the office of president assumed a powerful position in real terms, could not be established during the aforesaid period. At best, the presidency served a ceremonious role since Ayub Khan always prided himself as an army man and field marshal.

Yahya Khan’s rule remained brief but brutal in terms of authoritarianism, particularly with regard to the Bengalis who demanded the right to form a government after the 1970 election in which the Awami League had won most of the seats for the National Assembly. However, owing to competing interests, the civil–military leadership of West Pakistan failed to prevent the break-up of the country in December 1971. Institutionally, the military remained at the forefront of politics and warfare during this period. The presidency only served a ceremonious role for Yahya, like Ayub, also believed in disguising military rule in civilian garb. Insofar as duality is concerned, the post-independence period did not have any antecedents that could fit the proposed model. Therefore, the next section details civil–military dynamism in the post-break-up period in order to trace duality for conceptual and empirical purposes.

Civil–military relations post-break-up, 1972–2008

In the post-1971 break-up of the country, it was the military that strategically sided with Zulfikar Ali Bhutto, who, initially, assumed the office of the president as well as the title of (civilian) CMLA at that critical juncture. Within two years, Bhutto, along with other political parties, such as the Jamiat Ulama-e-Islam (JUI)

of Mufti Mahmood¹⁵ and the National Awami Party (NAP),¹⁶ led by Wali Khan, was able to establish parliamentary sovereignty over presidentialism in terms of the 1973 Constitution, which empowered the office of prime minister over the president. In the 'New Pakistan',¹⁷ Bhutto, who initially had worked with the military started to assert his power by organising the command and control structure of the armed forces; he also reorganised the civil bureaucracy along with curtailing certain powers of the judiciary through a constitutional amendment. Interestingly, the parliamentary forces inserted Article 6 in the Constitution, that termed the imposition of martial law 'high treason'.¹⁸ Moreover, the prime minister engaged the military in Balochistan operationally, to stop it gaining the time and resources to plan a take-over. In addition, by the mid-1970s, Z.A. Bhutto had appointed General Zia-ul-Haq as the Chief of Army Staff (COAS) as he was apolitical and from a humble socio-economic background.¹⁹

Paradoxically, he relied on the same military forces that he wanted to control, when faced with agitation politics caused by the Pakistan National Alliance (PNA). The prime minister imposed 'civil martial law' in major cities to maintain law and order. The PNA, for its part, demanded the dismissal of the Bhutto government. In such a tense context, General Zia, while taking advantage of the political circumstances that had weakened parliamentary authority, made his move by staging a coup on 5 July 1977. Within the next two years, Bhutto was hanged to death by the country's Supreme Court, which earlier had legitimised martial law based on the 'doctrine of necessity'.²⁰ If Bhutto, it is maintained, has structurally and institutionally empowered the parliament and established a consensual oversight of the military, not only his fate would have been different but also that of parliamentary democracy.

In the post-Bhutto period, the Zia regime, in order to establish civilian rule, negotiated the 8th Amendment, that empowered the presidency through the insertion of Article 58(2)(b) in the 1973 Constitution, with the political parties, such as the PPP. Operationally, through the said article, General Zia, the COAS, essentially empowered himself to control the parliamentary forces, including the prime minister, and when his hand-picked prime minister, Junejo, tried to circumvent the boss, he was unceremoniously dismissed in May 1988. However, before Zia could implement his political designs, he died in a mysterious air crash in August the same year. Zia's successor General Aslam Beg, rationally, chose to allow electoral politics rather than reimpose martial law. Institutionally, the military remained a powerful force during 1988–99. It instrumentalised the presidency to get rid of intriguing prime ministers such as Benazir Bhutto and Nawaz Sharif; it also showed the door to the presidents, i.e. Ishaq Khan, whenever they became a liability. Thus, the presidency could not establish itself as an autonomous institution to prevail over the military.

President Ishaq lost his position when he became a political liability in mid-1993. Had the presidency assumed a powerful position, as Waseem posited,²¹ he would have stayed on in that role longer. Moreover, the fate of President Farooq Leghari, though equipped with Article (58)(2)(b), was not so dissimilar a few years later.²²

Nevertheless, the military staged its fourth coup, on 12 October 1999, when Prime Minister Nawaz Sharif, who basically was a ‘product’ of the Zia-led military rule,²³ parted ways with General Pervez Musharraf, whom he appointed as COAS because he was apolitical and came from a humble background. From the GHQ’s perspective, Sharif challenged the institution by upsetting the rules of the game, i.e. repealing Article (58)(2)(b) through the 13th Amendment. Thus, Nawaz Sharif and his family were initially put behind bars and later exiled abroad.

The judiciary, while apparently following institutional norms, legitimised the coup in terms of ‘necessity doctrine’. General Pervez Musharraf, the COAS and the self-proclaimed Chief Executive (CMLA), sought to put a civilian face upon the regime electorally through the controlled general election held in October 2002 in which his so-called ‘King’s Party’,²⁴ the Muslim League Quaid-i-Azam (PML-Q), formed by the former associates of Nawaz Sharif, i.e. Chaudhry Shujaat Hussain, emerged as a the key parliamentary party that formed a (coalition) government with the dissidents from the PPP and the Muttahida Quami (formerly Mohajir) Movement (MQM). Musharraf, the COAS, hand-picked three prime ministers, during 2002–07, to maintain control over politics, polity and (foreign) policy.

Also, in a self-designated manner, he, through a controlled referendum, became the president of the country. As was the case with coup makers before him, Musharraf invoked the instrumentality of the presidency by reinserting Article 58(2)(b) into the 1973 Constitution under the 17th Amendment.²⁵ Nonetheless, he prided himself on being an army ‘commander’ and not necessarily as president. Importantly, when he shed his army uniform as COAS, his political and institutional power vanished in no time. Indeed, the newly appointed COAS, General Ashfaq Kayani became much more powerful in all respects than President Musharraf, who, by the turn of 2008, seemed a liability for the army as an institution. Kayani, later, ensured his exit from politics by preferring electoral politics with the aim of having a non-military president who could be manoeuvred conveniently.

Thus, what can be assumed in view of the foregoing is that the military acted as a principal actor while politicians and political parties remained weak institutionally during the analysed timeframe. Moreover, the COAS dominated the other offices, i.e. the presidency and the prime minister. Finally, the above analysis did not identify any duality in the civil–military dynamism mentioned above and, therefore, the following sections aim to empirically trace duality in terms of its identified indicators.

Civil–military relations and governance in contemporary Pakistan, 2008–present

The post-Musharraf period, that starts with the formation of the PPP government as a result of the 2008 elections, is assumed to be contemporary Pakistan that qualitatively differs from the political developments analysed in the preceding

sections. The period under analysis, in this section, has been theoretically analysed by few scholars. Most recently, however, Ayesha Siddiqi applied her 'fusionist' (hybrid) concept to civil–military relations from 1999 to 2018.²⁶ The fusionist model posits that civil–military relations assumed a hybridity whereby the military started indulging in governance rather than toppling governments through coups. In addition, the military removed, through a pliant judiciary, intriguing prime ministers such as Yousaf Raza Gillani and Nawaz Sharif rather than dissolve parliament as it used to do in the pre-1999 period.

However, despite its conceptual significance, the 'fusionist' model is only partly applicable, due to its tendency to oversimplify political events that occurred especially during 1999–2007. For example, General Musharraf ruled as Chief Executive (in reality, as Chief Martial Law Administrator) from 1999 to 2002 when he was able to put a civilian face on his regime through controlled elections held in October 2002. Moreover, during 2002–08, two prime ministers, Zafarullah Jamali and Shujaat Hussain, were changed at Musharraf's instigation. Moreover, they were basically hand-picked by Musharraf, as opposed to Yousaf Raza Gillani and later Nawaz Sharif, who were in the anti-Musharraf/military camp. These facts do not fit into the 'fusionist' model empirically, which assumed the military started experimenting with a new formula of letting the government complete its five-year tenure at the cost of one prime minister.

Thus, the political developments during 1999–2008 were very complicated and non-linear. With the foregoing as a point of departure, this study now attempts to explain civil–military relations during 2008–13 with the help of the proposed duality model.

Tracing duality during the PPP government, 2008–13

The following is an attempt to apply the proposed duality framework to the political, administrative and institutional developments during 2008–13. The aim is to trace the duality and analyse its ramifications for politics, governance and the state.

To begin with, having won enough seats in the February 2008 election, the PPP and the PML-N, headed by Nawaz Sharif, initially formed a coalition government at the national level. Both parties publicly reflected an anti-Musharraf coalition. Moreover, Asif Ali Zardari, the leader of the People's Party, replaced Musharraf, who had lost institutional support, as the president of Pakistan. Having assumed powers, Zardari often referred to the death of his wife, Benazir Bhutto, who was assassinated in Rawalpindi on 27 December 2007. He and his children held Musharraf responsible for Benazir's killing.²⁷ Not only this, he started an implicit process of exposing the political role of the military. As a case in point, Zardari made a video conference for the Indian audience, in which he called for the normalisation of relations between India and Pakistan.²⁸ In addition, he united the political forces to ensure the parliamentary nature of the 1973 Constitution. Therefore, the 18th Amendment, Article 58(2)(b), through which the presidency arbitrarily dissolved governments during 1988–99, was

repealed in 2010. Certain additional pro-provinces provisions, for example, education, empowered the provinces with regards to the centre.²⁹

Also, the PPP government took a divergent position on at least two important issues. The first issue was related to the restoration of the deposed Chief Justice (CJ) Iftikhar Chaudhary, who was unceremoniously sacked, for the second time, by Musharraf on 3 November 2007. Zardari and his party viewed Chaudhary as having a soft spot for the Sharifs. If restored, he was likely to initiate the so-called *suo moto* – roughly defined as self-action on a public issue by judges of higher courts – against Zardari and his associates who, in the public sphere, were depicted as corrupt politicians.³⁰ The Sharifs had already started pro-CJ protest politics. Thus, on 16 March 2009, the Sharifs led the ‘long march’ that was aimed at the restoration of the judges of the apex courts.³¹ However, before their caravan could reach the federal capital, the Gillani government, not letting the PML-N, led by Nawaz Sharif, prevail over politics, decided to restore the judges because of indirect intervention of the COAS – General Kayani.³² Little wonder, Zardari and the team viewed the Sharifs, the restored judiciary and the military as all being on the same page against the PPP government.

The second issue was related to the launch of military operations, i.e. Operation Rah-i-Rast (May–July 2009), in Swat (Khyber–Pakhtunkhwa) and Operation Rah-i-Nijat (June–December 2009) in the (former) Federally Administered Tribal Area (FATA) that borders Afghanistan in the north-west of Pakistan. Given the tense relations between the PPP and the military, the civil government wanted to seek a political rather than a military solution to insurgency in the said areas.³³ In addition, the Gillani government wanted to reduce its reliance on the military in governing the country. The GHQ, however, seemed to have a different plan for counterterrorism in the wake of the failing negotiations with the Tehrik-i-Taliban Pakistan (TTP). Contextually, then, in order to avoid a tough reaction from the military –that ultimately could be a coup – the PPP, though reluctantly, decided to work with the military on countering insurgency.³⁴ Also, to further appease the military institution, the civil government extended the tenure of General Kayani, the COAS, in 2010.³⁵

Yet before the government could focus on governing, it entered into a fresh conflict with the Kayani-led army over the fallout of the ‘Abbottabad Operation’ that killed Osama bin Laden on 2 May 2011.³⁶ The killing of bin Laden was no small matter. The news went viral locally and internationally. Moreover, it raised questions about the capability, if not the culpability, of the security establishment which, on the one hand, remained unable to locate Bin Laden on its own territory and, on the other, failed to detect the US Navy SEALs, airlifted into Pakistani (aerial) territory from neighbouring Afghanistan.³⁷

Ironically, rather than questioning the military – whose primary job is to defend the country’s frontiers – the local media was at the forefront of shaping popular perception by holding the PPP government responsible for its failure to defend the territorial sovereignty of Pakistan. In this hostile context where the Gillani/Zardari government was being grilled by the GHQ and the pro-military media over the bin Laden episode, the (in)famous ‘Memogate Scandal’ surfaced

only nine days after the Abbottabad Operation. Referring to the alleged memo/letter, the military authorities blamed Husain Haqqani (a PPP appointee), who was then Pakistan's ambassador to the US, for authoring and dispatching the memo to the Obama Administration seeking US help to counter an enraged military that was bent upon toppling the government through a coup in the context of the bin Laden killing.³⁸

However, the civil government, for its part, claimed that it was involved in the Memogate Scandal by Mansoor Ijaz, an American businessman, who had worked as an 'unofficial messenger' between the Pakistani and American governments in the past.³⁹ Moreover, the PPP leadership termed the entire memo episode as politically motivated in order to malign the civil government at home and abroad.⁴⁰ The matter, ultimately, was referred to the Supreme Court by none else but Zardari's arch-rival, Nawaz Sharif. Consequently, on 12 June 2012, the Memogate Commission submitted its report to the Supreme Court, holding Haqqani responsible for authoring the memo.⁴¹ Haqqani, however, denied his involvement in the said scandal.⁴² The case lingered on for years till it was 'wrapped up' by the country's Supreme Court in February 2019. While commenting on the nature of the submitted evidence, Chief Justice Asif Saeed Khosa asked, 'Are the state of Pakistan, the armed forces and our Constitution so weak that they can be frightened by a memo? ... Pakistan was not so fragile a country that it could be rattled by the writing of a memo.'⁴³

Contextually, however, this nerve-breaking episode between the civil government and the GHQ dragged the Gillani government down for around a year; it also weakened the government politically and socially. However, the PPP's tribulations were not yet over. Within no time, the apex judiciary, with the blessing of the military, fired Prime Minister Gillani for contempt of court.⁴⁴ Moreover, Raja Pervez Ashraf, who replaced Gillani as prime minister, also was indicted in corruption cases.⁴⁵ The PPP government then faced political protests from Dr Tahir-ul-Qadri, who is generally regarded as military stooge.⁴⁶ To further malign the PPP before the upcoming general election, Dr Qadri accused the PPP government of corruption. However, being politically cunning, Zardari was able to secure a 'deal' with Qadri who disappeared a few months before the upcoming general election.⁴⁷

In sum, by the final year of its tenure, the government stood weakened to such an extent that it imposed governor's rule in Balochistan in the wake of a blast in Quetta that killed over a hundred unarmed civilians.⁴⁸ Resorting to hard measures such as governor's rule meant the provincial government lacked the institutional capacity to ensure effective governance. Nevertheless, despite these shortcomings, coupled with the loss of a prime minister, the civil government completed its constitutional tenure in March 2013.

The preceding history, however, raises an intriguing question with respect to the survival of the government. Political analysts appreciated Zardari's political approach, patience and tactical ability to find a way out.⁴⁹ However, the institutional aspects of survival of the PPP government have, so far, not been analysed academically. Hence, this study, while applying the duality model to the PPP

government during 2008–13, argues that the major factor behind the civil government's completion of tenure was not any vision or political strategy as regards the judiciary and the military but rather its contextual inclination to appease the latter for its political survival. Little wonder, since its early days in office, the government did not oppose the military plans of countering terrorism in, for instance, Swat in KPK. Moreover, in the middle of its tenure, the government thought it prudent to extend the tenure of the COAS for another three years, rationalising that doing so would prevent a coup. Additionally, post-Gillani, President Zardari avoided confrontation with the judiciary and the military. Also, in its final weeks in office, the government successfully negotiated with Dr Qadri who had, in the popular perception, the confidence of the security establishment.⁵⁰

However, as regards the applicability of the duality model, some, not all, assumptions are valid in the PPP case. For instance, the Gillani government delegated the powers of governance to the military in Swat and the FATA. Moreover, it relied on the military for the formulation and implementation of foreign policy. However, insofar as the institutional arrangement of civil–military relations was concerned, the government behaved differently. For example, it did not bow down to the extent of agreeing to the demands of establishing a National Security Council or military courts, which the Sharif government, as will be explained in the next section, did, though for rational reasons. Thus, in conceptual terms, what can be concluded from the foregoing is the generation of proto-duality during 2008–13.

Last but not the least, it is pertinent to highlight the distinctive nature and character of the military operations launched during the PPP's tenure. These operations were contextually different from the ones launched against the MQM in the 1990s. Even the army operation against the Baloch dissidents launched by the Bhutto government, in the 1970s, was of different nature. For example, in the 1990s, the civil government of both the PML-N and the PPP supported the military operations politically for they were directed against their enemies. Similarly, the Bhutto government launched a military operation against the Baloch elements for political purposes. On the one hand, Bhutto wanted to keep the military top brass at a distance in order to prevent a coup and, on the other, he aimed at targeting their political opponents from the National Awami Party (NAP) and Jamiat Ulema-e-Islam (JUI). Interestingly, both the PML-N and the PPP ultimately disagreed with the pros and cons of the anti-MQM army operations in the 1990s. Therefore, these operations were not allowed to continue longer and the MQM insurgents could not be wiped out. Geographically, too, the army operations of the 1990s were operationally limited to one city, i.e. Karachi.⁵¹

Comparatively, the military operations, to ensure effective governance, against the militants in, for instance, Swat, were basically a post-9/11 phenomenon. Furthermore, they were part of a regional rather than a zonal strategy adopted by the Musharraf regime, which executed the first phase of the operations. When the PPP assumed office, the GHQ had already operationalised the

first phase of Operation Rah-i-Rast and, after the failure of talks with the TTP in early 2008, it aimed at carrying on with such operations in Swat and the FATA. In order to appease the military, the PPP government decided rationally not to oppose such a strategy. Rather, it delegated the governance of an entire region to the armed forces which launched military operations, particularly in the FATA, thus, extending the authority of the state, as Shahzad Akhtar has argued in Chapter 1 in this volume, into that previously least governed territory. Nevertheless, the phenomenon and practice of (suicide) terrorism could not be totally eradicated. For instance, 2012 proved to be the worst year in which 2,727 civilians and 729 security personnel lost their lives.⁵² The preceding tragedy, thus, is a fallout of the above-mentioned political wrangling between the civil and military leadership that, by default, compromised on responsive governance.

Developing duality under the PML-N government, 2013–18

This section of the chapter aims to consider duality in the constitutional, institutional and administrative developments that occurred under the Pakistan Muslim League (Nawaz) (PML-N) government (2013–18). After the PPP tenure was completed, an interim government ran the affairs of state including the conduct of the general election held in May 2013. Consequently, the PML-N formed a government in the Centre and the Punjab. The Pakistan Tehreek-e-Insaf (PTI) of Imran Khan, despite its efforts, could only assume office in Khyber–Pakhtunkhwa. The PPP remained a regional party and formed a provincial government in Sindh – and, much later, in Balochistan when the PML-N lost its majority in the Balochistan assembly.⁵³

Nawaz Sharif, for the third time, assumed the office of prime minister of Pakistan. As had happened during his previous prime ministerial slots in the 1990s, he acted confidently and smartly with regard to the military. Sharif, on the one hand, wanted to control the military and, on the other, wanted to rule it in a manner that reflected non-interference in the military affairs. Therefore, in the context of India–Pakistan skirmishes at the Line of Control (LoC), the demarcation line separating India and Pakistan in Kashmir, and the Working Boundary since early 2013, Sharif could not disagree with the military's old idea of establishing a National Security Council. Thus, the Cabinet Committee on National Security (CCNS) was formed in September 2013 as a result of the civil government's appeasement approach. In the past, both the PPP and the PML-N had rejected such a proposal.

In addition, though Sharif attempted to assert his power in foreign policy by keeping the foreign minister portfolio for himself, he could not stop the COAS initiating and leading foreign delegations in key countries, such as China, Saudi Arabia and the US.⁵⁴ This qualifies as duality in foreign and/or defence policy. Importantly, under this civil government, the manner and manifestation of the military-controlled foreign/defence policy grew in an unprecedented manner. Furthermore, despite some initial reluctance, due to political considerations, of the PML-N government to initiate military operations in North Waziristan, it only did

so to save face when the GHQ went ahead with Operation Zarb-e-Azb (June 2014) on its own, thus, reflecting appeasement on the part of the civil government. As was the case in Swat and South Waziristan under the PPP government with reference to governance, the PML-N was not so dissimilar. Thus, the governance of an entire region was delegated to the GHQ by the Sharif government.

As the Pakistani military was targeting the militants in the FATA, the latter attacked the Army Public School (APS) in Peshawar on 16 December 2014. Around 144 people, including 122 students, lost their lives in an act of terrorism committed by the TTP.⁵⁵ This tragic event shocked, if not shattered, the Pakistan state. Within weeks, the Sharif government, while working with the military, announced the National Action Plan (NAP) in January 2015, in order to comprehensively eradicate extremism and terrorism, thus, ensuring governance in that chaotic context. Moreover, apex committees (ACs) were formed at the national and the provincial level in order to implement the NAP.⁵⁶ The ACs were composed of both civil and military leadership and, as per our duality assumptions, acted as dual cabinets. In addition, the Rangers, a paramilitary body led by a senior serving army officer, were assigned the task of governing the turbulent city of Karachi.⁵⁷ Legally, however, the Rangers required procedural approval from the relevant provincial government – in this case, the PPP.

Constitutionally, the Sharif government along with other parliamentary parties acted in a united front to amend the 1973 Constitution in order to establish military courts in a non-martial law context. In the past, the military courts were regarded as a fundamental component of martial law regimes. In the context of the APS attack, as a result of the 21st Constitutional Amendment, the military courts were established the same month of January 2015. Legally, the military courts carried a ‘sunset clause’ which meant that these courts would cease operations in January 2017. The primary task of these courts was to try civilians held on terrorism charges. Though the military courts were established by the Pakistani parliament constitutionally, issues of legality were referred to the ‘normal’ courts, such as the Supreme Court. The latter upheld the military courts in the short term.⁵⁸ Nonetheless, the military courts pointed to a dualist judicial arrangement, thus, adding empirical rigour to our proposed duality framework.

As far as the economic policy during the Sharif government was concerned, the latter had indulged in mega projects such as the construction of the motorway (M-2) during its previous slot in the government. Therefore, the Metro Bus and the Orange Line projects, among others, attracted the attention of both the media and the opposition. The latter, led by Imran Khan, accused the Sharifs of mega corruption in these projects. Khan also pointed to the misuse of the China–Pakistan Economic Corridor (CPEC) that Pakistan had signed with its Chinese counterpart in 2015.⁵⁹ Indubitably, funds allocated to the CPEC projects were diverted from, for instance, Khyber–Pakhtunkhwa to the Punjab which generated intra-provincial misunderstanding, if not rivalry, over the equitable distribution of resources. Indeed, the so-called ‘route’ controversy, affected the CPEC initially.⁶⁰

Moreover, the governance of the CPEC was another area where the civil and military leadership had divergent approaches. The former desired to employ the

civil law enforcement institutions such as the police to govern CPEC projects whereas the latter thought it was an ill-conceived strategy, given the large-scale incidence of terrorism, especially in Balochistan, and, thus, pressed for an increase in the military's role with respect to CPEC governance. Consequently, 'special security' divisions/units for the CPEC were established by the provincial governments in strategic and operational liaison with the GHQ.⁶¹ Such an arrangement comes under duality in governance for the existing policing mechanism was deemed insufficient and the current one falls under the purview of the military as the 'guarantor' of the Corridor.⁶²

As already mentioned, the N-League government, during 2013–15, confronted challenges ranging from political agitation to Nawaz Sharif's visit to India – for which he was grilled by the opposition and corporate media⁶³ – to the establishment of the military courts, yet the government survived the day and succeeded in preventing a coup because of appeasement. Nevertheless, the Sharifs' rainy day started the following year with the leakage of the Panama Papers (April 2016)⁶⁴ and the *Dawn* leaks (October 2016).⁶⁵ In the Panama Papers case, Nawaz Sharif and his associates, i.e. Ishaq Dar, were accused of making 'easy money' that was kept in the off-shore companies whose details were not revealed to the Election Commission of Pakistan. The accused denied such allegations.

However, Imran Khan, their chief political rival, took the matter to the apex courts. In the *Dawn* leaks case, Nawaz Sharif and his daughter, Maryam Nawaz, were charged with a 'security breach' for giving details of an in-camera 'security' meeting of the civil–military leadership to the public via a journalist, Cyril Almeida, who worked for the *Dawn* newspaper.⁶⁶ The latter attempted to malign the military for not taking due measures, despite the Sharif's government efforts, to eradicate terrorism. This episode added fuel to the fire and the military top brass, who conventionally distrusted Nawaz Sharif, started to adopt an anti-Sharif attitude that was institutionally reflected in the formation of the Joint Investigation Team (JIT) tasked to probe into the Panama Papers case.

Though Nawaz Sharif survived the *Dawn* leaks through appeasement by sacking anti-military ministers, i.e. Pervaiz Rashid, the Sharif family faced the music as a result of the Supreme Court's judgment, pronounced in July 2017, on the Panama Papers case.⁶⁷ Subsequently, Nawaz Sharif was disqualified as prime minister and, ultimately, jailed along with his daughter upon their arrival in Pakistan from England in July 2018.⁶⁸

Shahid Khaqan Abbasi, who had close relations with both the Sharifs as well as the establishment, replaced Nawaz Sharif as prime minister. The former, too, was disqualified for life as far as electoral politics was concerned.⁶⁹ Moreover, the National Accountability Bureau (NAB) formally started an investigation against Abbasi in various corruption cases. Besides the PML-N bigwigs, the Pakistan People's Party, too, faced corruption charges against its top cadre, i.e. Dr Asim Hussain. Ironically, much like the PML-N in the Centre, the PPP, in Sindh, practised appeasement by extending, on multiple occasions, the Rangers' stay, especially in Karachi. The latter, since July 2014, had been deployed in the Islamabad Capital Territory (ICT) by the Sharif government under Article 245.⁷⁰

This also points to the appeasement mindset in the Sharif government that wanted to secure its political survival in the wake of the looming threat of political agitation by Imran Khan's PTI.⁷¹

However, the government initially resisted the Rangers' deployment in the Punjab. When faced with the *Dawn* leaks and the Panama Papers cases, the Sharifs acted rationally by opting to work with the military and, therefore, did not object outright to the Rangers' operation against the Chotu Gang in the South Punjab.⁷² To cut a long story short, as was the case with the PPP during 2008–13, the PML-N, having been badly damaged organisationally, if not politically, completed its five-year tenure at the cost of one prime minister.

As indicated above, the PML-N tenure was, despite some resemblance to that of the PPP, essentially different along the above-mentioned institutional, legal/constitutional and policy lines. Arguably, the applied framework of duality, during this period, presented empirically sound dualist indicators such as apex committees or the military courts, that were peculiar developments and exclusively confined to civil–military relations in contemporary Pakistan. Moreover, a distinctive character of duality, that related to its functionality, is the notion of situational dynamism that, apparently, pointed to progression in the political system, though the latter, indeed, generated deterioration in terms of ineffective governance, indeterminacy of responsibility and, overall, decay in public policy. For instance, governance remained fragile during 2013–18 as 6,386 civilians and 2,170 security personnel lost their lives in acts of urban terrorism.⁷³ Interestingly, as per the official data, crimes, including murder, comparatively increased during the mentioned period.⁷⁴ For example, the total number of crimes 'recorded' in the country was 634,404 in 2013 while the total number registered for 2017 stood at 683,925.⁷⁵

In addition, quite in disagreement with certain contemporary studies, that hailed the so-called 'transition' from military authoritarianism to 'democratic consolidation' in the post-Musharraf period,⁷⁶ the present study has, while empirically disregarding the transitional thesis, offered duality that is the hallmark of the political system in contemporary Pakistan.

In a nutshell, during 2008–13, Pakistan could not qualify as an electoral democracy on account of the variables discussed. Nor could the country fully morph into a direct military rule. Rather, the country continued to expend its energy on grave issues related to governance, economic underperformance, social conservatism, religious extremism, terrorism and climate crisis. The preceding, cumulatively, is reflected in political instability, unbalanced civil–military relations, poor governance and policy decay. In other words, what Pakistan gained in the mentioned civilian tenures is nothing but a dualisation of governance, economic (mis)management, the judicial system and foreign policy.

The PTI government: consolidating duality, 2018–present

General elections were held in Pakistan in July 2018. The Pakistan Tehreek-e-Insaf of Imran Khan gained a simple majority to form a government in the Centre, Khyber–Pakhtunkhwa and the Punjab. In Balochistan, the PTI made a

coalition government with the Balochistan Awami Party (BAP). However, in Sindh, the Pakistan People's Party formed a government with a simple majority. Since the Khan government has been in the corridors of power for less than two years, we will rely on our duality framework to apply to the manifested behaviour of the civil–military elite in this short period to assess and explain the character and contours of civil–military relations in contemporary Pakistan.

To begin with, Prime Minister Imran Khan, through his statements and actions in office, has helped generate an impression of his being on the same page with the military on politics, the economy, governance and foreign policy.⁷⁷ The way in which the prime minister and the COAS received and bade farewell to the Saudi Crown Prince, Mohammad bin Salam, is a case in point.⁷⁸ Moreover, the office of the president is assumed by Dr Arif Alvi. As he is a non-bureaucrat and from the PTI, he is working in tandem with both the prime minister and the military. Thus, the current presidency factually does not fit into the Waseemian notion of dyarchy. Instead, the institutional and legal-constitutional indicators point to the existing duality during the initial 19 months of the Khan government.

For example, the apex committees, formed under the PML-N government, are still in operation. Similarly, the National Action Plan, adopted by the previous government, serves as a parallel governance model that regulates, at least on paper, the applied side of domestic security and governance. Moreover, the CPEC governance mechanism has been preserved by the current government. In addition, the military courts, as a major variable of duality, existed for about six months. These constitutionally established courts fulfilled their 'sunset clause' and, thus, expired in March 2019;⁷⁹ the government did not object to this dualised judicial system. On the contrary, it tried to generate parliamentary consensus to amend the Constitution once again to 'extend' the military courts;⁸⁰ however, the opposition, which currently is facing the music in terms of the NAB cases, refused to support the government in this regard.

As far as foreign policy is concerned, the civil–military leadership is apparently on the same page. Nevertheless, the COAS, General Bajwa, took the lead, in most cases, to determine the contours of Pakistan's foreign affairs towards, for instance, China, Turkey, the UK, Saudi Arabia and, above all, the United States.⁸¹ Last but not the least, Prime Minister Imran Khan has consolidated duality by appeasing the top military echelons. In this respect, he, in principle, extended the tenure of COAS for another three years though the Supreme Court intervened at the eleventh hour and cut it to six months.⁸² However, the Khan government extended General Bajwa's tenure till November 2022 through legislation.⁸³ It is posited that Khan extended General Bajwa's tenure to ostensibly ensure his survival in office till 2023. In addition, the civil government defended the former military dictator, General Pervez Musharraf, by filing a petition before the higher courts in a bid to seek deferment of a special court's verdict in the 'high treason' case for suspending the 1973 Constitution on 3 November 2007.⁸⁴ Unprecedentedly, the special court, on 17 December 2019, sentenced Musharraf to death by hanging.⁸⁵ The federal government, which technically

was the complainant in the case, not only criticised the verdict but also challenged it in the Lahore High Court which set aside Musharraf's conviction on technical grounds.⁸⁶

In view of the foregoing, it is, thus, maintained that duality has been consolidated during the analysed period by the PTI government. The government has worked in close cooperation with the armed forces and the former lacked the institutional capacity to take autonomous measures to oversee governance, economy and the foreign/defence policy. Importantly, rather than improving governance and the economic health of the society, inefficiency in law and order continued. For instance, during the last quarter of 2019, 142 civilians and 141 security personnel were killed in 136 incidents of terrorism. Moreover, during the first quarter of 2020, 39 civilians and 40 security personnel lost their lives in 27 incidents of terrorism.⁸⁷

In addition, economic growth indicators took a downward turn, thus, reflecting deterioration in terms of indeterminacy of responsibility and policy decadence.⁸⁸ Whether Imran Khan, viewed as a charismatic leader by his fans and friends, will be able to maintain duality and prevent a further deterioration in the remaining years of his tenure remains to be seen. However, if our analysis of the previous PPP and PML-N tenures is a point of reference, reversal of duality would be no less than a herculean task. Moreover, if the past is any guide, the former PPP prime minister Gillani, who too extended the tenure of the then COAS General Kayani on the advice of President Zardari, failed to complete his five-year tenure due to policy differences with the Kayani-led military. Thus, Khan will have to walk a tightrope. A confrontational course with the powerful military would result in loss of office, if not the government, along with expediting a deterioration in politics, policy and polity.

Conclusion

This study aimed to explain the contours of civil–military relations in contemporary Pakistan. It is, both conceptually and empirically, maintained that the existing literature can explain the dynamics of contemporary civil–military relations only partly. Importantly, certain literature took a dyarchical view of politics and the state during the early and later period of Pakistan's political history. Such studies in our view, take, on the one hand, a superfluous view of constitutionality and, on the other, characterise the presidency in autonomous terms vis-à-vis the military, which with some exceptions, dominates Pakistan's politics, polity and (foreign) policy. Moreover, while applying the proposed duality framework, this study found proto-duality during the PPP government (2008–13). However, the perpetuation of duality in governance, economy and foreign policy occurred on account of the appeasement policy adopted by the political forces, led by Nawaz Sharif, during 2013–18. In other words, continued duality was observed during the PML-N government.

In addition, duality was consolidated during the 19 months of the Khan government (August 2018–March 2020). Collectively, through a policy of appeasement, the parliamentary and political forces prevented (formal) martial law by giving

space to the powerful military, yet this functionally dynamic dimension of civil–military relations only amounted to what the study has defined as ‘deterioration’, which implies institutional, political and policy decadence. Thus, Pakistan has still got a long way to go in order to correct its chronic problem of unbalanced and chequered civil–military relations and the lingering crisis of governance.

Notes

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- 18 Islamic Republic of Pakistan, *The Constitution 1973* (Islamabad, 1973), Article 6.
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6 Rural development in contemporary Pakistan

The case of SUCCESS in Sindh

*Abdur Rehman Cheema, Aqeel Anwar and
Fazal Ali Khan*

Introduction

Rural development remains central to poverty reduction strategies,¹ since poverty is mostly concentrated in the rural parts of Pakistan, the sixth most populous country in the world.² Four out of ten Pakistanis live in poverty with stark regional disparities. More than half, 54.6 per cent, of the rural population is multidimensionally poor compared to only 9.3 per cent of the poor urban dweller.³ In Sindh Province, the second most populous province of the four provinces,⁴ 43.1 per cent of the population lives in poverty.⁵ To reduce poverty, the Government of Sindh approved a Poverty Reduction Strategy (PRS) in 2018. This strategy was prepared under the Sindh Union Council and Community Strengthening Support (SUCCESS) Programme. This six-year programme (2015–21) is funded by the European Union (EU) and aims to reduce urban and rural poverty with a specific focus on community-driven local development (CDLD) policy.⁶ This CDLD policy refers to a budgeted local policy adopted by the Government of Sindh for this programme. CDLD policy rests upon a community-driven development (CDD) approach that features decentralisation, collective action, improving governance and empowering poor people.⁷

The SUCCESS Programme is implemented by the Rural Support Programmes (RSPs), Pakistan's largest, local, non-governmental development organisations. In Pakistan, the majority of the population live in rural areas, i.e. 67.5 per cent of the total population.⁸

One of the first instances of an experiment with participatory rural development involving communities and, in particular, the poor and the marginalised, was practised in the Comilla Thana of Bangladesh (then East Pakistan) in the 1960s.⁹ The approach to working with communities in Comilla was first developed in Europe, with success in Japan, Taiwan and South Korea, after the Second World War. The rural development model of Comilla was based on the mobilisation of local resources using the self-help approach.¹⁰ At the heart of this experiment was people's participation at the grassroots level, the most compelling feature of the Comilla project. Later, this community-driven development approach was replicated and institutionalised in rural Pakistan by the Rural Support Programmes, beginning in the early 1980s. The first such programme

was the Aga Khan Rural Support Programme (AKRSP), set up in 1982. The AKRSP was financially supported by the Aga Khan Foundation and other donors, and mandated to work with communities in Gilgit-Baltistan (formerly known as the Northern Areas) and Chitral, a district of the Khyber-Pakhtunkhwa (formerly known as the North-West Frontier Province).

In the early 1990s, international donors and the Government of Pakistan took an interest in replicating the AKRSP approach by setting up independent RSPs. Today there are ten RSPs in the country, comprising the Rural Support Programmes Network (RSPN). This chapter presents the contemporary challenges to the institutionalisation of the CDD as seen through the experience of the RSPs in Pakistan. Contemporary inferences are drawn from the ongoing SUCCESS Programme in the Sindh Province.

The next section briefly provides a critical overview of the CDD approach in terms of its evolution, application and challenges. The application of the CDD approach in Pakistan by the RSPs is discussed in the subsequent section. This section also dwells upon some of the key achievements and challenges faced during the operationalisation of the CDD approach in Pakistan by the RSPs. Following this, the SUCCESS Programme is discussed to highlight some of the tensions that still persist in the institutionalisation of the CDD approach in view of the post-18th Amendment scenario. The 18th Amendment to the 1973 Constitution of Pakistan, passed in 2010, devolved several key areas, including education and health, to the provinces. This amendment was to address long and pressing demands for decentralisation, enabling the provinces to solve the local issues at the local level. The last section concludes the chapter with some reflections on the future of the CDD approach in Pakistan.

The RSPs: approach and outreach

Through its member RSPs, the RSPN has an outreach to 8 million rural households in Pakistan, representing a population of 53.5 million,¹¹ in 149 out of 156 districts of Pakistan.¹² Each RSP is mostly confined to a geographical area where it works, maintaining its relationship with local communities in the respective districts of operation. They are all not-for-profit organisations.

The RSPN and the RSPs work closely with the government, donors and local communities to promote the social mobilisation approach to CDD.¹³ The RSPs provide social guidance, as well as technical and financial assistance to the rural poor. The RSPNs and the RSPs' edge is their vast outreach to rural communities through community institutions; their strong partnership with the government to influence the pro-poor public policy, and their central position that brings together over three decades of knowledge in participatory development work with Pakistan's rural communities. The RSPs are local, flexible and responsive organisations, and focus on finding localised, community-based solutions to help take Pakistan's development agenda forward.

Figure 6.1 shows the timeline of the creation of different RSP organisations in Pakistan.

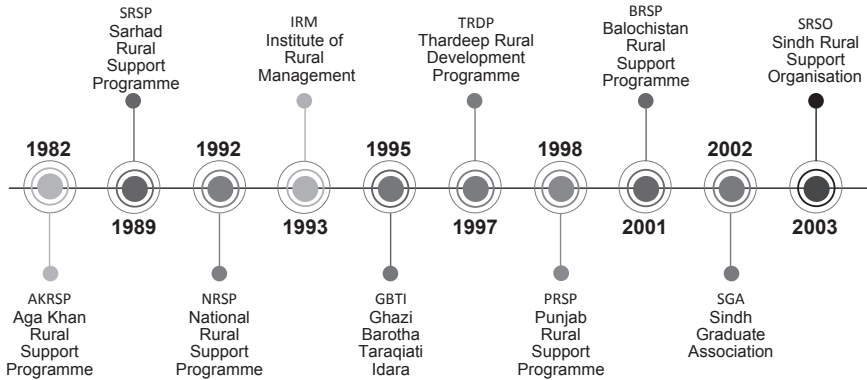


Figure 6.1 RSP's timeline in Pakistan.

Source: Authors.

The RSPs perform a complementary and supplementary function in relation to the government with the belief that no organisation can replace the role of the state. By building a network of community organisations, RSPs complement and supplement the work of government by extending its outreach to households.

Social mobilisation of the poor for poverty reduction was first set out in the report of the Independent South Asian Commission on Poverty Alleviation.¹⁴ The Commission argued that the poor must be viewed as a resource, as proactive agents of social change and not as 'objects' of the development process. It noted that social mobilisation was required on a large scale to move from representative democracy to a participatory democracy where organisations of the poor could lead to a countervailing form of power.

As long ago as 1987, the World Bank noted that 'the order of priorities and phasing of AKRSP is unique. The institutional model is well-honed, and the early and almost exclusive emphasis on institution-building deserves special attention.'¹⁵ This evaluation commended the institution building at the village level as the key to the success of the programme. The World Bank evaluation (1995) confirmed that the per capita income in the programme area doubled in real terms during 1982–91.¹⁶ Yet another World Bank evaluation (2007) endorsed the RSPs' work for its impact in transforming the rural landscape of Pakistan and poverty reduction.¹⁷ It also substantiated that several best practices in the region, such as those by the Bangladesh Rural Advancement Committee (BRAC) and in India by the National Rural Livelihoods Mission (NRLM), employed the social mobilisation approach and these had led the poor out of poverty and improved the poor's access to the market.^{18, 19}

The centrepiece of the RSP approach is 'social mobilisation' of poor households into institutions of the people. Social mobilisation is centred on the belief that every individual has an innate potential to help herself/himself; that people

can better manage their limited resources if they get organised and are provided with technical and financial support. To fully involve the communities, there is a need to create the social pillar (institutions of the people) as the existing administrative and political pillars of the state do not have the mandate, or capacity, to organise and access poor rural communities in each village and neighbourhood.

The social mobilisation strategy of the RSPs is based on a development partnership between the rural poor and the RSPs whereby both partners have to fulfil their obligations. The rural poor have first to get organised, identify an honest and sincere leader, and adopt the discipline of savings to generate their own capital. The organised poor need to meet on a regular basis to identify the potential of each poor household through a household-level micro-investment plan. The RSPs' aim is to help communities form the social pillar, beginning with the building block of community organisations of 15–25 poor households, subsequently federating into a village-level organisation and finally the creation of an apex body of village organisations at the Union Council level called a Local Support Organisation (LSO) (Figure 6.2). The Union Council is the lowest tier of civil administration in a province. Depending on their maturity, LSOs form higher-level *tehsil* or district LSO networks for collaboration and cooperation with government departments, donors, non-governmental organisations (NGOs) and other stakeholders.

Over time, RSPs have been successful in gaining more ground for the institutionalisation of the CDD approach by the government. In Pakistan, the Sindh Government has been the foremost public entity to operationalise the CDD approach at scale. In this context, the following section discusses the SUCCESS Programme and the experience of institutionalisation of the CDD approach through Joint Development Committees (JDCs).

Local Support Organisation – LSO

All VOs represented in LSO

Village Organisation – VO

All COs represented in VO

Community Organisation – CO

All neighbourhood households (15–25) represented in CO

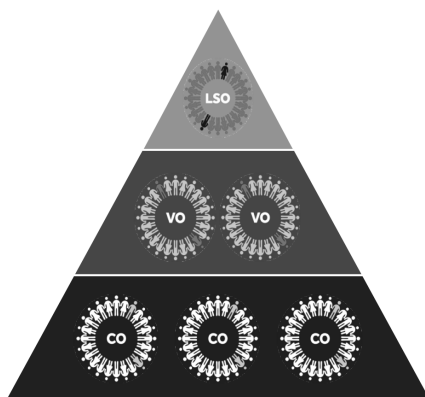


Figure 6.2 RSPs three-tier social mobilisation model as the operationalisation of CDD.

Source: Authors.

Insights from Sindh: institutionalisation of CDD

Before SUCCESS, the Government of Sindh had launched the Union Council-Based Poverty Reduction Programme (UCBPRP) in 2009.²⁰ This programme was implemented by the Sindh Rural Support Organisation (SRSO) and the Thardeep Rural Development Programme (TRDP). The programme was implemented in four of the poorest districts of Sindh Province (Kashmor, Shikarpur, Jacobabad and Tharparkar) and completed in 2013. Social mobilisation was based on small groups of poor women forming community organisations (COs) with approximately 15 members each. The COs nominated two women each to form the village organisation (VO). Each VO nominated two members to form the LSO.²¹

The LSO was given a grant to establish a revolving fund, called the Community Investment Fund. This fund was to provide interest-free loans to poor women identified by the COs for the purchase of an asset to increase their income.²² The LSO was also given a grant to provide income-generating grants to those among the poorest who did not have the capacity to repay loans. The community institutions were also to become a conduit for the delivery of public sector line departments services.

Following UCBPRP and taking a step further to strengthen CDD, the European Union in agreement with the Government of Sindh, launched a six-year (2015–21) programme called SUCCESS.²³ The overall objective of the project is to enable the Government of Sindh to develop and implement a poverty reduction strategy and policy to finance community-driven local development (CDLD) initiatives in partnership with community institutions. The specific objective of the project is to stimulate CDLD initiatives to reduce poverty in eight poor rural districts of Sindh, paying particular attention to empowering women. The eight districts covered in this programme are Kamber Shahdad Kot, Larkana, Dadu, Jamshoro, Matiari, Sujawal, Tando Allahyar and Tando Muhammad Khan. These districts account for 26 per cent of the 2017 census rural population of Sindh.²⁴ The SUCCESS Programme is based on the UCBPRP approach and implemented by four RSPs. The Government of Sindh through its CDLD policy will cover all the remaining rural districts of Sindh.

The SUCCESS Programme

The SUCCESS Programme was rolled out in October 2015 by the RSPN and its three-member Rural Support Programmes in Sindh, namely, the Sindh Rural Support Organisation (SRSO), the Thardeep Rural Development Programme (TRDP) and the National Rural Support Programme (NRSP). It involves eight out of the 24 districts of the Sindh Province for a period of six years with an overall budget of €82.13 million.²⁵ SUCCESS is an integrated poverty reduction programme that includes social mobilisation (the formation of community institutions), a community investment fund, income-generating grants, micro health insurance (MHI), technical and vocational skills training (TVST), community physical infrastructure (CPI) and research and advocacy and communication.

The SUCCESS Programme has to achieve four aims by 2021.

1. Approximately 700,000 rural households in eight districts mobilised and enabled through people's own organisations (COs, VO and LSOs), of which at least 70 per cent will continue to function effectively at the end of the project.
2. On average, a sustainable increase in poor households' incomes by 30 per cent.
3. Increased economic and social services and community benefits from upgraded community infrastructures and productive assets operated and maintained with community involvement.
4. A dedicated Sindh Province Policy and budget framework for CDLD implemented from 2018 onwards.

Halfway through the programme, an external mid-term review shows the results achieved by the SUCCESS programme till April 2019.²⁶ RSPs have been able to provide community investment fund to 18,558 households, focusing on women from the poorest households. The review shows that 71 per cent of the respondents used the money to purchase livestock. Income generation grants, aimed at aiding poor community members through a one-time cash grant, were given to 2,249 poor women's households and 83 per cent of the grant recipients used this money to purchase livestock. TVST is aimed at stimulating service sector employment or self-employment. The review shows that 65 per cent of the beneficiaries of TVST are now self-employed, having established their own small businesses after completion of training. MHI is intended to protect underprivileged families from health shocks that may push them deeper into poverty and hamper their ability to generate income, hence adversely affecting their socio-economic well-being. The review shows that 90 per cent of the card holders were found to be satisfied with MHI utilisation and said it aided them in time of distress.

The next section of the chapter highlights the opportunities and challenges faced during the operationalisation of one of the activities aimed at strengthening CDD, the JDCs. This choice of discussing the JDCs is made to illuminate the case of institutionalisation of CDD in the public policy.

Joint development committees: an innovation to institutionalise CDD

In order to have inclusive and demand-driven development agendas, a deliberate effort was made under the SUCCESS programme to increase the reach of women's institutions, making them heard by the local government, line departments and related entities. This is achieved by establishing JDCs. The JDCs are notified by Deputy Commissioners and the Assistant Commissioner at the district and *taluka* levels, respectively.²⁷ JDCs bring together women community leaders, elected officials and representatives of government departments around

one table. Indeed, this is a step towards building inclusive local governance institutions to improve public and private service delivery.

JDCs are convened to serve as a forum to plan, implement and monitor the local development plans. Each committee is comprised of three representatives of local support organisations set up under SUCCESS, representatives of government line departments, representatives of local elected bodies, and representatives of the RSPs working in the districts. The key objective of a JDC is to create synergies between the community institutions (community organisation/village organisation/local support organisations) formed under SUCCESS, the local administration/departments and externally supported development investment in the programme districts in the planning of SUCCESS interventions. The District Deputy Commissioner chairs the district JDC, and the Assistant Commissioner of the respective *talukas* chair the Taluka JDC. Each committee is to meet once every six months.

This approach is instrumental for three reasons:

1. To avoid duplication of efforts.
2. To ensure sustainability and operational continuity in the attempts to create social mobilisation.
3. To promote collaborative, demand-driven local development.

The JDCs are an innovative governance mechanism with the potential to improve access to services for the rural populace of Sindh. They can lead to increasing social accountability, collaborative working, reducing overlaps and disconnect between the service providers and service users and thus contribute towards the achievement of the UN's Sustainable Development Goals (SDGs).

The JDCs were set up between May 2017 and January 2018 in the eight districts and 33 *talukas* of the programme outreach. Until January 2018, 29 of the 41 JDCs held one meeting each, an internal study on the working of JDCs showed. Those who participated in the JDCs included 260 officials of government departments, 118 LSO members, 46 elected representatives and 87 representatives of the RSPs and civil society organisations. To improve the performance of LSO representatives in the JDC meetings, RSPs trained LSO members to participate in 35 JDCs. This training was aimed at increasing the ability of the rural women to articulate their demands during their presentation. LSO members presented Village Development Plans in 28 JDCs and Union Council Development Plans in 24 JDCs.

The study found that the potential of the JDCs depended on the initiative of the chairpersons who had wide-ranging and time-consuming administrative responsibilities and limited (and sometimes uncertain) tenures in office. Therefore, it was not possible for the chairpersons to devote more than passing attention to the JDCs. Another structural issue pertained to the district and *taluka* heads of line departments. These heads were responsible for local service delivery and they were not under the control of the district or *taluka* heads. These heads worked according to their departmental plans and rules and not

according to ad hoc instructions from the civil administration. The respective Deputy Commissioners and Assistant Commissioners were merely ceremonial heads. Therefore, before any work was done, these line departments signed a district or *taluka*-level Memorandum of Understanding to undertake specific activities in collaboration with the RSPs rather than relying on the JDCs. So far, they have performed one-off activities selectively, based on departmental priorities and resources rather than based on the plans prepared by the community institutions. JDCs are yet to mature as a sustainable functional coordination mechanism and have remained a project-based arrangement, and the project is scheduled to end in 2021.²⁸ Despite these limitations, the innovation of the JDCs has been useful in several ways.

For the RSPs, the JDC meetings have led to recognition and trust building between RSPs and government line departments. This led to support from the government line departments in the implementation of SUCCESS and other projects. For example, this trust building and rapport facilitated the notifying process for the community institutions that were fostered by SUCCESS.²⁹ However, the key challenge for the RSPs remains the continued orientation of the frequently changing government officials regarding the concept of JDCs and the need for community participation in the development process.

For the communities, the JDCs have been appreciated by the representatives of LSOs as a forum that elevates them as equals and as powerful to those who hold power, at least symbolically. Some LSO leaders observed that it was unbelievable for them to sit alongside high officials such as Deputy and Assistant Commissioners. This made LSO leaders realise they had gained power. The key challenge for the women representatives of LSOs, who are mostly illiterate and from poor households, is how to assert the communities' needs and demands in the powerful male-dominated committees.

The study shows that JDCs have rarely been convened by their chairpersons, i.e. Deputy Commissioners and Assistant Commissioners. The relevant RSP officials have to pursue the local administration to hold these meetings. The local administration treats these committees as an ad hoc arrangement. The operational independence of line departments from the civil administration further constrains the functionality of the JDCs.

The objective of JDCs, as stated in the Financing Agreement, is 'to advocate for access to essential public services and for planning, implementation and monitoring of local development plans'. The JDCs, on their own, have been able to make little progress in this direction. The chairpersons, however, have been instrumental in motivating some of the line departments, which have entered into MoUs with RSPs. So far, various government departments have signed 23 MoUs for collaboration with RSPs and community institutions. Implementation of 21 activities across the eight districts has started as a result of these MoUs. Most of these are one-off activities for specific purposes and have not engaged with community institutions as expected in the stated objective.

A number of steps could be considered to improve the community-government links during the remainder of the project through the JDCs and

other means. The key challenge on the part of the government is how to include community needs in the annual development planning process of the government. The existing rules and procedures of government departments do not cater for the participation of community institutions in development planning and implementation processes. The second issue is the ownership of community institutions as an official partner in development. The third issue is the limited human and financial capacity of line departments to engage with community institutions. Though the poverty reduction strategy and the CDLD policy approved by the Government of Sindh adopt the JDC model of SUCCESS for all districts, there is limited awareness of this document and policy at the district level.

The 18th Constitutional Amendment and the RSPs

RSPs interact with the local governments and at the same time, operate mostly at the provincial level for advocacy and policy input and project designs. The RSPN operates at the federal level, especially with key protection programmes such as the Benazir Income Support Programme (BISP)³⁰ and the newly founded Ehsaas programme.³¹ However, after the 18th Amendment to the 1973 Constitution, several procedural and institutional hiccups impede the way to any substantial interaction between the RSPs and the local governments.

According to Article 7 of the 1973 Constitution of Pakistan, the state means the federal government, parliament, a provincial government, a provincial assembly, and such local or other authorities in Pakistan as are by law empowered to impose any tax.³² The three institutions of the Government of Pakistan are the legislative, executive and the judiciary. The legislation is the sole responsibility of the elected representatives and its execution lies on the shoulders of the executive branch which mainly constitutes the civil bureaucracy. After the 18th Amendment was passed in 2010, a number of responsibilities and rights including education, health, local government and rural development were devolved to the provinces. The provinces are struggling to adapt to the changed context due to limited or little capacity in view of the responsibilities assigned.

Though advances in provincial autonomy were welcomed by the provincial governments, the governance mechanism and procedures were not properly worked out to mitigate the transition between the transfer of power from the federation to the provinces. This amendment, where it enhanced the role and functions of provincial governments, also needed a significant change on the part of the federation. However, bureaucratic inertia and the centrist mind-set of the federal government hampered this transition. On one hand, the federation was less supportive in terms of the provision of requisite resources, advice and powers to the provinces to enable them to effectively fulfil their duties. On the other hand, the provinces have displayed a similar power-centric tendency once the provinces were to devolve the powers to the local and district governments.

Article 32 of the Constitution of Pakistan calls upon the state to encourage local government institutions and accord special representation to peasants,

workers and women. The 18th Amendment could effectively change the trajectory of governance structure in Pakistan, creating more space for the citizens and the civil society to strengthen CDD. However, in most areas of Sindh, decentralisation has either been rolled back or largely postponed. A gap persists between the elected local government and their authority over matters of public service delivery. The civil bureaucracy is still dominant, controlling, directing policy and funds and is largely unaccountable to the elected representatives. In short, the internalisation of the intent of the amendment is missing at the centre and as well as in the provinces.³³

As discussed earlier, the SUCCESS programme employs JDCs as an institutional mechanism to involve all the stakeholders in the local development process. However, with vaguely implemented decentralisation within Sindh Province, the RSPs and community institutions are facing many problems. Before meaningful contact can be made with any departments, multiple MoUs have to be signed with every line department separately. Though JDCs are headed by the Assistant and Deputy Commissioners at the sub-district and district level, respectively and JDCs bring together all the line departments in one forum, JDCs have been unsuccessful in becoming a one-stop shop to operate with each of the departments represented at the JDC level. Instead, as experienced by RSPs, separate MoUs would have to be signed with each of the departments before RSPs can formally undertake a joint activity.

Despite these limitations, in 2017, the UCBPRP was expanded to further include six districts of Sindh (Khairpur, Sanghar, Umerkot, Mirpur Khas, Badin and Thatta).³⁴ This programme (referred to as People's Poverty Reduction Programme, PPRP) is being implemented by the SRSO, bringing UCBPRP coverage to a total of 10 districts. Together, the UCBPRP and the SUCCESS have become a vehicle to extend the CDD approach to 18 districts of Sindh. In 2018, the Government of Sindh decided to rename the UCBPRP initiative the People's Poverty Reduction Programme and extended it to the remaining rural areas of the province (Ghotki, Sukkur, Naushahro Feroze and Shaheed Benazirabad) and the rural Union Councils of Karachi and Hyderabad Districts.³⁵

Conclusion

This chapter introduced the RSPs as major actors pioneering CDD in Pakistan and presented contemporary institutionalisation challenges to CDD. The RSPs have come a long way with more than 35 years of CDD practice and advocacy. External evaluations have shown that the CDD approach followed by the RSPs has led to improvement in the life of the rural households. Starting with its experimentation at Comilla, the RSPs movement had spread across South Asia and Central Asia. Also, elsewhere such as India and Bangladesh, the CDD approach has been adopted to initiate different pro-poor development programmes.

How is CDD faring today? Reflecting on the more recent example, the contribution of the SUCCESS programme has been significant in terms of facilitating

the preparation and then approval of the poverty reduction strategy by the Government of Sindh. This policy and its budgetary framework will be the sustainability feature of the SUCCESS programme as it will provide policy support to the Government of Sindh to allocate financial resources on a regular basis to organised communities for rural development.

While the roadmap of the poverty reduction strategy has been finalised, the operationalisation of JDCs demonstrates a number of challenges in implementing CDD. The key challenge on the part of the government is how to include community needs in its annual development planning process. The existing rules and procedures of the government departments do not take into account the participation of community institutions in development planning and the implementation processes. The poverty reduction strategy is likely to change this state of affairs in Sindh Province. The 18th Amendment to the 1973 Constitution is still work in progress in terms of streamlining the devolution of powers to the local governments with due clarity of roles.

Notes

- 1 According to MPI, a person is considered multi-dimensionally poor if he or she is deprived in at least one of the areas, which are health, education and living standards.
- 2 World Bank, 'Total Population. 2018'. Available at: https://data.worldbank.org/indicator/sp.pop.totl?most_recent_value_desc=true (accessed 25 November 2019).
- 3 United Nations Development Programme (UNDP), *Human Development Report* (New York: UNDP, 2016). Available at: <http://hdr.undp.org/en/countries/profiles/PAK> (accessed 14 June 2018).
- 4 Pakistan Bureau of Statistics (PBS), 'Province-Wise Provisional Results of Census – 2017'. Available at: www.pbs.gov.pk/sites/default/files/PAKISTAN%20TEHSIL%20WISE%20FOR%20WEB%20CENSUS_2017.pdf (accessed 20 June 2018).
- 5 UNDP/Government of Pakistan, 'Multidimensional Poverty in Pakistan'. Available at: www.undp.org/content/dam/pakistan/docs/MPI/Multidimensional%20Poverty%20in%20Pakistan.pdf (accessed 25 November 2019), p. 16.
- 6 Dawn, 'Cabinet Approves Rs72.5bn Poverty Reduction Programme for Entire Province', 17 October 2018. Available at: www.dawn.com/news/1439457 (accessed 25 October 2018).
- 7 Philippe Dongier, Julie Van Domelen, Elinor Ostrom, Andrea Ryan, Wendy Wakeman, Anthony Bebbington, Sabina Alkire, Talib Esmail and Margaret Polski, 'Community Driven Development'. World Bank Poverty Reduction Strategy Paper (New York: The World Bank, 2003). Available at: <https://pdfs.semanticscholar.org/f6fb/db64fccc3ae13c7ccc92d3b08bc3edb6d399.pdf> (accessed 25 November 2019).
- 8 Pakistan Bureau of Statistics (PBS), 'Area, Population, Density and Urban/Rural Proportion by Administration Units'. Available at: www.pbs.gov.pk/sites/default/files/tables/AREA%20POPULATION%20DENSITY%20AND%20URBAN%20RURAL%20PROPORTION.pdf (accessed 25 November 2019).
- 9 Mahmood Hasan Khan, *Participatory Rural Development in Pakistan: Experience of Rural Support Programmes* (Oxford: Oxford University Press, 2009), 50.
- 10 The self-help approach is the means whereby the oppressed communities help themselves.
- 11 Rural Support Programmes Network (RSPN), 'Who We Are'. Available at: www.rspn.org (accessed 25 November 2019).

- 12 Rural Support Programmes Network (RSPN), *Newsletter: Quarterly Outreach 41*. Available at: www.rspn.org/wp-content/uploads/2019/09/Outreach_41.pdf (accessed 25 November 2019).
- 13 Khan, *Participatory Rural Development in Pakistan*.
- 14 SAARC Secretariat, *Report of the Independent South Asian Commission on Poverty Alleviation: Meeting the Challenge* (Kathmandu: SAARC, 1992).
- 15 The World Bank (OED), *The Aga Khan Rural Support Programme in Pakistan: An Interim Evaluation* (New York: The World Bank, 1987).
- 16 The World Bank (OED), *The Aga Khan Rural Support Programme in Pakistan: A Third Evaluation* (New York: The World Bank, 1995).
- 17 The World Bank, *Ending Poverty in South Asia: Ideas that Work* (New York: The World Bank, 2007).
- 18 Abhijit Banerjee, Esther Duflo, Nathanael Goldberg, Dean Karlan, Robert Osei, William Parienté, Jeremy Shapiro, Bram Thuysbaert and Christopher Udry, 'A Multi-faceted Program Causes Lasting Progress for the Very Poor: Evidence from Six Countries', *Science* 348, no. 6236 (2015): 1260799.
- 19 Rural Support Programmes Network (RSPN), 'Regional Cooperation'. Available at: www.rspn.org/index.php/work/regional-cooperation/ (accessed 25 November 2019).
- 20 UCBPRP/Government of Sindh, Edited by GoS. 'Union Council Based Poverty Reduction Programme', December 2018. Available at: www.ucbprp.net.pk/home.htm (accessed 8 January 2019).
- 21 This three-tier institutional approach, combined with the community investment fund and income-generating grants mentioned below, was tested in various parts of Pakistan in 2007–08. These initiatives were aimed specifically at women in poor rural households and designed to overcome the limitations of microfinance in reaching the poor. A pilot initiative was assessed by an external team: Salim Jiwani and Jamil Ahmad, 'Community Investment Fund: Assessment of the Pilot Programme' (Islamabad: Shore Bank International, June 2009), prepared for the RSPN.
- 22 As it took time to organise the COs, VOs and then LSOs, the CIF was initially managed through the VOs and responsibility subsequently transferred to the LSOs.
- 23 RSPN, 'Sindh Union Council and Community Economic Strengthening Support Programme (SUCCESS)', December 2018. Available at: www.success.org.pk/ (accessed 8 January 2019).
- 24 PBS/Government of Pakistan, 'Population Census 2017', January 2018. Available at: www.pbscensus.gov.pk/ (accessed 12 March 2018).
- 25 RSPN, 'Sindh Union Council and Community Economic Strengthening Support Programme (SUCCESS)'.
- 26 RSPN, 'MTR – SUCCESS – Impact Assessment & Sustainability Survey', (2019). Organisational documents.
- 27 A *taluka* is the *tehsil* in the Sindh Province and it is the third administrative tier of the provincial administrative hierarchy, i.e. Division, District, *Tehsils*, Union Council.
- 28 The Sindh PRS, prepared with the support of the SUCCESS TA Component, envisages institutionalising the JDCs but implementation arrangements to this effect have not yet been put in place.
- 29 Abdur Rehman Cheema, Abid Mehmood and Fazal Ali Khan. 'Challenges to Citizen-Driven Local Governance: Lessons from Pakistan', unpublished paper (2018).
- 30 Government of Pakistan, 'Benazir Income Support Programme'. Available at: <https://bisp.gov.pk>. (accessed 25 November 2019).
- 31 Government of Pakistan, 'The Ehsaas Program – Prime Minister's Policy Statement'. Available at: www.pakistan.gov.pk/ehsaas-program.html. (accessed 25 November 2019).
- 32 Government of Pakistan, *The Constitution of Pakistan*. Available at: http://na.gov.pk/uploads/documents/1333523681_951.pdf (accessed 13 May 2019).

- 33 Javed Ahmed Malik, 'TedXIslamkot. How Grassroots Democracy Can End Rural Poverty at a Rapid Pace'. (2019). Available at: www.youtube.com/watch?v=1mDpORTzFes (accessed 14 May 2019).
- 34 Government of Sindh, Chief Minister's Secretariat. 'Press Release', 14 June 2019. Available at: <https://cm.sindh.gov.pk/press-releases> (accessed 9 December 2019).
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7 Development and women

An analysis of spousal violence against women in Pakistan

Rafi Amir-ud-Din and Faisal Abbas

Introduction

Spousal violence against women (SVAW) is a serious, pervasive and under-recognised issue, not only in Pakistan, but also in other parts of the world.¹ It is a serious public health hazard with serious social and economic consequences. The SVAW can sap the physical and emotional vitality of women and undermine their confidence – both factors are important in achieving gender parity and human development.² According to a study, the economic cost of gender-based violence is estimated to be about US\$8 trillion globally.³ Lawson notes in his work on the sociological theories of intimate partner violence (IPV) that a woman who faces violence contributes negatively to the productivity at the national level, faces loss in workdays as well as employment in extreme cases, and her health – especially her mental health – is often compromised.⁴ Thus, the cost of gender-based violence to any society is immense and has multiple dimensions. The violence against women and girls not only negatively affects their educational attainment but also affects their cognitive abilities, limits their participation in economic and civic life and forces them to rely more on men.

The socio-economic and cultural context of SVAW in Pakistan

Spousal violence against women in Pakistan is widespread and may partially be explained as a function of the unique socio-economic, political and historical forces and tensions interacting in a complex web of anachronistic cultural practices, uneasy political truces, and active intra-household familial conflicts. Here, we briefly review some socio-economic factors in Pakistan that might explain the seriousness and the pervasiveness of domestic violence and the continuation of the abusive marital relationship in Pakistan. Women in Pakistan have to undergo different types of economic vulnerabilities ranging from limited access to the labour market, educational discrimination and partial or full economic dependence on their spouses when they do not have a paid job. The United Nations Women's Report says that 98.8 per cent of the women from a rural background lack access to education whereas 74 per cent of the women have an

average of fewer than six years of education.⁵ The education system perpetuates existing gender stereotypes. Textbooks are ideologically invested and implicitly contribute to reinforce gender inequality in Pakistan.⁶

Some of the economic vulnerabilities that women in Pakistan have to routinely face are reflected in their low participation rates in the labour market. Around 25 per cent of the women in Pakistan were part of the labour force in 2017, according to the World Bank statistics. The Asian Development Bank reports that many women in Pakistan do not take up a paid job primarily because of the restrictions on their mobility that arises from the socio-cultural norms and security concerns.⁷ Nearly 40 per cent of the women who did not work reported that they were not permitted to work outside their homes by their male family members.⁸ Another possible reason why women lack access to the labour market is the wide gender-based wage gap.

Men are the primary breadwinners in Pakistan, and they give very restricted permission to women to do jobs only in the domains regarded as respectable for women. Women not working in the teaching and nursing professions are generally stigmatised. Because stigma is associated with outside work, the male family members or the in-laws of the woman may restrict their mobility and freedom to do a paid job outside the home.⁹ The female share in the total enrolment in the medical colleges in Pakistan is more than 80 per cent. However, only about 66 per cent register with the Pakistan Medical and Dental Council (PMDC) to practise.¹⁰

The prevalence of SVAW is widespread in Pakistan, and women's socio-economic vulnerabilities partly explain the continuation of abusive relationships. A study found that nearly all women who were interviewed in Karachi reported violent verbal abuse which often took more sinister forms such as physical, emotional and sexual violence.¹¹ Ironically, in most of the cases, the perpetrator was her husband. The women chose to continue with the abusive relationship because of the socio-cultural norms, their dependence on their spouses for economic survival and their subordinate social status as well as the lack of available legal channels.¹²

The chicken and egg dilemma

Women in Pakistan are generally reduced to a subservient position in society. They are deprived of their rights to property and are routinely discriminated against in other spheres too. Women in Pakistan find it extremely challenging to fight for their property rights because of a lack of education, the patriarchal family system, and 'swap marriages'.¹³ Swap marriages (the marriage of a girl to a man whose sister is to be married to her brother) are 'designed' to deprive women of their right to property.¹⁴ In some cases, male relatives use force against women when the latter approach the court of law to claim their right to inherited property, or when they refused to forego their right property in favour of their brother(s).¹⁵ It is argued that the legal system in Pakistan perpetuates patriarchal practices that are clearly discriminatory against women.¹⁶

The socio-economic vulnerabilities of Pakistani women often assign them a lower status in society. The lower status of the women is reflected in the intra-household resource allocation, poor socio-economic outcomes, and discriminatory gender norms.¹⁷ Their lower status is, in turn, responsible for creating more vulnerabilities for them. Apart from a few positive changes in recent years which aim at a greater representation of women in the legislative bodies and in public sector jobs, women are routinely ostracised from the public sphere and in the decision-making at the household level.¹⁸

Some of the obvious symptoms of women's lack of agency are honour killing, *vani* (marriage to settle a dispute) and *watta satta* (bridal exchange). According to Human Rights Watch, there are over 1,000 'honour' killings of women in Pakistan every year. Tribal councils (*jirgas*) are routinely involved in handing down the punishment for honour killing. In 2018, a *jirga* in Khyber Agency ordered the honour killing of a 13-year-old girl which created shock waves among civil society in Pakistan and around the world. Pakistan's parliament passed a controversial bill in 2018 giving legal cover to the tribal and village councils to make such decisions.¹⁹ These customs perpetuate the subjugation of the women and they survive partly because of their lack of empowerment.

Male dominance, patriarchy and machismo

Given the complexities associated with the issue of spousal violence, it should not be seen in isolation. Rather it should be considered as a complex interplay of the individual, community and societal factors that are often analysed within the framework of an ecological model of domestic violence.²⁰ Pakistani society is largely defined by male dominance in most walks of social and economic life, patriarchal values and machoism. Patriarchy is defined as an integral system in which male dominance is enforced by violence and female sexuality is controlled to transfer private property, and this system is legitimised by religion.²¹ The acceptance of male dominance by women is assumed to increase the risk of intimate partner violence.²²

One key intervention against the discrimination of women is gender mainstreaming, a process that enables women to participate equally with men in all spheres of life and at all levels of decision-making. A study in Pakistan analysed the self-reported marginalisation of women and found that these women believed that their most compelling problem was gender-specific work, the male-dominant society and lack of job opportunities for women.²³ It is important to understand how gender roles are reproduced and maintained and how they influence the lives of men and women. A study found that inequality in gender roles was reinforced by the structures embedded in society.²⁴ The structures can be social, economic, political and religious, to name but a few. Stereotypical ideas of gender roles, discrimination against women and subordination of women are shaped in these social structures.²⁵ For example, the denial of women's rights to property ultimately leads to widely different levels of bargaining power

for men and women. Male dominance and the extended family system suppress women, while the education of both men and women, and the mass media break this orthodoxy.²⁶

These unequal power relations between men and women in Pakistan lead to many undesirable outcomes. A combination of male dominance and fear of her husband influences a woman's birth control options. This is the reason why a strong association has been found between the interpersonal intimate partner violence and unintended pregnancies.²⁷ The attitude towards gender roles and IPV holds the key to how this problem of IPV can be addressed.

Rampant male chauvinism in Pakistan can be explained by a number of factors. Given the widespread public perception that the state institutions cannot always be relied upon to protect the lives, honour and property of the people, as shown by high crime rates against property and persons, lengthy prosecutions and small conviction rate, the male family members assume the role of protectors – a role that has the backing of religious and social norms. Male children as young as 10 years old are expected to take care of their much elder sisters when they have to venture out. The situation is more symbolic than real. The women have to be protected from the harassment in much the same way as one protects one's property from thieves. The concept of a fallen woman is very relevant in this debate. If a woman is molested or sexually assaulted and this information becomes public, her reputation makes her unfit for a routine normal marital relationship. Society looks on such a woman with disapproval. The result is that men in the family consider it their utmost duty to protect the honour of the family because it has not only a moral imperative but also a deep and implicit economic logic.

Correlates of spousal violence in Pakistan

Socio-economic factors are often strongly associated with SVAW. Education, profession, ethnicity and the wealth index are found to be significant risk factors associated with spousal violence.²⁸ Women's low education, low income, and marriage at an early age were significantly associated with domestic violence.²⁹ An extended family system was a protective factor against violence.³⁰ Physical or emotional violence was not significantly associated with women's asset ownership.³¹ The survivors of SVAW among South Asian immigrant groups in the US reported that SVAW was associated with the cultural acceptance of abuse, gendered role expectations, perceived notions of family honour, the arranged marriage system, abusive partner characteristics, and women's fear of losing their children and becoming independent.³²

Attitudes towards IPV crucially shape the outcomes with regards to domestic abuse. A study of the attitudes towards IPV in a group of Muslim immigrants from Pakistan, Morocco and Egypt found that men in all three countries considered women less socially competent and hence in need of male protection, but men in Pakistan considered spousal violence against women to be a tool to control women's dysfunctional social behaviour.³³ A study in Pakistan's context

showed that women who lacked economic autonomy and had no control over their income were more likely to justify spousal violence while the men who did not have access to information were more likely to justify wife-beating.³⁴ Another study found that women whose mothers were beaten up by their fathers (intergenerational transfer) were nearly six times more likely to experience IPV,³⁵ and the women who justified being beaten by their husbands (attitudinal acceptance) were nearly twice as likely to experience IPV³⁶ compared with the women who did not have abusive parents nor did they justify beating by their husbands.³⁷

While female attitudes are more frequently analysed, male attitudes are no less important in shaping the outcomes of domestic abuse. Male attitudes towards IPV is shaped by the lifelong gender socialisation, according to which a wife is expected to be submissive and docile and she can be subjected to control and discipline through violent punishment.³⁸ The number of living children, conflicts within the family and the husband's exposure to maternal abuse at the hands of his father were some additional factors strongly associated with physical and/or emotional abuse during pregnancy, whereas the social support to the woman was a protective factor.³⁹

Some social customs also lead to domestic abuse. A study of child marriages in the populous slum areas of Lahore, Pakistan, found that family affairs, particularly issues with in-laws, poor house management, lack of proper care of children, bringing insufficient dowry, financial problems, an act against the will of husband, and inability to give birth to a male child were some of the reasons narrated by the participants which led to IPV against women who were younger than 18 years old at the time of their marriage.⁴⁰ Child marriage (<18 years) is significantly associated with emotional and physical violence, as well as the controlling behaviour of the husband.⁴¹ Some studies show that IPV is strongly associated with pregnancy. Young maternal age, having an unemployed husband and one with other wives/partners and having had a prior pregnancy were significant predictors of abuse during pregnancy.⁴²

A meta-analysis of IPV in Pakistan found that the common reasons for verbal IPV are financial matters, infertility, not having a son, the husband beating the children, and refusal of sex by the wife.⁴³ The common reasons of physical IPV are the wife disobeying or arguing with in-laws, not looking after her in-laws, being disobedient to the husband, neglecting household tasks, visiting her natal family, neighbours or friends without her husband's permission, infertility, use of contraceptives without her husband's permission and not giving birth to a son.⁴⁴ The common reasons for the physical IPV during pregnancy are distress caused by the husband's job, inter-familial conflicts and husband's unemployment.⁴⁵

While it is obvious that Pakistan is a patriarchal society, it is much less obvious how the gender roles in Pakistan are maintained and reproduced. In the previous literature, two themes, namely, 'reiteration of gender roles' and 'agents of change' were used to explain why gender roles are perpetuated in Pakistan.⁴⁶ The first theme suggests that the power equation in which men hold a dominant

position relative to women in the family, social norms and the extended family interact to suppress the women. The second theme, agents of change, suggests that this orthodoxy can be changed only with the help of education and the mass media. The patriarchal values are preserved in a variety of ways and one such method is the exclusion of outside interference in cases of violence within the family. Spousal abuse is considered a private affair and no one, including the government, should intervene.⁴⁷ A study in Pakistan found that women were reluctant to report cases of domestic abuse to law enforcement agencies because they were afraid that this might escalate the tensions within the family, which might lead to divorce or result in forced separation from their children.⁴⁸

Missing links and bridging gaps

Current studies nearly exclusively depend on quantitative data which is publicly available or data collected through primary sources or a combination of both. A normative analysis of domestic abuse is, indeed, very rare.⁴⁹ Social norms look favourably on the women who stoically suffer marital abuse, while the women who report marital abuse or seek legal redress are looked at with distrust. A distortion of religious teachings also plays a very important role in the continuation of abusive relationships. While one can frequently hear the Prophetic tradition (*Hadith*) that angels curse women when they refuse sex with their husbands,⁵⁰ one hears such traditions far less frequently which promise a great reward for the man dealing justly and respectfully with his wife.⁵¹

Although it is not empirically tested, there is a lot of anecdotal evidence to suggest that a sister-in-law, or *bhabi*, of a woman suffering from an abusive marital relationship is a central figure in stalling the process of separation/divorce.⁵² The argument goes like this: when the brothers of the woman experiencing domestic abuse are single, they are more likely to accommodate her separation or divorce. However, when her brothers are married, they are much less likely to tolerate her separation/divorce in the case of abusive relationships supposedly under the influence of their wives. Similarly, the relative position of a married woman in her natal home radically changes after the death of her parents because her brothers are perhaps married now, and their wives start wielding a more powerful role in the family which discourages a woman to leave the abusive relationship. This issue is effectively highlighted in a recent ARY drama serial *Bhabi*.⁵³

Data on the composition of the family, whether nuclear or joint, and its influence on the magnitude of the dowry and its link with SVAW is available. Similarly, some other possible correlates of SVAW, which require further exploration, are inter-caste marriages (marriage of individuals from two different castes, e.g. *Rajput* and *Arain*), inter-ethnic marriages (marriage between Punjabi and Sindhi individuals) and inter-sectarian marriages (marriage of a Deobandi with Barelvi or marriage between Sunni and Shiite individuals). Nor much reliable information exists regarding the nature of the marital relationship ('arranged marriage' vs. 'love marriage'). A love marriage in Pakistan's

context is the marital arrangement that is mutually agreed upon by a man and woman either without the consent of the other family members, especially the elderly people in the household, or without the knowledge of other family members.

Empirical insights into SVAW in Pakistan

The Demographic and Health Survey (DHS) has distinct definitions of violence, such as physical, emotional⁵⁴ and sexual⁵⁵ violence. In the emotional and physical violence categories, emotional violence is the highest, which is 32.85 per cent,⁵⁶ as found in the DHS (2012). Data on physical violence in this survey is divided into two categories, namely, severe⁵⁷ and less severe⁵⁸ violence, which are 7.35 per cent and 26.33 per cent respectively in Pakistan (Figure 7.1).⁵⁹

The factors identified in the previous literature on spousal violence are closely and significantly associated with spousal violence in Pakistan as well (see Table 7.1). The probability of spousal violence against women decreases as their education level increases ($p < 0.000$) or when the education of their spouse goes up ($p < 0.000$) or when the Wealth Index of the household increases ($p < 0.000$). If the women justify spousal violence, the probability of their being subjected to spousal violence increases ($p < 0.000$) and similarly the probability of spousal violence significantly increases as the number of reasons for which women justify violence increases ($p < 0.000$). Ironically, the job status of the woman does not have any impact on the probability of the experience of spousal violence ($p > 0.1$). A higher number of children ever born is associated with a higher probability of spousal violence (61.8 per cent when the

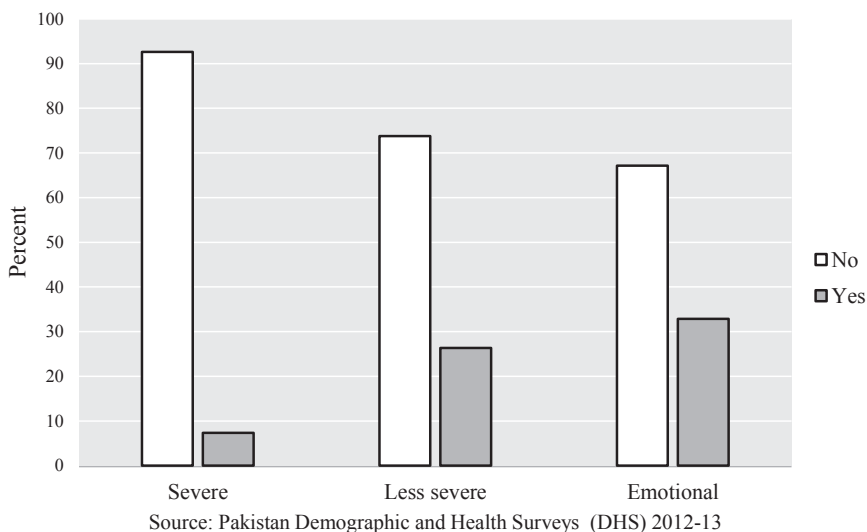


Figure 7.1 Extent of spousal violence against women in Pakistan.

Table 7.1 Bivariate association between spousal violence and a set of selected variables

<i>Experienced any less severe violence by husband/partner</i>	<i>No (%)</i>	<i>Yes (%)</i>	<i>P-value</i>
<i>Respondent's educational attainment</i>			
Primary (<i>n</i> = 2,238)	69.9	30.1	<0.000
Secondary (<i>n</i> = 604)	80.7	19.3	
Higher (<i>n</i> = 423)	89.3	10.7	
Total (<i>n</i> = 3,265)	73.8	26.2	
<i>Husband/partner's educational attainment</i>			
Primary (<i>n</i> = 1,428)	69.1	30.9	<0.000
Secondary (<i>n</i> = 1,055)	74.9	25.1	
Higher (<i>n</i> = 782)	84.6	15.4	
Total (<i>n</i> = 3,265)	73.8	26.2	
<i>Wealth Index</i>			
Poor (<i>n</i> = 1,195)	68.3	31.7	<0.000
Middle (<i>n</i> = 597)	67.6	32.4	
Rich (<i>n</i> = 1,473)	81.2	18.8	
Total (<i>n</i> = 3,265)	73.8	26.2	
<i>Number of children ever born</i>			
0–5 (<i>n</i> = 2,414)	76.1	23.9	<0.000
6–10 (<i>n</i> = 800)	66.9	33.1	
>10 (<i>n</i> = 51)	71.3	28.7	
Total (<i>n</i> = 3,265)	73.8	26.2	
<i>Number of reasons for which respondent justifies spousal violence</i>			
0 (<i>n</i> = 1,804)	80.9	19.1	<0.000
1 (<i>n</i> = 242)	75.9	24.1	
2 (<i>n</i> = 195)	66.4	33.6	
3 (<i>n</i> = 230)	65.7	34.3	
4 (<i>n</i> = 319)	56.4	43.6	
5 (<i>n</i> = 475)	58.9	41.1	
Total (<i>n</i> = 3,265)	73.8	26.2	
<i>Acceptance of violence</i>			
Don't accept violence (<i>n</i> = 1,804)	80.9	19.1	<0.000
Accept violence (<i>n</i> = 1,461)	63.2	36.8	
Total (<i>n</i> = 3,265)	73.8	26.2	
<i>Respondent's occupation</i>			
Woman does not work (<i>n</i> = 2,484)	75.1	24.9	0.105
Woman works (<i>n</i> = 781)	70.8	29.2	
Total (<i>n</i> = 3,265)	73.8	26.2	

Source: Pakistan Demographic and Health Surveys (DHS) 2012–13.

number of children ever born is greater than five) compared with when fewer children are ever born (23.9 per cent when the number of children ever born is less than six).

For this study, we also ran a multivariate logistic regression model and results are provided in Table 7.2. While the higher level of educational attainment of the women as well as the educational level of their spouses are protective

Table 7.2 Multivariate logistic regression analysis

<i>Experienced any less severe violence by husband</i>	<i>a OR</i>	<i>95% Confidence interval</i>
<i>Attitudinal acceptance of violence</i>		
Does not accept violence	1.00	[1.00, 1.00]
Accepts violence	1.44***	[1.19, 1.74]
<i>Respondent's father ever beat her mother</i>		
No	1.00	[1.00, 1.00]
Yes	6.19***	[5.05, 7.58]
<i>Number of children</i>		
0–5	1.00	[1.00, 1.00]
6–10	1.17	[0.95, 1.45]
>10	1.40	[0.76, 2.56]
<i>Currently pregnant</i>		
No	1.00	[1.00, 1.00]
Yes	1.06	[0.81, 1.38]
<i>Wife's educational attainment</i>		
Primary	1.00	[1.00, 1.00]
Secondary	0.89	[0.69, 1.16]
Higher	0.63*	[0.42, 0.93]
<i>Husband's educational attainment</i>		
Primary	1.00	[1.00, 1.00]
Secondary	0.95	[0.77, 1.18]
Higher	0.74*	[0.56, 0.97]
<i>Wealth Index</i>		
Poor	1.00	[1.00, 1.00]
Middle	1.27	[0.98, 1.64]
Rich	0.92	[0.69, 1.23]
<i>Woman's occupation</i>		
Woman does not work	1.00	[1.00, 1.00]
Woman works	1.42**	[1.15, 1.76]
<i>Residence</i>		
Urban	1.00	[1.00, 1.00]
Rural	1.06	[0.84, 1.35]
Constant	0.18***	[0.13, 0.24]
Observations	3265	
χ^2	390.75	
<i>p</i>	0.00	

Source: Pakistan Demographic and Health Surveys (DHS) 2012–13.

Notes

Exponentiated coefficients; 95% confidence intervals in brackets; a OR is adjusted odds ratio.

* $p < 0.05$;

** $p < 0.01$;

*** $p < 0.001$.

factors, attitudinal acceptance of spousal violence, respondents' history of seeing spousal violence in her natal home in her childhood and woman's working status are the risk factors. The women who justify spousal violence for some reason are 44 per cent more likely to experience spousal violence than the

women who do not accept violence at all (OR=1.44; 95% CI: 1.19–1.74). The women who saw their father beating their mother in childhood are more than six times more likely to experience spousal violence than the women who had no such experience (OR=6.19; 95% CI: 5.05–7.58). Contrary to the understanding that the women who do a paid job have a better leverage on their marital life, we see that the women who do paid jobs are 42 per cent more likely to experience spousal violence than the women who do not do any paid job (OR=1.42; 95% CI: 1.15–1.76).

This paradox can be explained in several ways. In patriarchal societies, the women who challenge the existing social norms are made to fall in line through the use of force and violence.⁶⁰ In the sociological literature, spousal violence against working women is explained in terms of the ‘male backlash’.⁶¹ According to the male backlash theory, a woman doing a paid job generally challenges the gender hierarchy in traditional societies. Consequently, men feel threatened due to the economic empowerment of women and use violence as a controlling mechanism.⁶² Another possibility is that most of the women who do any paid job undertake the low paid jobs which do not equip them with the economic and social clout enough to protect them against spousal violence.

Dominance analysis

Though several factors associated with IPV are identified in the literature and in this study as well, it is interesting to see the relative contribution of these factors to IPV. With this objective in mind, we undertook a dominance analysis using a selected set of variables that are routinely analysed in the empirical literature on spousal violence. Table 7.3 shows that the single largest factor responsible for spousal violence relates to the woman’s household characteristics. The fact that the father of the respondent beat her mother in her childhood in her natal home

Table 7.3 Dominance analysis

<i>Dominates</i>	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1 Acceptance of violence	0		1	1	0	0	1	1	1
2 Father beat respondent’s mother	1	0	1	1	1	1	1	1	1
3 Number of children			0	1		0	0	0	0
4 Currently pregnant				0			0		0
5 Respondent’s education	0		1	1	0	1	1	0	1
6 Husband’s education	0		0	1		0	1	0	1
7 Wealth status			0	0			0	0	0
8 Respondent’s occupation			0	1	0	0	0	0	0
9 Place of residence			0	0			0	0	0

Source: Pakistan Demographic and Health Surveys (DHS) 2012–13.

Note

1 Refers to complete dominance; 0 refers to general dominance

is the largest risk factor for IPV. The second most important factor that completely dominates the impact of five other factors is related to attitudinal acceptance of violence by the respondent. Respondents' education is a larger risk factor than the number of children, the current pregnancy status, the husband's education, wealth status and the place of residence. The respondents' occupation also plays some role which is greater than the current pregnancy status of the women. The place of residence has a general dominance over certain other factors, but it is not associated with any complete dominance.

Some important insights from the dominance analysis are that the behaviour of the father towards the mother of the respondent and the acceptance of violence on the part of the respondent and the respondents' education are the most important risk factors for spousal violence. On closer inspection, the attitudinal acceptance of violence and the behaviour of the father towards the mother of the respondent are closely related because the childhood experience crucially shapes the attitude towards violence. There is compelling evidence to suggest that the women who have a childhood experience of spousal violence are more likely to condone violence when they grow up and assume the role of the wife.⁶³

Attitudinal acceptance of violence stands out as a very important risk factor for spousal violence in Pakistan. We undertook a subgroup analysis of the relationship between attitudinal acceptance of violence and women's observed experience of spousal violence. This technique summarises data within each level of each variable in the variable list defined in the model. The forest plot reflects (see Figure 7.2) how the attitudinal acceptance of violence affects the women's observed experience of violence across a set of indicators. Acceptance of violence is a greater risk factor of the spousal violence when the respondent is not currently pregnant (OR=2.21; 95% CI: 1.87–2.61), has a history of her father beating her mother (OR=1.87; 95% CI: 1.39–2.51), had secondary education (OR=2.10; 95% CI: 1.40–3.14), did a paid job (OR=2.32; 95% CI: 1.71–3.14), lived in a rural area (OR=2.15; 95% CI: 1.74–2.65) and belonged to the rich Wealth Index (OR=2.35; 95% CI: 1.81–3.06). It is important to note that the attitudinal acceptance of violence is a significant risk factor for spousal violence across all the levels (subgroups) of all the variables apart from the higher education level in the education variable. Secondary education as a risk factor of domestic violence is counter-intuitive. However, many studies have seen an unexpected relationship between education and experience of domestic violence. It is argued that an increase in women's education may make their behaviour towards their husbands aggressive which in turn can invite a backlash in the form of increased violence by their spouses.⁶⁴

Legal interventions

Spousal violence against women has until recently remained outside the ambit of legal intervention because of the unique cultural stance on this issue which is rooted in religious traditions and social norms. IPV is usually considered a personal affair that should be kept away from the intervention of the government

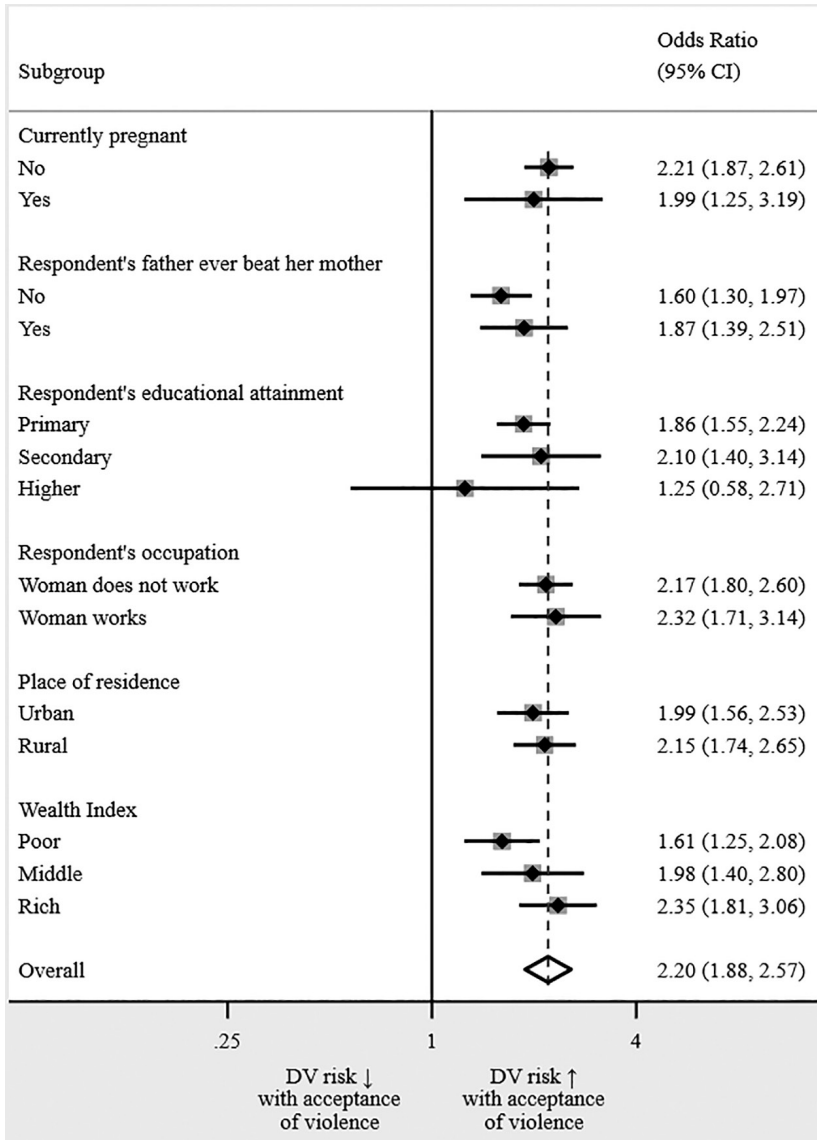


Figure 7.2 Forest plot of the subgroup analysis.

Source: Authors.

and must be settled in informal ways.⁶⁵ With an alarming rise in reported cases of spousal violence in recent years and in a changed environment under pressure from cultural globalisation, Pakistan's government has responded by putting in place legislative measures to combat and curtail acts of spousal violence. In the

following, we briefly review the legal interventions developed in different provinces.

Sindh Province

The Sindh Domestic Violence Act 2013 seeks to curtail domestic violence in Sindh Province. It is touted as gender-sensitive legislation in that it includes physical and psychological abuse as well as domestic violence. It provides wide-ranging remedies to the victims, such as protection orders restraining the accused from harassing the complainant, entering her residence or place of employment. However, there are problems with this piece of legislation. In fact, it lacks procedural clarity and incorporates criminal offences that are already covered under the Pakistani penal code and establishes some new criminal offences which do not categorically specify if they are cognizable, non-compoundable or bailable.⁶⁶

Balochistan Province

The Balochistan Domestic Violence (Prevention and Protection) Bill, 2014 expanded the scope of domestic violence by including physical, sexual and economic abuse as well as verbal and emotional abuse within the ambit of domestic violence. It is different from the Sindh Domestic Violence Act 2013 in the sense that it imposes no penalties for the offences that are not covered by the Pakistani penal code. It does not provide any supplementary infrastructures which almost always make the legislation effective, such as shelter homes for women as well as women's police stations.⁶⁷

Khyber–Pakhtunkhwa Province

The Khyber–Pakhtunkhwa Domestic Violence (Prevention and Protection) Act 2016 has yet to see the light of the day and civil society has been clamouring for the legislative process to be expedited, to curtail child marriage and domestic violence against women in KPK. The proposed bill has been criticised for exposing its supposed loopholes. The bill stated that if a husband or if the woman's parents subject the woman to violence as a 'corrective measure', it will not come under the ambit of this law. Unlike the legislation in the Sindh and Baluchistan assemblies, only physical violence is covered under this act, while psychological violence and sexual violence are ignored.⁶⁸

The Punjab Province

The Punjab Protection of Women against Violence Act 2016 also takes a broader view of domestic violence by including sexual, psychological and economic abuse as well as domestic violence, apart from stalking or cybercrime. Psychological violence includes any psychological condition which may result

in anorexia, suicidal ideation or clinically proven depression. The Act focuses on supplementary infrastructures such as the protection committee, a helpline, women protection officers, and professional centres offering shelter and monetary support for the victims. It creates new offences in the case where the accused violates a monetary, residence or protective order. According to this Act, the women can be placed in shelters and the court can compel the defendant to pay for the cost of the woman's stay in the shelter, which includes rent and meals. If the defendant fails to pay for the shelter, that would be considered contempt of court and in this case, the courts, which are known for their procedural delays, would be continuously embroiled in monitoring the payment. Moreover, boys over 12 cannot be admitted to the shelter homes with the mothers, resulting in great dismay for the victim. One would have expected that the woman, who was already isolated from her family, might have been allowed to keep family unity through some creative means.⁶⁹ This is clearly a loophole in the Act.

Simple answers to complex questions

While there is an elaborate set of laws related to domestic abuse in most of Pakistan, women often try to avoid taking legal recourse on issues of IPV because of a few pressing barriers which systematically discriminate against women, such as the poor service quality, the painful delays in the courts of law, and the lack of family support for the victim if the spouse is convicted.

Poor service quality is an important barrier preventing victims of IPV from accessing police services. Old-fashioned policing style routinely discourages women in need of legal redress against domestic violence. The abusive language of the policemen in the *thana* (police station), the limited number of women-specific police stations, the active fear that the complainant might be considered as an accused, a widespread public perception that police will not take any action against the offender unless their palm is greased by the complainant and an equally widespread perception that police might help the accused in return for a bribe – all these features are a very effective deterrent against women who experience abusive relationships thinking about accessing the police service.

The judicial process is no less discouraging for the women who brave the social barriers to seek legal redress. Hefty fees for legal services, the adjournment of the cases in the courts for very long periods, the obstruction of the legal process on the part of the legal fraternity on various pretexts, such as the boycott of the courts or not appearing for the court hearing. The length of time involved in the disposition of the legal matters in Pakistan is excruciatingly painful. The prosecution process is very long, and the rate of conviction is very small. At times it takes decades before the case is decided in favour of the aggrieved party. The implementation of the decision by the court is yet another roadblock because it involves the police and other public institutions. In the family cases, the compensation that is ordered by the court is often ridiculously small and the accused often drag their feet in paying the sum to which their spouses are legally

entitled. All these factors discourage women from accessing the legal process, especially when they are not fully backed by their family.

The situation in which the abusive husband is penalised by the court of law poses some peculiar challenges for women suffering domestic violence. If the husband is punished with imprisonment or otherwise financially penalised, it is highly likely that he will retaliate in different ways. If the husband is taken to court and if he is given some punishment because of his criminal behaviour towards his wife, it is very likely that her in-laws would excommunicate the wife. If the husband is incarcerated, the woman is forced to satisfy the needs of the family because, in this situation, help from the in-laws will not be forthcoming. If the natal family of the women does not help currently, it becomes extremely difficult for women to make both ends meet. This potential excommunication deters the women from taking legal redress.

Not all women have family members (i.e. brothers) willing to support them if she is in an abusive relationship. Pakistan is a poor country and the per capita income is very small. Once a woman is married, it is a financial nightmare for the family if she comes back either through separation or divorce, especially if she has kids. Part of the problem arises when the brothers of the woman are married, and a stiff resistance comes from her sisters-in-law to stop the woman returning home after a divorce. If a woman goes the full way and seeks justice from the court of the law, it is very likely that she will be divorced. This situation might leave the woman vulnerable especially if she has kids, because the laws related to guardianship are weak and emotional blackmail of the mother because of the children is widespread. Though the joint family system routinely raises such problems, this problem has not been made the subject of academic inquiry. However, recently a drama series *Bhabi* on ARY TV highlighted this issue.⁷⁰ Given that the majority of the women in Pakistan do not have any paid job, the situation leaves women vulnerable to abuse.

Conclusion

This chapter has explored the factors behind pervasive spousal violence against women in Pakistan. It found that the educational attainment of women and their spouses, the household Wealth Index, the number of children ever born, and the attitudinal acceptance of spousal abuse were closely associated with SVAW. In addition to the identification of the risk and the protective factors of SVAW, the chapter conducted a dominance analysis to see the relative contribution of these factors to IPV. Some important insights from the dominance analysis are that the behaviour of the father towards the mother of the respondent and the acceptance of violence on the part of the respondent and the respondents' education were the most important risk factors in domestic violence.

SVAW has until recently remained outside the ambit of legal intervention because of the unique cultural stance in Pakistan based on religious traditions and social norms. In recent years, a range of legislative measures have been put in place at the provincial level to combat it. The provincial governments of

Sindh, Balochistan and the Punjab have passed spousal violence Acts with varying degrees of strength and weakness. However, there are many factors that deter women from accessing the legal channels available to them. These hurdles include police practices, a lengthy and lethargic judicial process, widespread corruption and inefficiency in the public departments, coupled with social norms looking unfavourably on the women who venture legal redress. Though the concerns and critique of the legal lacunae are genuine, there can be no gainsaying the fact that the legislation, once put in place, can be improved upon with the passage of time. The laws set standards and the safety mechanisms, while the Pakistani society mindsets may take some time to change.

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8 Food insecurity and childcare

Development challenges and prospects

*Faisal Abbas, Maqsood Sadiq and
Tahir Mahmood*

Introduction

Pakistan is facing an acute problem of child undernutrition. According to Pakistan Demographic and Health Survey 2018, about 38 per cent of Pakistani children were stunted, 7 per cent were wasted and 23 per cent were underweight. The Punjab, the largest province of the country by population and Gross Domestic Product (GDP), has a prevalence of stunting, wasting and underweight children of 30 per cent, 4 per cent and 14 per cent, respectively. Although this is lower than the national average, it is still very high. It is therefore imperative to empirically examine the factors that cause child undernutrition in the largest province of Pakistan, i.e. the Punjab. This study first will analyse the determinants of undernutrition in the Punjab using three waves of the Multiple Indicator Cluster survey (MICS 2008, 2011 and 2014), which include more than 146,000 children aged under five years.¹

In the Punjab, undernutrition inequalities remain stark and no empirical study exists that reveals the disparity in stunting, wasting and underweight. This study has estimated, using a multivariate logistic regression analysis, the patterns of distribution of childhood undernutrition in the Punjab, using socio-economic factors such as household wealth status, maternal education, ethnicity, administrative divisions and type of residence (rural/urban). Predicted probabilities show that the rural Punjab is relatively better off in terms of prevalence of stunting, wasting and underweight children compared to the urban Punjab and, surprisingly, girl children are better off than boys. Stunting for wealthy quintile children showed a more rapid reduction from 2008 to 2014 than those children in the lowest wealth quintile and this is also true for education categories.

According to this study, administrative divisions, such as Dera Ghazi Khan (DG Khan), Bahawalpur and Multan suffer higher child undernutrition compared to Lahore and Rawalpindi. Development disparities among these administrative divisions can partly explain these differences. On an ethnic basis, the prevalence of undernutrition in children of Seraiki-speaking households is higher compared to children who speak Punjabi or Urdu. This also points towards social exclusion based on ethnicity. It is therefore argued that the provincial government should focus on the provision of education and better health care services to the people

in disadvantaged areas in order to promote egalitarian development. The interesting lesson to learn from the analyses is to use household-specific strategies to cater for the needs of stunted, wasted and underweight children.

Socio-economic indicators and the undernutrition debate in Pakistan

Pakistan is one of the top five contributors to the child undernutrition burden across the globe. Hunger also prevails across the country in both rural and urban areas. According to latest Global Hunger Index (GHI), Pakistan is in the category of suffering from serious levels of hunger and thus stands at number 106 out of 119 countries. Except for Afghanistan, no South Asian country sits below Pakistan in the GHI scale. The aim of this chapter is to provide situational analyses on the prevalence of undernutrition in the largest province of the country, i.e. the Punjab and compare differences at lower administrative units (administrative divisions) based on the unified framework provided by UNICEF.

Undernutrition is associated with more than half of all child deaths worldwide and directly affects one in three children younger than five years old across the globe.² Worldwide, undernutrition is considered a daunting challenge as the UN Sustainable Development Goals (SDGs) aim to reduce all forms of malnutrition by 2030.³ Furthermore, it is evident that malnutrition not only causes productivity losses in later life but also contributes to economic loss for a nation. Almost 11 per cent of the GDP accrues to malnutrition on a yearly basis in Africa and Asia.⁴ Undernutrition is clustered in South Asia, especially in Bangladesh, India and Pakistan.⁵ Despite economic growth of above 5 per cent per annum for the last five decades, Pakistan is facing an acute problem of development, especially in the health, education and nutrition sectors. In Pakistan, for example, children suffer the highest rates of undernutrition (causing stunting, less than height-for-age in 45 per cent of children) and it has the second highest number of severely wasted children next to India.

The Punjab is the largest province by population, employment, and GDP share. It is the food basket for the entire country due to its strong agricultural base. The Punjab's population is close to 100 million, constituting almost 52 per cent of the total population of Pakistan. With a current 2.1 per cent growth rate, the Punjab's population has increased almost fivefold in the last 60 years.⁶ With this fast population increase, the Punjab remains unable to meet most of the Millennium Development Goals (MDGs) targets. Therefore, it is pertinent to believe that the Punjab has a significant role to play in any progress in achieving the newly set SDGs targets at both the national as well as the provincial level. Moreover, in view of the recent pace of progress, substantial improvement has yet to be made in order to achieve any of the SDGs. Data and trends suggest that no MDGs could be achieved in its entirety in the province by 2015.⁷ Nevertheless, the Punjab poses a daunting challenge in terms of the prevalence of undernutrition of children younger than five years.

In the Punjab, undernutrition remains a recognised health challenge and plays a substantial role in the region's elevated maternal and child morbidity and mortality rates. Inequalities in terms of various socio-economic indicators remain stark. For example, a child born in a family in the poorest wealth quintile is much more likely to die compared to the one born in a well-off family. The infant and under-five mortality rate for the lowest quintile is quite high (105 versus 137) compared to the highest wealth quintile (45 versus 53).⁸

At the same time, the Punjab has a relatively better picture of undernutrition compared to the other provinces of Pakistan; nevertheless, there are marked disparities within the province. For example, in the South Punjab, divisions such as Bahawalpur, Dera Ghazi Khan and Multan have the highest level of stunting, wasting and low birth weight compared to any other division in the Punjab. A division is a lower level of administration within the province. Also, their average is not only higher than the provincial average but also surpasses the national average for all three anthropometric measures.⁹ Evidence of undernutrition inequality in Pakistan is scant and when it comes to the provincial or administrative division-level analysis, no such study exists. However, a relatively small number of studies have tried to examine the determinants and trends of undernutrition at the national level.¹⁰

These studies used the Pakistan Panel Household Survey (PPHS-2010) and the nationally representative Pakistan Demographic and Health Survey (PDHS) data and estimated factors affecting undernutrition of children younger than 5 years. Most of these studies used either one or a combination of stunting, wasting or low birth weight as a measure of undernutrition. The study by Nuruddin and Hadden (2015) used data from 1992–93 collected for the Thatta district, a district in the province of Sindh.¹¹ Their study used stunting, wasting and underweight as measures of undernutrition and they concluded that girls are more prone to wasting and stunting compared to boys but after controlling for maternal literacy and village level, the characters' risk of undernutrition did not differ with gender.

The study by Nuruddin and Hadden analysed the gender disaggregated prevalence ratio and only a single administrative sub-unit of Sindh and thus cannot be generalized to the entire province.¹² No empirical study has examined the disparity at the national and provincial levels, for Pakistan, in terms of economic, educational and administrative divisions. This study tries to fill this gap by analysing three waves of the Multiple Indicator Cluster Survey (MICS) for the Punjab, conducted in 2008, 2011 and 2014, respectively. Furthermore, this study has analysed the patterns of distribution of childhood undernutrition in the Punjab, across socio-economic factors such as household wealth status, maternal education, ethnicity and type of residence (rural/urban).

Given this, the chapter examines trends in social disparities in undernutrition among children of the Punjab, under the age of five, over the period of 2006–07 to 2014, using provincially representative data on child nutritional status from three cross-sectional surveys conducted in 2008, 2011 and 2014. Further, this is first study of its kind to pay attention to the administrative divisions in the

Punjab Province as well as ethnicity. No previous research on undernutrition and inequality in the Punjab at the administrative and/or ethnic level has been undertaken. There are, however, some articles that covered either a district or an administrative division.¹³ One limitation of the district/division level studies is the difficulty in generalising their conclusions to the entire province because of the lack of provincially representative data.

On the other hand, the issue with the provincial/national level studies is that they ignore the heterogeneity in terms of socio-economic development of the different micro-administrative units, i.e. divisions, used as the unit of analysis in this study. Neglecting the heterogeneity of micro-level administrative units, especially when decentralisation has recently occurred in Pakistan due to the 18th Amendment in 2010, may lead to misleading results because higher levels of aggregation of data could result in the loss of important information.¹⁴

This chapter provides data on the prevalence of inequality in the province of the Punjab and thus can help the provincial government to formulate a policy aimed at reducing the extent of undernutrition. This is mandatory in order to achieve the SDGs such as zero hunger and poverty reduction by 2030. In 2010, the parliament of Pakistan passed the 18th Amendment and devolved 17 ministries from the centre to the provinces, including the Ministries of Agriculture, Education, Food, and Health. This was the first time that such power had been devolved to the provinces. At the same time, there were significant changes in funding modalities. Although the 2010 devolution shifted financing responsibility from devolved ministries to the provincial governments, in Pakistan, the financial status of the provincial governments is dependent on federal transfers of tax revenues to the provinces through NFC Awards.¹⁵

Measures of undernutrition

This study used the three anthropometric measures of undernutrition, i.e. stunting (height for age), wasting (weight for height) and underweight (weight for age). Further, these three indicators are categorised into six binary outcome variables, i.e. stunting and severe stunting; wasting and severe wasting; and underweight and severe underweight. Stunting is a measure of linear growth and is a reflection of chronic undernutrition because of the failure to receive adequate nutrition over a long period. Underweight is a measure of both acute and chronic malnutrition. Measuring wasting helps in assessing wasting and underweight status. Wasting is usually the result of a recent nutritional deficiency.

The indicators of wasting may exhibit significant seasonal shifts associated with changes in the availability of food or disease prevalence. Children whose weight-for-age, height-for-age and weight-for-height are more than -2 (or -3) standard deviations below the median weight/height of the reference population¹⁶ are considered moderately (severely) underweight, stunted and wasted. Unlike the study by Subramanyam, Kawachi, Berkman and Subramanian,¹⁷ this study included all three indicators of undernutrition and their sub-categories when analysing inequality among children under five years of age in the Punjab.

As the Punjab Province suffered consecutive severe floods from 2010 to 2015, therefore, it is important to analyse the wasting of pre-school children, at the administrative district level, as there is seasonal variation in wasting prevalence across various socio-economic groups.

Undernutrition in numbers

The prevalence of undernutrition in the Punjab is 33.7 (severe 11.3) per cent underweight, 33.5 (severe 13.3) per cent stunting, and 17.5 (severe 4.4) wasting for the year 2014. Of note is the fact that the prevalence of underweight and severe underweight has remained stagnant over the period of analysis. However, the prevalence of stunting reduced from 42.4 per cent in 2008 to 33.5 per cent in 2014, a reduction of almost 9 percentage points and severe stunting reduced by almost 10 percentage points from 23.3 per cent in 2008 to 13.3 per cent in 2014. Surprisingly, wasting increased from 13.4 per cent in 2008 to 17.5 per cent in 2014 and severe wasting has shown a decreasing tendency starting from 5.6 per cent in 2008 and reducing to 4.4 per cent in 2014. Unexpectedly, females relative to males experience less wasting, less stunting, and less underweight prevalence in both its moderate and severe forms in the Punjab.

Another astounding comparison is between rural and urban residents. In the rural areas of the Punjab, stunting, wasting and underweight prevalence is higher than in the urban areas. This is true for both moderate and severe forms of undernutrition. Arif, Nazir, Satti and Farooq also depict this kind of trend, in the prevalence of undernutrition in Pakistan.¹⁸ However, their study analyses historical trends in undernutrition prevalence at the national level and aggregates the provincial trends. Details of the prevalence of underweight, stunting and wasting are given in Figures 8.1–8.4.

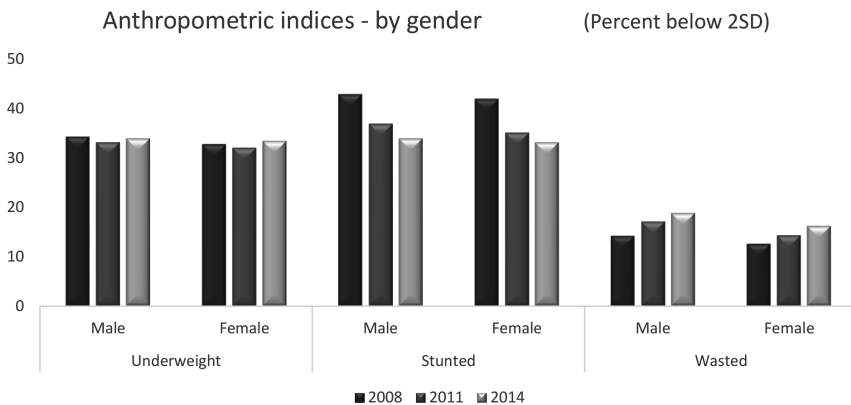


Figure 8.1 Comparison of stunting, wasting and underweight (moderate) in the Punjab by gender.

Source: MICS Punjab 2008, 2011 and 2014.

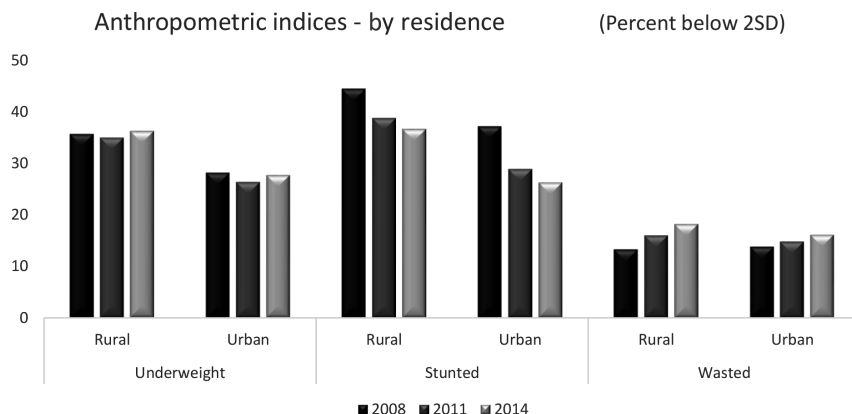


Figure 8.2 Comparison of stunting, wasting and underweight (moderate) in the Punjab by area of residence.

Source: MICS Punjab, 2008, 2011 and 2014.

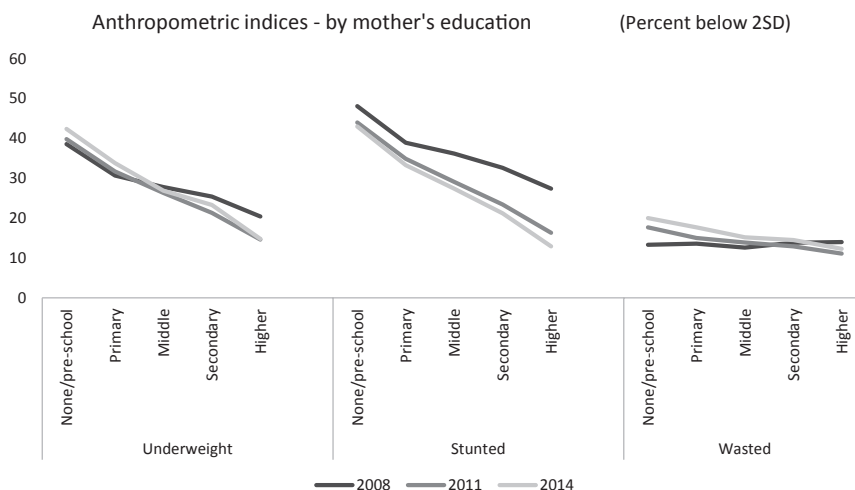


Figure 8.3 Comparison of stunting, wasting and underweight (moderate) in the Punjab by mother's education.

Source: MICS Punjab, 2008, 2011 and 2014.

The education of the mother is also an important factor affecting child anthropometric measures. For example, underweight and stunted children have a steep slope with mothers' education relative to wasting, meaning that educated mothers play an important role in child health. Although undernutrition of children has

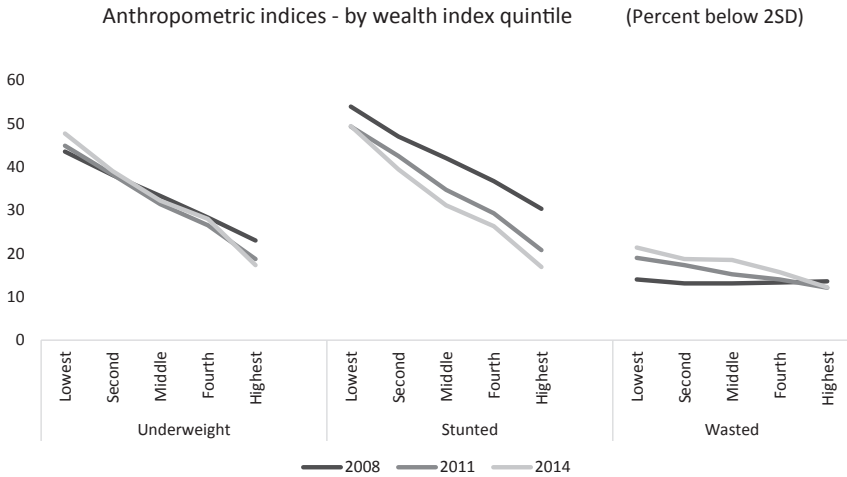


Figure 8.4 Comparison of stunting, wasting and underweight (moderate) in the Punjab by wealth index quintiles.

Source: MICS Punjab, 2008, 2011 and 2014.

reduced from 2008 to 2014 in stunting and underweight, the reduction is relatively high for highly educated mothers relative to uneducated mothers.

Although wasting remained constant over the period of 2008 to 2014 in the Punjab, nevertheless, it increased in DG Khan, a division in the South Punjab marked with profound inequalities in terms of child anthropometric outcomes in all three sample waves (Figure 8.5). Most surprisingly, wasting (which is the result of acute food shortages) increased over time in DG Khan from 16.1 per cent in 2008 to 18.8 in 2014. This can be linked to three consecutive years of severe floods before the survey. The wealth status of the household also affects the child health outcomes in terms of stunting, underweight and wasting (see Figure 8.4). The relationship of wealth with that of child undernutrition is clearly negative and as the household climbs up the wealth ladder, the stunting, underweight and wasting decline in all the survey years.

In the 1990s, UNICEF presented and adopted a multi-sectoral nutrition framework (Figure 8.6). According to this framework, the causes of undernutrition are classified into immediate, underlying and basic. The objective of this approach was to mainly understand the causes of undernutrition as multi-dimensional in nature and not confined to only mother and child influences. Not only food and dietary diversity but other related factors are also important when it comes to finding a solution to this menace of undernutrition. Not only dietary diversity but also a disease-free environment at the household, the community and the regional level are the immediate solution to undernutrition. Underlying causes of undernutrition include household food insecurity, inadequate care and

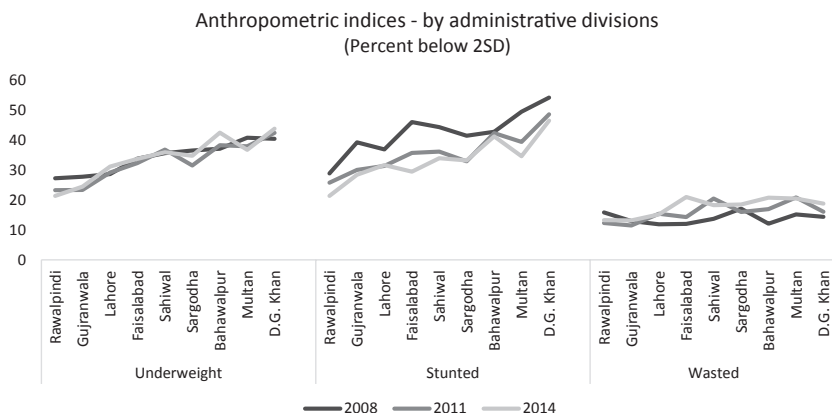


Figure 8.5 Comparison of stunting, wasting and underweight (moderate) in the Punjab by administrative divisions.

Source: MICS Punjab, 2008, 2011 and 2014.

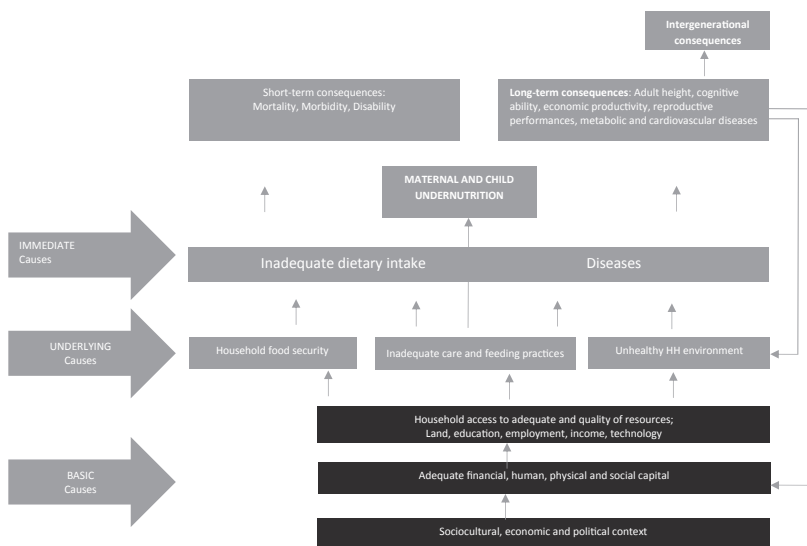


Figure 8.6 Undernutrition conceptual framework of UNICEF.

Source: UNICEF (2013).

feeding practices, an unhealthy household environment and inadequate health services. Basic causes of undernutrition include lack of household access to adequate resources (i.e. land, education, employment, income and technology).

During pregnancy, the mother's lack of adequate nutrition and the lack of dietary diversity in general in the first two years of a child's life and in the first

five years in particular are important windows of opportunity to achieve better mother and child health. Moreover, undernutrition is widespread in Pakistan among all age groups and progress in countering this has not been achieved in the last few decades.¹⁹ For example, in the Punjab, the prevalence of stunting in the year 2011 was 36 per cent and in 2014 it only dropped to 33.5 per cent (MICS 2016) and this prevalence rate of stunting is alarming for the largest and most developed province of the country. Numerous empirical research studies are available on the determinants of stunting, for example, Haile, Azage, Mola and Rainey (2016) revealed that both individual and community-level factors are important determinants of childhood undernutrition (i.e. stunting).²⁰ This result also confirms that 37 per cent of stunting is due to community-level factors in their study. Apart from child-specific characteristics and parental characteristics, the importance of water, sanitation and hygiene (WASH) has been recognised with regard to the public health of infants and young children, particularly when the process of stunting is concentrated during the first two years of life.

Recent studies show that the poor diet of children in the first year of life, the poor nutritional status of the mother during and after pregnancy, poor sanitation practices, food insecurity and poverty, and social inequalities are significant drivers.²¹ In addition, children's nutritional status is commonly influenced by many factors, such as household food insecurity, poverty, lack of adequate health, nutritional and social services facilities.²² The literature on Pakistan is rather scant. Attempts to investigate the determinants of undernutrition have been made not only at the national level but also at the micro-geographic level (e.g. city or administrative division or district level).^{23–26} Khuwaja, Selwyn and Shah (2005) found that stunting is common in lower regions of Sind, Pakistan.²⁷ The study also pinpoints mother's illiteracy, low income, and overcrowding as important risk factors of stunting. Similarly, Nuruddin and Hadden (2015) assert that better literacy among rural mothers could reduce stunting, as females are more likely to be stunted and underweight compared to males. For the Punjab, a study using MICS 2011 data revealed that female-headed households had 26 per cent lower odds of stunting.²⁸

Data and multivariate analyses

This study makes use of the Punjab Multiple Indicator Cluster Survey (MICS). The MICS is a household survey to provide estimates of around 125 indicators for the province of the Punjab, including 9 administrative divisions and 36 districts. The Multiple Indicator Cluster Survey (MICS) was conducted by the Bureau of Statistics (BoS) Punjab, Planning and Development Department (P&DD), and the Government of the Punjab, in collaboration with UNICEF. Three rounds of the survey in three different years provide our data:

- 2008 (total no. of children = 57,284);
- 2011 (total no. of children = 63,250);
- 2014 (total no. of children = 26,421).

The main objective of the sample design for MICS Punjab, 2008 and 2011, was to produce statistically reliable estimates of most indicators, at the *tehsil* (sub-district) level, for urban and rural areas, while for 2014 the estimate was at the district level.

The sample for the MICS Punjab was designed by the Pakistan Bureau of Statistics (PBS) to provide estimates for a large number of indicators, on the situation of women and children, including socio-economic indicators. For the calculation of the sample size, the key indicator used was the underweight prevalence among children age 0–5 years. The urban and rural areas within each district were identified as the main sampling strata and the sample was selected in two stages. Within each stratum, a specified number of census enumeration areas were selected systematically with a probability proportional to size. Within each district, the sample was proportionally allocated to urban and rural areas. The sampling rates vary by stratum and cluster, so the sample is not self-weighting. The details of design and data collection of MICS can be found at www.mics.unicef.org.

Explanatory variables

In this analysis, we used gender, household wealth status, ethnicity, maternal education, rural and urban location as well as administrative division of the Punjab Province as explanatory variables. The choice of these predictor variables is based on the literature.²⁹ Additionally, in this chapter, we have accounted for the following control variables; children's age in years (1–5); maternal age using various age groupings; and the household wealth index used as an economic status variable. The wealth index is a composite indicator of wealth. To construct the wealth index, principal components analysis is performed by using information on the ownership of consumer goods, dwelling characteristics, water and sanitation, and other characteristics that are related to the household's wealth, to generate weights (factor scores) for each of the items used. Each household in the total sample then is assigned a wealth score based on the assets owned by that household and on the final factor scores obtained as described above.

The survey household population is then ranked according to the wealth score of the household they are living in, and is finally divided into five equal parts (quintiles) from lowest (poorest) to highest (richest). The maternal education variable has following categories; none/pre-school (either illiterate or incomplete primary school), primary (1–5 years of schooling completed), middle (6–8 years of schooling completed), secondary (9–10 years of schooling completed) and higher (more than 10 years of schooling completed). Ethnicity in our analysis is categorised as those whose first (mother) language is Urdu, Punjabi, Seraiki and others. This is the first study that has analysed the data for the Punjab for various ethnic backgrounds and at the administrative division level. This is carried out based on the fact that after 18th Amendment in

Pakistan in 2010,³⁰ provinces are now autonomous in terms of policy formulation as well as resource allocation.³¹ Thus, it is imperative to understand the micro-geographic disparities in childhood malnutrition in the most populous province of Pakistan.

Analysis

This study calculated the prevalence of stunting, wasting and underweight in moderate areas (less than -2 standard deviations) and severe (less than -3 standard deviations) using social, economic and demographic characteristics as well as at administrative division levels in the Punjab Province. Analysis of the MICS data for the years 2008, 2011 and 2014 was carried out using multivariate logistic regression analysis. Because our dependent variables of stunting, wasting and underweight (both severe and moderate) are binary in nature, instead of odds ratio in this study, predicted probabilities along with 95% Confidence Interval (CI) are reported that are better for an interpretation and comparison of micro-geographic inequalities in the province.

Results and discussion

Predicted probabilities for underweight and severe underweight, stunting and severe stunting and wasting and severe wasting are given in Table 8.1. There is a clear association between household wealth possession and stunting, wasting and underweight in either moderate or severe forms. Another important thing to note from Table 8.1 is that undernutrition has reduced not only with the increase in wealth quintile but over the years it has also reduced in the lowest quintile too. For example, predicted probabilities for stunting for the year 2008 was 0.51 (95% CI 0.494–0.524) dropping to 0.45 per cent (95% CI 0.433–0.468). The change in predicted probabilities is more in the wealthy quintile relative to the lowest quintile (see Table 8.2). This pattern is visible for all three survey years analysed. Again, the predicted probabilities for stunting has decreased for all wealth quintiles but this reduction was of greater magnitude from 2008 to 2011 (see Table 8.2).

This is true even for moderate and severe wasting and underweight children (Tables 8.1 and 8.2). The only exception is severe wasting for which predicted probabilities for the year 2008 increased slightly (see Table 8.3). Mothers' education is another important predictor of the prevalence of undernutrition in the Punjab. As the education of the mother improves, the predicted probabilities reduce for each survey year. For example, predicted probabilities for stunting, for 2014, were 0.378 (95% CI 0.368–0.389) for pre-school/illiterate mothers, while they were 0.186 (95% CI 0.164–0.208) for the higher educated mothers (see Table 8.2). As mothers' level of education improves, predicted probability of stunting and severe stunting falls for all the survey years. Therefore, it can easily be seen that more educated the mother, the less likely will be the

Table 8.1 Predicted probabilities (95% confidence intervals) for underweight and severely underweight children across categories of social and regional determinants over the three survey years (MICS 2008, 2011 and 2014, the Punjab)

<i>Variables</i>	<i>Predicted probabilities [95% confidence interval]</i>				<i>Predicted probabilities [95% confidence interval]</i>			
	<i>Underweight (Moderate below minus 2 SD)</i>				<i>Underweight (Severe below minus 3 SD)</i>			
	2008	2011	2014		2008	2011	2014	
<i>Gender</i>								
Male	0.343 [0.336–0.349]	0.331 [0.324–0.338]	0.338 [0.329–0.347]		0.112 [0.108–0.116]	0.113 [0.109–0.117]	0.113 [0.108–0.119]	
Female	0.329 [0.323–0.336]	0.32 [0.314–0.327]	0.336 [0.327–0.345]		0.113 [0.109–0.117]	0.111 [0.106–0.116]	0.112 [0.106–0.118]	
<i>Household wealth</i>								
Lowest	0.403 [0.388–0.417]	0.406 [0.392–0.421]	0.436 [0.419–0.454]		0.146 [0.138–0.155]	0.155 [0.145–0.165]	0.171 [0.158–0.184]	
Second	0.363 [0.353–0.374]	0.362 [0.351–0.373]	0.37 [0.355–0.385]		0.117 [0.11–0.123]	0.127 [0.12–0.135]	0.12 [0.111–0.13]	
Middle	0.331 [0.32–0.342]	0.319 [0.308–0.33]	0.322 [0.308–0.336]		0.103 [0.096–0.109]	0.104 [0.096–0.111]	0.095 [0.086–0.104]	
Fourth	0.297 [0.286–0.308]	0.28 [0.269–0.291]	0.295 [0.279–0.311]		0.097 [0.09–0.104]	0.081 [0.074–0.087]	0.078 [0.069–0.088]	
Highest	0.265 [0.25–0.279]	0.221 [0.208–0.235]	0.208 [0.188–0.228]		0.09 [0.08–0.099]	0.061 [0.053–0.068]	0.056 [0.043–0.068]	
<i>Ethnicity</i>								
Urdu	0.337 [0.313–0.362]	0.335 [0.313–0.358]	0.377 [0.341–0.414]		0.105 [0.089–0.121]	0.121 [0.104–0.139]	0.119 [0.09–0.148]	
Punjabi	0.332 [0.326–0.338]	0.319 [0.313–0.325]	0.34 [0.331–0.349]		0.113 [0.109–0.117]	0.106 [0.101–0.11]	0.115 [0.108–0.122]	
Seraiki	0.346 [0.334–0.358]	0.34 [0.328–0.352]	0.316 [0.301–0.332]		0.113 [0.105–0.12]	0.12 [0.112–0.128]	0.106 [0.097–0.115]	
Other	0.353 [0.332–0.375]	0.339 [0.319–0.36]	0.367 [0.341–0.392]		0.115 [0.101–0.129]	0.137 [0.122–0.152]	0.127 [0.11–0.145]	
<i>Maternal education</i>								
Pre-school	0.359 [0.352–0.366]	0.357 [0.35–0.365]	0.374 [0.363–0.385]		0.119 [0.115–0.123]	0.128 [0.123–0.133]	0.132 [0.125–0.139]	
Primary	0.323 [0.31–0.336]	0.333 [0.321–0.345]	0.348 [0.332–0.364]		0.096 [0.088–0.103]	0.106 [0.099–0.114]	0.111 [0.1–0.122]	
Middle	0.311 [0.293–0.328]	0.304 [0.286–0.321]	0.3 [0.28–0.321]		0.101 [0.09–0.112]	0.088 [0.075–0.102]	0.083 [0.069–0.096]	
Secondary	0.298 [0.282–0.313]	0.263 [0.25–0.277]	0.287 [0.266–0.307]		0.111 [0.099–0.122]	0.075 [0.066–0.083]	0.077 [0.064–0.09]	
Higher	0.253 [0.235–0.271]	0.197 [0.182–0.212]	0.208 [0.185–0.231]		0.103 [0.09–0.115]	0.058 [0.048–0.068]	0.05 [0.037–0.063]	
<i>Type of residence</i>								
Urban	0.351 [0.341–0.361]	0.358 [0.348–0.368]	0.365 [0.351–0.379]		0.122 [0.114–0.129]	0.131 [0.123–0.139]	0.126 [0.114–0.137]	
Rural	0.331 [0.325–0.337]	0.316 [0.31–0.322]	0.327 [0.319–0.334]		0.11 [0.106–0.113]	0.108 [0.104–0.111]	0.11 [0.105–0.114]	

Administrative division

Bahawalpur	0.337 [0.326–0.347]	0.337 [0.325–0.349]	0.375 [0.355–0.395]	0.113 [0.106–0.12]	0.121 [0.113–0.129]	0.132 [0.119–0.145]
D.G. Khan	0.346 [0.33–0.363]	0.34 [0.323–0.357]	0.369 [0.348–0.389]	0.12 [0.11–0.131]	0.116 [0.106–0.127]	0.125 [0.112–0.137]
Faisalabad	0.347 [0.335–0.359]	0.331 [0.316–0.345]	0.343 [0.323–0.363]	0.116 [0.107–0.124]	0.109 [0.099–0.119]	0.112 [0.099–0.125]
Gujranwala	0.313 [0.3–0.325]	0.279 [0.266–0.292]	0.285 [0.268–0.301]	0.113 [0.104–0.122]	0.096 [0.086–0.105]	0.09 [0.079–0.101]
Lahore	0.312 [0.295–0.329]	0.342 [0.328–0.356]	0.362 [0.341–0.382]	0.085 [0.077–0.094]	0.119 [0.109–0.13]	0.127 [0.111–0.142]
Multan	0.383 [0.369–0.397]	0.36 [0.347–0.374]	0.347 [0.328–0.367]	0.127 [0.117–0.136]	0.132 [0.122–0.141]	0.115 [0.102–0.128]
Rawalpindi	0.316 [0.302–0.331]	0.292 [0.275–0.309]	0.258 [0.235–0.281]	0.089 [0.08–0.099]	0.08 [0.069–0.092]	0.077 [0.061–0.092]
Sahiwal	0.341 [0.323–0.359]	0.343 [0.321–0.364]	0.339 [0.318–0.359]	0.127 [0.114–0.139]	0.12 [0.106–0.134]	0.112 [0.098–0.126]
Sargodha	0.349 [0.334–0.365]	0.293 [0.28–0.306]	0.315 [0.295–0.335]	0.14 [0.129–0.152]	0.092 [0.084–0.1]	0.096 [0.084–0.108]

Source: Authors' calculations based on the data from Multiple Indicator Cluster Surveys conducted in the Punjab, Pakistan, in 2008, 2011 and 2014.

Table 8.2 Predicted probabilities (95% confidence intervals) for stunted and severely stunted children across categories of social and regional determinants over the three survey years (MICS 2008, 2011 and 2014, the Punjab)

<i>Variables</i>	<i>Predicted probabilities [95% confidence interval]</i>			<i>Predicted probabilities [95% confidence interval]</i>		
	<i>Stunted (Moderate below minus 2 SD)</i>			<i>Stunted (Severe below minus 3 SD)</i>		
	2008	2011	2014	2008	2011	2014
<i>Gender</i>						
Male	0.428 [0.421 0.435]	0.368 [0.361 0.375]	0.337 [0.329 0.346]	0.237 [0.231 0.243]	0.156 [0.151 0.162]	0.134 [0.128 0.14]
Female	0.421 [0.414 0.427]	0.351 [0.344 0.358]	0.332 [0.323 0.341]	0.229 [0.223 0.235]	0.148 [0.143 0.154]	0.133 [0.126 0.139]
<i>Wealth quintile</i>						
Lowest	0.509 [0.494 0.524]	0.446 [0.431 0.461]	0.45 [0.433 0.468]	0.297 [0.282 0.312]	0.212 [0.2 0.224]	0.201 [0.186 0.215]
Second	0.456 [0.445 0.467]	0.405 [0.394 0.417]	0.373 [0.358 0.388]	0.256 [0.246 0.265]	0.172 [0.164 0.181]	0.148 [0.137 0.159]
Middle	0.421 [0.409 0.432]	0.353 [0.341 0.364]	0.309 [0.295 0.323]	0.224 [0.215 0.233]	0.137 [0.129 0.146]	0.112 [0.102 0.121]
Fourth	0.38 [0.369 0.392]	0.308 [0.297 0.319]	0.277 [0.261 0.292]	0.195 [0.185 0.204]	0.117 [0.109 0.125]	0.092 [0.082 0.103]
Highest	0.334 [0.318 0.349]	0.247 [0.233 0.261]	0.208 [0.188 0.229]	0.176 [0.164 0.188]	0.082 [0.073 0.091]	0.062 [0.05 0.075]
<i>Ethnicity</i>						
Urdu	0.417 [0.391 0.442]	0.348 [0.325 0.371]	0.35 [0.313 0.387]	0.227 [0.205 0.25]	0.143 [0.124 0.161]	0.137 [0.105 0.169]
Punjabi	0.417 [0.411 0.423]	0.348 [0.342 0.355]	0.333 [0.324 0.342]	0.229 [0.224 0.235]	0.139 [0.134 0.144]	0.124 [0.117 0.131]
Seraiki	0.448 [0.434 0.461]	0.39 [0.378 0.403]	0.328 [0.312 0.343]	0.246 [0.234 0.257]	0.179 [0.169 0.189]	0.144 [0.132 0.155]
Other	0.451 [0.428 0.473]	0.381 [0.36 0.402]	0.372 [0.346 0.397]	0.234 [0.215 0.253]	0.186 [0.169 0.203]	0.165 [0.146 0.185]
<i>Mother's Education</i>						
Pre-school	0.451 [0.444 0.458]	0.398 [0.39 0.406]	0.378 [0.368 0.389]	0.249 [0.243 0.255]	0.172 [0.166 0.177]	0.155 [0.147 0.162]
Primary	0.408 [0.395 0.421]	0.364 [0.352 0.376]	0.346 [0.33 0.361]	0.216 [0.204 0.227]	0.149 [0.138 0.159]	0.126 [0.115 0.138]
Middle	0.399 [0.381 0.418]	0.332 [0.315 0.349]	0.309 [0.287 0.331]	0.208 [0.193 0.223]	0.127 [0.112 0.141]	0.112 [0.096 0.128]
Secondary	0.378 [0.362 0.394]	0.288 [0.273 0.302]	0.265 [0.245 0.285]	0.207 [0.193 0.221]	0.107 [0.097 0.117]	0.091 [0.076 0.106]
Higher	0.335 [0.316 0.354]	0.221 [0.206 0.237]	0.186 [0.164 0.208]	0.191 [0.174 0.207]	0.077 [0.066 0.088]	0.055 [0.042 0.069]
<i>Type of residence</i>						
Urban	0.455 [0.444 0.465]	0.392 [0.382 0.403]	0.36 [0.345 0.374]	0.265 [0.255 0.275]	0.174 [0.165 0.183]	0.153 [0.141 0.165]
Rural	0.413 [0.407 0.419]	0.35 [0.344 0.355]	0.326 [0.319 0.334]	0.223 [0.218 0.228]	0.147 [0.143 0.152]	0.128 [0.123 0.133]

Administrative division

Bahawalpur	0.386 [0.374 0.397]	0.368 [0.355 0.38]	0.35 [0.331 0.369]	0.192 [0.183 0.2]	0.151 [0.143 0.16]	0.144 [0.131 0.157]
D.G. Khan	0.465 [0.447 0.482]	0.38 [0.362 0.397]	0.367 [0.347 0.388]	0.27 [0.255 0.286]	0.159 [0.147 0.171]	0.149 [0.135 0.162]
Faisalabad	0.473 [0.46 0.485]	0.371 [0.356 0.385]	0.306 [0.287 0.326]	0.275 [0.264 0.287]	0.154 [0.142 0.166]	0.122 [0.108 0.136]
Gujranwala	0.44 [0.426 0.453]	0.361 [0.346 0.375]	0.341 [0.324 0.358]	0.245 [0.233 0.257]	0.157 [0.145 0.169]	0.126 [0.113 0.14]
Lahore	0.401 [0.383 0.418]	0.373 [0.359 0.387]	0.381 [0.361 0.402]	0.207 [0.191 0.222]	0.173 [0.161 0.185]	0.166 [0.148 0.183]
Multan	0.463 [0.448 0.477]	0.37 [0.357 0.383]	0.319 [0.3 0.338]	0.266 [0.253 0.278]	0.159 [0.149 0.169]	0.126 [0.113 0.139]
Rawalpindi	0.339 [0.324 0.354]	0.327 [0.309 0.344]	0.27 [0.247 0.294]	0.174 [0.162 0.186]	0.117 [0.103 0.13]	0.094 [0.077 0.112]
Sahiwal	0.43 [0.411 0.449]	0.339 [0.318 0.361]	0.323 [0.302 0.343]	0.236 [0.22 0.252]	0.159 [0.142 0.175]	0.132 [0.117 0.148]
Sargodha	0.396 [0.38 0.413]	0.303 [0.29 0.316]	0.294 [0.275 0.313]	0.22 [0.206 0.234]	0.109 [0.1 0.118]	0.099 [0.087 0.112]

Source: These are the authors' calculations based on the data from Multiple Indicator Cluster Surveys conducted in the Punjab, Pakistan, in 2008, 2011 and 2014.

occurrence of child undernutrition.³² Ethnicity is another important explanatory variable which plays an important role in the prevalence of undernutrition in the Punjab. The result for ethnicity is surprising as well as important to understand. Among children speaking Urdu, Punjabi and Seraiki, Seraiki-speaking children face a relatively higher burden of undernutrition compared to Urdu-speaking children. But this is true only for survey year 2008 and 2011 while the predicted probability of being stunted for the Seraiki is lower than Urdu-speaking children for the year 2014 (see Table 8.2).

On the contrary, Urdu-speaking children are more likely to be wasted than Seraiki children and this is true for the 2008, 2011 and 2014 survey years (Table 8.3). Wasting is positively associated with ethnicity, meaning that from 2008 to 2014, the predicted probabilities of being wasted increased among Urdu-speaking children as well as among other ethnic groups of children. On the other hand, severely wasted children and ethnicity are almost similar among various ethnic groups of children as well as in the three survey years. Ethnicity and the probability of being underweight and severely underweight are positively associated. For example, a Seraiki child is highly likely to be underweight relative to an Urdu-speaking child. This is not true for severely underweight children as there is no difference between Seraiki-speaking children and children speaking Urdu or Punjabi.

The Seraiki ethnicity improved its predicted probabilities in 2008 to 2014 survey years for each of the six categories of undernutrition. However, inequalities on an ethnic basis still persist and are widespread. Children belonging to the rural Punjab are less likely to be undernourished regardless of the year of the survey and measure of undernutrition, i.e. severe and moderate stunting, wasting and underweight. For stunting and severe stunting, both rural and urban areas' predicted probabilities fell in 2008 to 2014. Interestingly, for wasting, both urban and rural probabilities of being undernourished increased while for severe wasting, rural and urban probabilities are relatively unchanged (Table 8.3). Urban predicted probabilities of underweight children for 2014 are relatively higher than those of the 2008 survey year. Although rural probabilities declined at first for the year 2011 and then increased relatively for the year 2014, this is also true for severely underweight children.

This analysis of undernutrition inequalities in terms of stunting, wasting and underweight, in their moderate and severe forms, for children younger than five years, is a first attempt to measure the undernutrition inequality in the Punjab, and presents some surprising results. There are five major findings of this analysis using MICS 2008, 2011 and 2014 for the Punjab Province. First, the overall prevalence of underweight and severe underweight cases in the Punjab remained almost stagnant at 33.6 per cent, while stunting and wasting reduced over the said period. Both stunting and wasting showed a rapid reduction from 2008 to 2011 and then slowed down for the year 2014.

This is due to the fact that political instability in the province was on the rise as well as floods and heavy torrential rains in the last few years due to climatic changes that severely damaged standing (food and cash) crops and livestock.

Second, the rural Punjab is relatively better off in terms of prevalence of stunting, wasting and underweight children compared to the urban Punjab as well as showing girl children are better off than boys. Third, stunting for wealthy quintile children showed a rapid reduction from 2008 to 2014 better than the lowest wealth quintile and this is also true for education categories. Wasting and underweight give a surprising picture. For example, wasting reduced for the lowest quintile but for the richest quintile, wasting prevalence remained stagnant. Also, for pre-primary ages, wasting reduced while for maternal higher education children, it actually increased.

On the contrary, wasting, an indicator of seasonal variation in nutrition,³³ increased for both the poorest wealth quintile and pre-primary mother's educational level but for the richest wealth quintile and higher mother's education level, it reduced. The behaviour of wasting reduction is of the utmost importance in case of the Punjab over the said period due to the fact that the Punjab for the consecutive years 2010–14 suffered severe floods that damaged the agriculture production base of the majority of the population. Also, this caused a reduction in household food production as well as in income. Therefore, this analysis of undernutrition inequalities in the Punjab shows that households with low buying power are less educated, and are more vulnerable to finding their pre-school children are in the undernutrition trap. Fourth, administrative divisions which are heavily dependent on agriculture such as Dera Ghazi Khan (DG Khan), Bahawalpur and Multan suffer higher undernutrition of children compared to divisions that rely less on agriculture or their income sources are diversified, for example, Lahore and Rawalpindi. Of note, is the importance of the ethnicity of these three divisions (DG Khan, Bahawalpur and Multan) which are predominantly Seraiki-speaking. Thus, compared to Punjabi- or Urdu-speaking children, the prevalence of undernutrition in Seraiki-speaking children is higher. This also points to social exclusion based on ethnicity and needs further investigation.

Comparison based on the trends of undernutrition prevalence presents a dismal picture. For example, the disparities in terms of stunting among the poorest and richest quintile increased although the stunting prevalence reduced by almost 10 percentage point from 2008 to 2014 in the Punjab. This fact points towards the role of income as well as education which helped to reduce undernutrition, especially stunting prevalence, in Bangladesh and Nepal.³⁴ In the Punjab, Pakistani female literacy is lower than the provincial average and the difference between the household income of the poorest quintile and the richest quintile is almost five-fold,³⁵ which indicates how vulnerable the uneducated and the poor in this province are. This fact is also predicted by our analysis. A similar situation can be seen in the case of stunting prevalence and maternal education levels. All educational groups observe a decline in stunting prevalence but that reduction is in favour of those mothers who possess a higher level of education relative to those having no or only pre-primary education.

Over time, two distinct phenomena are happening in the province; one is that change in educational enrolment at primary level is not improving and thus the Punjab has the highest number of children out of school in the country, also

Table 8.3 Predicted probabilities (95% confidence intervals) for wasted and severely wasted children across categories of social and regional determinants over the three survey years (MICS 2008, 2011 and 2014, Punjab)

Variables	Predicted probabilities [95% confidence interval]			Predicted probabilities [95% confidence interval]		
	Wasted (Moderate below minus 2 SD)			Wasted (Severe below minus 3 SD)		
	2008	2011	2014	2008	2011	2014
<i>Gender</i>						
Male	0.137 [0.147 0.171]	0.171 [0.166 0.176]	0.188 [0.18 0.195]	0.059 [0.055 0.062]	0.051 [0.048 0.054]	0.05 [0.045 0.054]
Female	0.121 [0.13 0.143]	0.143 [0.138 0.148]	0.163 [0.156 0.17]	0.053 [0.05 0.056]	0.037 [0.034 0.04]	0.039 [0.035 0.042]
<i>Wealth quintile</i>						
Lowest	0.135 [0.153 0.189]	0.189 [0.178 0.2]	0.205 [0.191 0.219]	0.053 [0.048 0.059]	0.055 [0.049 0.061]	0.058 [0.05 0.066]
Second	0.125 [0.14 0.17]	0.17 [0.162 0.179]	0.181 [0.169 0.194]	0.052 [0.047 0.057]	0.052 [0.047 0.058]	0.049 [0.042 0.056]
Middle	0.124 [0.139 0.154]	0.154 [0.147 0.161]	0.184 [0.172 0.196]	0.055 [0.05 0.06]	0.041 [0.037 0.045]	0.041 [0.035 0.047]
Fourth	0.125 [0.139 0.141]	0.141 [0.133 0.149]	0.161 [0.149 0.174]	0.057 [0.052 0.063]	0.036 [0.032 0.041]	0.04 [0.033 0.046]
Highest	0.12 [0.14 0.121]	0.121 [0.111 0.131]	0.131 [0.115 0.147]	0.06 [0.053 0.068]	0.033 [0.027 0.038]	0.027 [0.019 0.034]
<i>Ethnicity</i>						
Urdu	0.12 [0.153 0.182]	0.182 [0.163 0.2]	0.214 [0.183 0.244]	0.056 [0.045 0.068]	0.04 [0.031 0.049]	0.043 [0.029 0.057]
Punjabi	0.132 [0.14 0.158]	0.158 [0.153 0.163]	0.181 [0.173 0.188]	0.056 [0.053 0.059]	0.045 [0.042 0.048]	0.045 [0.041 0.049]
Seraiki	0.12 [0.137 0.151]	0.151 [0.142 0.16]	0.156 [0.144 0.168]	0.055 [0.049 0.061]	0.042 [0.037 0.047]	0.042 [0.036 0.049]
Other	0.115 [0.145 0.159]	0.159 [0.143 0.175]	0.178 [0.157 0.2]	0.054 [0.043 0.064]	0.05 [0.041 0.06]	0.041 [0.03 0.052]
<i>Mother's education</i>						
Pre-school	0.128 [0.138 0.164]	0.164 [0.159 0.17]	0.186 [0.178 0.195]	0.053 [0.049 0.056]	0.049 [0.046 0.052]	0.048 [0.043 0.052]
Primary	0.127 [0.145 0.156]	0.156 [0.147 0.165]	0.178 [0.166 0.191]	0.052 [0.046 0.057]	0.04 [0.035 0.044]	0.04 [0.034 0.046]
Middle	0.116 [0.139 0.153]	0.153 [0.142 0.165]	0.16 [0.144 0.177]	0.056 [0.048 0.064]	0.039 [0.033 0.045]	0.048 [0.038 0.059]
Secondary	0.128 [0.15 0.146]	0.146 [0.135 0.157]	0.162 [0.146 0.178]	0.065 [0.057 0.074]	0.037 [0.031 0.044]	0.038 [0.029 0.046]
Higher	0.126 [0.153 0.128]	0.128 [0.116 0.14]	0.145 [0.126 0.164]	0.07 [0.06 0.08]	0.034 [0.027 0.04]	0.035 [0.026 0.045]
<i>Type of residence</i>						
Urban	0.136 [0.151 0.178]	0.178 [0.17 0.186]	0.188 [0.176 0.2]	0.062 [0.057 0.067]	0.052 [0.047 0.057]	0.047 [0.041 0.054]
Rural	0.126 [0.135 0.151]	0.151 [0.146 0.155]	0.171 [0.164 0.177]	0.053 [0.05 0.056]	0.042 [0.04 0.045]	0.043 [0.04 0.046]

Administrative division

Bahawalpur	0.114 [0.13 0.16]	0.16 [0.151 0.17]	0.199 [0.182 0.216]	0.044 [0.039 0.049]	0.046 [0.04 0.051]	0.053 [0.044 0.062]
D.G. Khan	0.134 [0.159 0.146]	0.146 [0.134 0.159]	0.181 [0.163 0.198]	0.072 [0.063 0.081]	0.036 [0.03 0.043]	0.037 [0.029 0.045]
Faisalabad	0.11 [0.126 0.142]	0.142 [0.132 0.152]	0.206 [0.188 0.223]	0.045 [0.039 0.05]	0.034 [0.027 0.04]	0.067 [0.056 0.078]
Gujranwala	0.121 [0.139 0.125]	0.125 [0.117 0.133]	0.14 [0.128 0.152]	0.066 [0.059 0.072]	0.037 [0.033 0.042]	0.037 [0.03 0.043]
Lahore	0.107 [0.126 0.163]	0.163 [0.152 0.174]	0.16 [0.145 0.175]	0.045 [0.039 0.051]	0.05 [0.044 0.057]	0.04 [0.031 0.048]
Multan	0.143 [0.165 0.206]	0.206 [0.194 0.217]	0.204 [0.186 0.221]	0.053 [0.046 0.06]	0.064 [0.057 0.072]	0.048 [0.039 0.057]
Rawalpindi	0.148 [0.17 0.139]	0.139 [0.125 0.152]	0.144 [0.126 0.162]	0.05 [0.043 0.056]	0.033 [0.025 0.04]	0.031 [0.022 0.04]
Sahiwal	0.124 [0.15 0.194]	0.194 [0.175 0.212]	0.172 [0.155 0.189]	0.064 [0.054 0.074]	0.061 [0.05 0.071]	0.04 [0.032 0.049]
Sargodha	0.159 [0.185 0.154]	0.154 [0.143 0.165]	0.176 [0.16 0.193]	0.09 [0.08 0.1]	0.04 [0.035 0.046]	0.038 [0.029 0.046]

Source: These are the authors' calculations based on the data from Multiple Indicator Cluster Surveys conducted in the Punjab, Pakistan, in 2008, 2011 and 2014.

income inequality is increasing with rising food prices as well as due to floods and agriculture crop failures.³⁶ Inequality among the micro-geographies of the Punjab Province is stark as well as their pattern of reduction over time. For example, the south of the Punjab includes Bahawalpur, Multan and DG Khan divisions with the highest levels of stunting, wasting and underweight prevalence compared to other divisions of the province. Furthermore, the decline among these three divisions was higher in Multan, followed by DG Khan and Bahawalpur, respectively. However in all the divisions, Faisalabad and Multan observed a speedy reduction in stunting prevalence. Disparities in undernutrition by ethnic composition also reduced, though the prevalence of stunting is higher among Seraiki-speaking compared to Urdu-speaking children. Wasting prevalence has widened over time between Urdu-speaking and Seraiki-speaking children, surprisingly. This might be due to the fact that the three administrative divisions where the Seraiki-speaking population reside are heavily dependent on agriculture and the main focus is on agriculture income.

Also, these regions, historically speaking, had a low level of human and social development.³⁷ This study found contrasting results for undernutrition prevalence in terms of rural and urban residence and for boys and girls younger than five years. There is a reduction in stunting prevalence in urban and rural areas of the Punjab and it is almost of the same magnitude. On the contrary, wasting inequality has increased for both rural and urban areas whereas the inequality in underweight prevalence remained unchanged. For boys and girls, disparities for underweight remained unchanged, while for stunting it increased and for wasting, though it reduced over time, it remained unchanged in terms of magnitude. The same is the case with stunting prevalence as its predicted probabilities in gender terms decreased.

A few caveats need to be observed. This study reflects urban and rural Punjab alone. It does not represent national trends. Also, this study used logistic regression models to predict the probabilities in socio-economic and micro-geographic terms for the Punjab only, thus, it is in any case an association of undernutrition with that of socio-economic variables and not its causation. The data provided by MICS does not provide an absolute level of wealth possession of a household, which is important to compare the results over time. Thus, this study provides a comparative statistic of predicted probabilities on a wealth quintile basis which is rather a limitation of the data availability. Nevertheless, this limitation does not undermine the analysis presented by this study and thus raises some important questions regarding the Sustainable Development Goals (SDGs) for the Punjab, Pakistan. Furthermore, multiple births are prone to result in deprived health outcomes for children under 5 years. This study is unable to account for this, bearing in mind the small number of such birth cases.

Conclusion

This is a unique study in its form and analysis for the Punjab, Pakistan, as it is the first time that such an analysis has been carried out to estimate and

understand the prevalence of undernutrition disparities in the Punjab using three episodes of the Multiple Indicator Cluster Survey (MICS) data for the period 2008–14. It is important at this juncture to analyse the socio-economic disparities in stunting, wasting and underweight for children younger than five as this is one of the pillars of the Punjab Growth Strategy 2018 and the Punjab Health Sector Plan 2018. Although the Punjab performed better than the other provinces in terms of meeting the MDGs, it still remained unable to meet its set targets. Therefore, this study ignites new debate in terms of reducing childhood undernutrition, which is one of the pillars of the SDGs.

This analysis presented a clear picture to the policy-makers to make them look into the persistent inequalities and learn from the experience of those countries that have been able to rapidly reduce their burden of undernutrition, such as Bangladesh and Nepal. Improvements in female education will bring long-lasting impacts on the health of their children, especially the younger children. Although the prevalence of stunting, wasting and underweight has decreased with varying degrees, undernutrition is still high in the Punjab. There is some improvement in undernutrition inequality reduction across the wealth quintiles and maternal educational level and rural/urban residence split. Nonetheless, there still exist widespread socio-economic inequalities that breed undernutrition outcomes in terms of wasting, stunting and underweight. These three measures capture not only the acute and chronic effects of undernutrition but also seasonal variations. Political leaders in Pakistan, especially in the Punjab, should take concrete measures to tackle these persistent inequalities.

Notes

- 1 Multiple Indicator Cluster Surveys (MICS) are an initiative of the United Nations Children's Fund (UNICEF) in collaboration with more than a hundred countries around the world. The MICS were originally launched in 1995. The latest survey on Pakistan, which is publicly available, was conducted in 2014. The survey conducted in 2019 has not been made public as yet. For details, visit www.mics.unicef.org (accessed 20 May 2019).
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9 Development, multilateral institutions and Pakistan

A critical debate

Ahmed Waqas Waheed

Introduction

The 1990s witnessed the evolution of cosmopolitanism as a conceptual paradigmatic alternative to mainstream theoretical concerns. Theorists of this tradition have set out a research agenda for a global political order that is as concentrated on a political order as it is in laying down an interdisciplinary foundation that cuts across law,¹ international relations,² political philosophy³ and sociology.⁴ Cosmopolitans, across various disciplines, share three basic suppositions: individualism, universalism and generality.⁵ These postulates of cosmopolitanism intersect and, if read in consonance, advocate that all human beings are equally ultimate units of concern (ethically, morally and politically) and that they are 'ultimate units of concern for everyone'.⁶ Consequentially, then, in international relations, cosmopolitanism challenges the idea of state sovereignty as an immutable, autonomous political doctrine that bestows ultimate moral and legal authority upon the state. It finds state sovereignty, as understood in practical and realist terms, incompatible with human well-being and thus moves to resolve this disparity by placing the onus of the global order on human rights which transcend and limit state sovereignty.

Cosmopolitanism has drawn criticism from various theoretical quarters. Some have sought to question the legal, cultural and political foundations of cosmopolitanism.⁷ Others have sought to debate cosmopolitan assertions made in the case of multilateral financial institutions in the international sphere by arguing that 'non-Western states have little choice but to accept discriminatory trade regulations or to accept the conditions set by the World Bank and the IMF in order to gain access to loans or development aid'.⁸ The critique on cosmopolitanism is hence as varied as the discourse on it. This chapter seeks to contribute to these critiques of cosmopolitanism. The questions it particularly raises are: (1) does cosmopolitanism capture the political reality of Third World states, and, by extension, Pakistan?; and (2) whether multilateral institutions such as the International Monetary Fund (IMF), the World Bank and the United Nations (UN) have evolved to provide central space to human rights concerns or do they continue to remain hostage to great power interests? The chapter distinctly attempts to situate Pakistan within the polemical parameters of cosmopolitanism by

analysing Pakistan's experience with multilateral institutions over the years, particularly focusing on the years before and after the advent of the War on Terror in 2001. This comparison will provide us with the analytical tools to assess the vagaries of the interaction between Pakistan and multilateral institutions.

The chapter argues that cosmopolitanism does not capture the political reality of Third World states. It is demonstrated that even though it is argued that multilateral institutions are increasingly becoming more human rights-centred, strategic interests of the western states, led by the US, often supersede human rights. Further, the chapter demonstrates, given the US preponderance and influence in the multilateral institutions, that the multilateral institutions continue to be used as a tool of US interests.

The first section provides a general overview of cosmopolitanism before moving on to provide a deeper understanding of how the debate on the changing norms of sovereignty are received by the theorists of this tradition. The second section seeks to analyse Pakistan's relationship with various international organisations, which are at the centre of transnational activity and, hence, are the practical foundations of the cosmopolitan world order. Since cosmopolitanism cuts through the realist conception of state sovereignty, this chapter critiques cosmopolitan conceptions by situating them within the parameters of Pakistan's experience with international institutions such as the UN, the IMF, the World Bank, the International Atomic Energy Agency (IAEA) and Interpol. The chapter argues that cosmopolitanism theorists ignore the considerable influence of the US on these international organisations and have, consequently, failed to take the argumentative paths necessary to ensconce Third World political reality.

The cosmopolitanist view

Cosmopolitanists believe that geographical and cultural locations should not fence human well-being.⁹ Alternatively, for them, cosmopolitanism may also be understood as the capacity to mediate 'between national tradition, communities of fate and alternative styles of life'.¹⁰ Traditionally, states, especially those which have undergone periods of dictatorial regimes and humanitarian crises, have remained unable to deliver public goods to their citizens. For cosmopolitan theorists, then, the first step in the right direction is to strip away the ontological privilege that states enjoy as actors that deliver public goods exclusively.¹¹ They thus propose a political order in which all political entities, including states, international governmental organisations (IGOs) and international non-governmental organisations (INGOs) are 'bound by a rule based order which articulates and entrenches cosmopolitan principles',¹² implying, that states, among other political entities, should be weighed and measured by the extent to which they deliver public goods.

Cosmopolitans argue that the idea of placing equal respect and concern for human beings at the centre of the international agenda, one which cuts through the barriers raised by state sovereignty is not a utopian ideal, but rather a development that remains central to the post-Second World War legal and political

evolution of the international system. This has led some to argue that 'any assumption that sovereignty is an indivisible, illimitable, exclusive and perpetual form of public power – entrenched within an individual state – is now defunct'.¹³

They further argue that the transformation in world politics, from a state-centric one to a more cosmopolitan one, is due to certain changes over the previous century. These changes include, among others, the rapid processes of globalisation, the end of the Cold War and the extension and expansion of democratic ideals throughout the world.¹⁴ However, while Held agrees that there are strong foundations for cosmopolitanism to transform into a global phenomenon, he also agrees that there is a long way to go before the world reaches 'a cosmopolitan global order utopia'.¹⁵ Impediments to such a global order, according to him, are embedded in

the susceptibility of the UN to the agendas of the most powerful states, the partiality of many of its enforcing organisations, the continued dependency of its programmes on financial support from a few major states, the weaknesses of the policing of many environmental regimes (regional and global).¹⁶

Nonetheless, cosmopolitans are optimistic in their understanding of the transforming nature of global politics. They argue that while it is true that global politics seem to largely pivot around the state-centric model, which endows power and interest, 'the conditions for the reconstruction of international relations along cosmopolitan lines are now ripe'.¹⁷

Thus, the idea of cosmopolitanism envisages a change in the global political structure by transcending the boundaries defined by a traditional and rigid concept of sovereignty. Cosmopolitan theorists thus remove the onus of the rights of citizens from the clutches of the state and hence away from territorially defined rights of the citizens within these states and capture it within a global democracy. They emphasise the development of new means of engagement and representation that are aimed at cutting across the state and engaging citizens directly. Hence, what these cosmopolitan theorists advocate is that 'rather than the rights of states being the founding principle of international society, it should be the rights of individual citizens'.¹⁸

This is because, they argue, states have proved themselves ineffective in securing the rights of their citizens within their territory and hence, it is imperative that democracy extends beyond the territorial confines of state sovereignty, if the needs of the citizens are to be met. For this reason, they suggest that, similar to how democracy evolved in the eighteenth century, from a town to a state, in the same fashion, it is now required that democracy should transcend from a state to the entire world.¹⁹ Cosmopolitan theorists argue that the idea of a global democracy has been accentuated by the rapid globalisation of the world. Archibugi believes that in such a world, then, where democratic decision-making ensues within states, the citizens of other states suffer their impact, without being part of the decision-making process.²⁰

If the desirable consequence of the changing character of the global political structure is a cosmopolitan utopia of global democracy and global justice, what is the motivation behind the idea? For most proponents of the discourse, the answer is human rights. Humanitarian lapses, during the 1990s, on the part of sovereign nations in the developing and the under-developing world propelled the global community (here, read western states) to identify means and develop measures through which the responsibility of those persecuted could be shared. Such has been the force of the humanitarian argument that now 'the three traditional characteristics of a state ... (territory, authority, and population) have been supplemented by a fourth, respect for human rights'.²¹ For cosmopolitans, due to the changes in the global structure and the normative foundations of international relations with regards to human rights, 'all unfulfilled human rights have come to be, at least potentially everyone's responsibility'.²² It is on this turf of human rights that the cosmopolitans argue for an idealistic notion of global citizenship through a global democracy which provides global justice, which they believe is already in process. Thus, according to them:

The violation of human rights, conditions of extreme poverty, periodic recourse to war, and environmental degradation are but a few of the many problems facing humankind today. These ancient problems have taken on a different dimension today, as they are increasingly difficult to confine to, and sometimes even to situate in, a circumscribed geographic area. The capacity for a territorial government to ensure security and promote prosperity is therefore substantially limited.²³

These conditions have, for the cosmopolitans, necessitated a reconfiguring of state sovereignty along legal and discursive lines. State sovereignty, as traditionally understood, divides its political dominion along the *external* and the *internal*, with the *external* defining inter-state relations in an anarchic environment and the *internal* as moral and legal authority over society. This is highly contentious for the cosmopolitans as it inhibits human well-being and humanitarian efforts. Considering that cosmopolitans pivot their entire discourse on human well-being across territorial, national and cultural divides, in doing so, they emerge as a formidable critic of traditional conceptions of state sovereignty.

Cosmopolitan idealists believe that traditional concepts of sovereignty not only impede global endeavours aimed at promoting prosperity and ensuring security, in many cases, the Westphalian idea of sovereignty is the source of many crises that plague the world, as in the case of failing states. Thus, there is a basic consensus among the variant trends in cosmopolitanism that the traditional rigid parameters of sovereignty need now, more than ever, to evolve to provide space for changing global dynamics pivoted around increased transnational activity.²⁴ Cosmopolitans argue that the growing significance of human rights to post-Cold War international relations has considerably reconfigured the mandate of international organisations to incorporate human rights concerns.

For instance, the transformation of the idea of sovereignty from state sovereignty as authority to state sovereignty as responsibility, which signified a tangential departure from the traditional notion of state sovereignty, has been incorporated in the UN Charter.²⁵ This human rights-centred transformation is not absent in international financial institutions as well. The World Bank development policy has undergone radical change to 'elevate the perceived needs of the poorest. Today, it is hard to find a major World Bank study that does not defer to what it has termed the "voices of the poor"'.²⁶ On the other hand, 'since 1999, the IMF has stressed the central role of poverty reduction in the Fund's strategy for low-income countries'.²⁷ Even humanitarian aid agencies have championed a new human rights-based approach, which enables them 'to cope with the new international situation and the new and complex emergencies that have emerged since the Cold War'.²⁸ However, there are others who believe that the new articulations of human rights form an attack on Third World state sovereignty.²⁹

Critics argue that the new articulations of human rights positions in the post-Cold War world have been equally followed by a staunch resistance by the Third World states to defend their state sovereignty. Consequently, these states have 'emerged as the most strident defenders of Westphalian sovereignty in the international order'.³⁰ Critics further argue that the human rights-centred transformation of international politics has served 'very particular interests including the maintenance of US hegemony'.³¹ In addition, these developments also ensconce a 'hierarchy of power' which considerably favours the US. For instance, the significant influence the US wields in the UN by the nature of its veto power; its considerable clout in the IMF and the World Bank; and the complete US military dominance over all the states in the international sphere are a means to enhance and sustain US hegemony.³² Consequently, for some, then, the discourse on human rights is 'associated with being in the West and cosmopolitanism is seen as being of the West'. Thus, in theory, cosmopolitanism is seen as unrepresentative of the political realities of weaker states in the international system, while in practice it ominously underestimates the prioritisation of the strategic interests of western states, led by the US, over altruistic human rights issues.

Cosmopolitanism and Pakistan

The case of the dictatorial regime of General Pervez Musharraf in Pakistan serves as an example of how US preponderance over other states in the international sphere unmask the façade of the centrality of human rights in contemporary international politics. It further showcases the subservience of human rights to western strategic motives.

Musharraf took over the government of Pakistan through a military coup d'état on 12 October 1999. The US and the international community were swift in their condemnation of the coup. The US President Bill Clinton condemned the act and argued that 'Pakistan's interest would be served by a prompt return

to civilian rule and restoration of the democratic process. I urge that Pakistan move quickly in that direction.³³ He urged Pakistan's military leaders to return the country to civilian democratic rule. The US State Department spokesman James Rubin posited that: 'Clearly, we would not be in a position to carry on business as usual with Pakistani authorities consistent with our laws.'³⁴ The UK Foreign Secretary, 'Mr. Cook said he was deeply worried' by the situation but added that, 'the military there must be under no illusion: we will strongly condemn any unconstitutional actions'.³⁵ The reaction to Pakistan's military coup was not limited to the US and the UK only.

The European Union was quick to react to the takeover. It issued a statement calling for the return of civilian rule, and suspended the signing of a partnership agreement with Pakistan. The then-current EU president Finland said: 'The EU can in no circumstances approve extra-constitutional and non-democratic means in any country and therefore urges the Pakistani military to respect democracy and the parliamentary process.' The Commonwealth – a grouping of former British territories – warned that it might suspend Pakistan if the military did not hand over power quickly. Secretary-General Emeka Anyaoku said that what had happened 'lies in the face' of democracy and 'isolates the Pakistani regime'.³⁶

These condemnations were subsequently followed by actions against Pakistan. Pakistan was subjected to sanctions and remained

ineligible for most forms of US foreign assistance under a provision of the annual foreign assistance appropriations act that bans foreign assistance 'to any country whose duly elected head of government is deposed by military coup or decree ... Foreign Operations Appropriations Act requires that the President determines and certifies to Congress that a democratically elected government has taken office before aid can be restore'.³⁷

This was followed by the Commonwealth's decision to suspend Pakistan's membership and the EU's shelving of plans on cooperation, which cornered Pakistan into international isolation that remained in place till the events of 9/11.

The global community and the US severely chastised Pakistan for what they believed was an act that clearly violated their human rights concerns. The pressure on Pakistan by the international community, which not only included official statements but were subsequently followed by actions such as sanctions and suspension of membership of international organisations, demonstrate that the US was not alone in condemning Pakistan's dictatorial regime. This reaction of the international community to the military coup demonstrated their international commitment to global normative values of democracy and human rights.

However, once the War on Terror commenced, there was a complete reversal of policies by the US and the international community. The US rescheduled Pakistan's debt, waived its sanctions by enacting new legislation, and resumed a substantial aid package. The EU resumed its talks with Pakistan on trade and other important bilateral issues whereas the Commonwealth restored Pakistan's

membership. Don McKinnon, Secretary General of the Commonwealth, argued that the judgement on Pakistan's renewal of Commonwealth membership was based on 'the country's democratic credentials and value of its democratic institutions'.³⁸ Ironically, Pakistan remained in the grip of a dictatorial regime till 2008 and continued to attract support and international legitimacy from members of the international community.

Since traditionally states, especially those which have undergone spells of dictatorial regimes and humanitarian crises, have remained unable to deliver public goods to their citizens, cosmopolitan theorists argue, then, that a first step in the right direction is to strip away the ontological privilege that states enjoy as actors that deliver public goods exclusively.³⁹ Pakistan is a state that has seen decade-long dictatorial regimes in power; however, each dictatorial regime has witnessed immense financial, economic and military support not only from the US but also from multilateral institutions.⁴⁰

Thus, according to the cosmopolitan arguments, the Pakistan state's ontological privilege of sovereignty should be stripped away and handed to a network of institutions that helped consolidate it in the first place. Second, the cosmopolitanists argue that owing to the processes of globalisation, the network of transnational organisations and the expansion of a global civil society, decision-making processes have to an extent become decentralised and the state has been caught at an intersection where it cannot be fully deemed to be absolute in its decision-making.⁴¹ However, Pakistan remains ever sceptical of this network of transnational organisations because its scepticism of the international community at large and of the international financial institutions specifically, have predominantly been shaped by its relationship with the US.

While it is often true that the relationship between the two states are transactional or as some would claim, rentier in nature, the ability of the US to influence multilateral organisations to conform to its strategic interests has not been lost on Pakistan. Pakistan's outlook on multilateral organisations, especially the International Monetary Fund, the World Bank and the United Nations, has been moulded by a recurrent historical pattern of its interaction with these organisations. As Ishrat Hussain, former Governor of the State Bank of Pakistan, said:

The image of the IMF in developing countries and in Pakistan remains tarnished because of the burden of historical legacy, the increasing debate about the efficacy of the IMF programs during the Asian crisis and the political antecedents of a disproportionate influence of the US and western countries on decision making.⁴²

Advocates of human rights claim that international financial institutions such as the IMF and the World Bank have become more human rights-centric than ever before. This reality is not reflected in the case of Pakistan, further it misrepresents the US influence on the IMF since much of the decision-making in the IMF is dominated by the US. This is because the US contributes 17 per cent of IMF liquidity, it therefore holds 17 per cent of the IMF votes. Consequently,

decision-making in the IMF is based on weighted voting. In that sense, then, the US commands *de facto* supremacy in IMF decision-making processes because 'a vote of only 15 per cent is required to veto many board decisions (excluding loan approvals) and that it is nearly impossible for a natural coalition of votes to oppose the voting power of the United States'.⁴³

Pakistan's alliance with the US, in the War on Terror, is demonstrative of the influence that the US wields over the IMF. In October 1999, following a coup by General Pervez Musharraf, the IMF Managing Director, Michel Camdessus stated it was highly unlikely 'that the Fund could offer assistance to Pakistan in the wake of the coup' whereas IMF officials reportedly divulged that the 'release of the next tranche of a 1997 \$1.6 billion loan worth \$280 million could be affected'.⁴⁴ As the Governor of the State Bank of Pakistan, Ishrat Husain notes:

[t]he relationship between Pakistan and IMF in the early days of Musharraf Government was quite rocky and uneasy. The dismissal of a democratically elected government and take over by a military leader was not taken lightly by the major shareholders of the IMF. On the top of this, the new government had to inform the Board about the misreporting of the fiscal deficit data in the year 1998–99. Thus, there was an air of suspicion, scepticism and lack of credibility about the country. Voices were raised at higher level of management and the Board about the country's track record in delivering on its commitments and promises to the international financial community. There was a little sympathy to the proposal made by the GOP [Government of Pakistan] that they were willing to implement all the conditionalities contained in the suspended ESAF/EFF program and that this program should be resumed.⁴⁵

However, 9/11 brought significant changes in the way the IMF dealt with Pakistan. Just days after 11 September 2001, on 22 September 2001, Pakistan had begun successful negotiations with IMF for a \$2.5 billion to \$3 billion three-year IMF programme. It seemed that this time around, the presence of a dictatorial regime in Pakistan, Pakistan's poor economic performance and its lack of credibility were not an issue. A similar pattern can be observed with Pakistan's interaction with the World Bank. Observers note that

following the 9/11 terrorist attacks and the ensuing military campaign in Afghanistan, the World Bank ODA to Pakistan, a key ally of the US in its 'War on Terror', tripled from USD 226 million in 2001 to USD 860 million in 2002.⁴⁶

Anwar demonstrates:

Pakistan received the lowest amount of total official flows from the World Bank (US \$300.8 million), in the year 2000. Then, suddenly, in 2001,

World Bank lending to Pakistan increased to US\$669.17 million. Further, in the year 2002, Pakistan was second among the top ten recipients of high commitments from the IDA. Finally, with even higher disbursements than commitments (US\$961.1 million) in 2002, Pakistan became highest recipient of World Bank lending.⁴⁷

The data shows that international financial institutions lending to Pakistan increased substantially after Pakistan joined the US-led coalition in its War on Terror,⁴⁸ leading Anwar to argue:

throughout the 1970s and the late 1990s, the country was clearly in need of foreign resources. According to the objectives initially defined by multi-lateral financial institutions for distributing loans, IFIs' lending should be based on the economic needs of a country. Thus, Pakistan should have received more lending from international organizations in those times when it faced particular economic hardship.⁴⁹

For Pakistan, the hierarchical nature of international politics remains a stark reality and in consequence, cosmopolitanism becomes a theory that is invasive of its sovereignty. Cosmopolitanism seeks to challenge the Westphalian system which granted Pakistan, a lesser and weaker state, an 'equal standing as western ones within the international order, despite continuing inequalities of economic and military power'.⁵⁰ In essence, then, the cosmopolitan argument for equality across the board, which suggests that international institutions treat all states equally, misrepresents the nature of the relationship between the US and the institutions because most of the international organisations are effective only so far 'as they correspond to the perceived priorities of the United States'.⁵¹ Among the various issues that have plagued Pakistan's experience with multilateral agencies and the US, a prominent example of the misrepresentation of the nature of US-multilateral institutions' relationship, is the issue of US drone attacks in Pakistan.

The Bureau of Investigative Journalism reports 368 drone strikes within Pakistan's territorial boundary, by the US government from 2004 to 2013. However, while Pakistan's government has cried foul on various occasions, it has been unable to halt these territorial incursions. It has been established, that Pakistan's government under General Pervez Musharraf agreed with the US on these drone strikes.⁵² However, recently, the UN Special Rapporteur on counter-terrorism and human rights, Ben Emmerson, after a three-day fact-finding mission, reported the US drone strikes in Pakistan were a violation of international law. According to him:

The position of the government of Pakistan is quite clear: It does not consent to the use of drones by the United States on its territory and it considers this to be a violation of Pakistan's sovereignty and territorial integrity.⁵³

Pakistan's Ministry of Foreign Affairs had further confirmed to him 'that since mid-2010 (and to date) it has regularly sent "notes verbales" to the US embassy in Islamabad protesting the use of drones on the territory of Pakistan' and 'requiring the US to cease these strikes immediately'.⁵⁴ While the legality of these territorial violations of sovereignty are being debated and researched, not only among policy-makers but also by intellectuals,⁵⁵ the US government remains entrenched in its position on these strikes as being necessitated by its involvement in the War on Terror.⁵⁶ The unilateral US drone strikes within Pakistani territory, the complete ignoring of the UN's opinion and Pakistan's protests, provide a clear instance of UN subservience to US interests.

Thus, because of Pakistan's experience, we can argue that the international system exhibits a marked tendency towards the erosion of state sovereignty in the vast majority of states in the international system, 'accompanied by an accumulation of exceptional prerogatives on the part of one state': the US.⁵⁷ In essence, the mesh of multilateral institutions, which the cosmopolitans herald as their practical foundations, is merely effective as long as they do not clash with US political goals. Thus, while cosmopolitan theorists are progressive, in that they prescribe a reordering and restructuring of the global power structure, 'there is a real danger that the cosmopolitan impulse will legitimise a much more hierarchical set of international relationships', dominated by the US.⁵⁸ Another example of this is the development of Pakistan's nuclear programme and its link with US strategic interests.

In January 2004, evidence began to accumulate of a vast nuclear proliferation network. Allegedly, Dr. Abdul Qadeer Khan, the 'father of Pakistan's nuclear bomb', was said to have sold nuclear secrets to countries like Libya, Iran and North Korea.⁵⁹ Further, 'in early January 2005, then-Secretary of State Colin Powell told the press that US officials had presented evidence to Pakistan's leaders of Pakistani involvement in the spread of nuclear weapons technology'.⁶⁰ In a testimony to the Senate Foreign Relations Committee, Condoleezza Rice, the Secretary of State, argued that, 'This is a matter that's being handled by the Pakistanis. It is not our place to talk about what should or should not happen with the IAEA, and we have not.'⁶¹

However, recent evidence suggests that this might not have been the case. The IAEA faced formidable opposition from the US administration but it was not against Pakistan but rather in favour of it, even though it was largely motivated by the United States' own interests. This was evidenced by a Swiss parliamentary commission which concluded that the Swiss government had been successfully pressurised by the US government into destroying evidence collected on the Khan network.⁶² Thus, when delinquent states are central to American interests, as in Saudi Arabia, Israel and, as we have observed, Pakistan, all other moral and ethical concerns, that are the proposed cornerstones of the human rights positions, are held in abeyance.

Cosmopolitans argue that the idea of placing equal respect and concern of human beings at the centre of the international agenda, one which cuts through the barriers raised by state sovereignty is not a utopian ideal, but rather a

development that remains central to the post-Second World War legal and political evolution of the international system. Hence what these cosmopolitan theorists advocate is that 'rather than the rights of states being the founding principle of international society, it should be the rights of individual citizens'.⁶³ This is indeed quite a moral position that is difficult to argue with, but even here the network of organisations that are projected by the cosmopolitans to uphold such humanistic concerns have demonstrated caveats. For example, an instance of multilateral institutions reneging on their 'cosmopolitan' duties is the case of General Pervez Musharraf's arrest. General Pervez Musharraf, the recent dictator in Pakistan's history, was accused in three cases in Pakistan's courts, including the conspiracy to murder Benazir Bhutto in 2007, the abrogation of the Constitution by imposing emergency rule and the illegal detention of the Supreme Court's Chief Justice. Since General Musharraf was in exile and a local arrest could not be made possible, Pakistan sought an arrest warrant for Musharraf by approaching Interpol Headquarters.

Interpol rejected these requests twice. The first time pleading that insufficient documents had been submitted by local authorities and the second time because it found the cases against the general, 'engaged by Pakistan' to have a 'political character', even though his offences were offences of ordinary law and not inherently political ones.⁶⁴ A few observers noted the friendly nature of Musharraf and US relations, with one observer⁶⁵ noting that Musharraf continued to elude Pakistani laws because 'the US genuinely thought of him as a friend'.⁶⁶ Given the close relationship that General Musharraf enjoyed with the US authorities, it became quite evident that any international action against him would be quite improbable, if not impossible. This example demonstrates why Pakistan remains mistrustful of international institutions.

Further, Pakistan's mistrust of multilateral institutions has a historical background as well. Two specific events, the annexation of Jammu and Kashmir in 1947, by the Indian Forces, and the Indian 'humanitarian intervention' into what was East Pakistan in 1971, have reinforced the common perception within the Pakistan state that it operates in an unequal, anarchic environment where multilateral institutions have failed to provide justice and equal treatment vis-à-vis its hegemonic aspirant neighbour, India. In the case of Jammu and Kashmir, Pakistan finds the international community, particularly the UN, ineffective in containing 'human rights violations' in Kashmir.⁶⁷

It seems that the international community (read the UN and the US) has turned a blind eye to human rights concerns in South Asia. However, in Pakistan, a similar case of human rights violation in Balochistan elicited the tabling of a resolution in the US Congress. The resolution introduced by US Congressman Dana Rohrabacher, co-sponsored by House Representatives Louie Gohmert and Steve King, called upon Pakistan to recognise the Baloch right to self-determination. It noted that it was US policy to 'oppose aggression and the violation of human rights inherent in the subjugation of national groups as currently being shown in Iran and Pakistan against the aspirations of the Baloch people'.⁶⁸

There are two issues with this US human rights concerns in Pakistan. First, it is duplicitous, in essence, as a more prolonged human rights violation in Kashmir by neighbouring India has not moved the US in seven decades to resolve the human rights issue. Second, even the US human rights concerns with regards to the Baloch people arise from two non-human rights-centric motives. First, that Washington should 'help the Baloch break away from the federation so that American and NATO forces can have unfettered access to landlocked Afghanistan, given how Pakistan has been holding the US to ransom', in the War on Terror; second, that the US politician 'Rohrabacher wants to "stick it to the Pakistanis" for their support of terrorism, sheltering of Osama Bin Laden, and harassment of US forces'.⁶⁹

Clearly, then, US pursuit of universal human rights, is not as moral-driven, as might apparently seem. Herein lays the paradox. The cosmopolitan discourse that pivots on human rights has been captured in a hierarchical practice that serves to protect US political and strategic interests and seems to be used only as a pressure tactic rather than the universal aspiration of which the cosmopolitans boast.

For the Pakistani state, the Westphalian values of sovereignty and non-interference had provided the perfect bastion against external interference. Consequently, any efforts by the multilateral institutions or powerful states, which seek to capture and control Pakistan's state sovereignty, are seen as hegemonic practices through which the West and the US seek to elicit the acquiescence of Pakistan 'in the international system in its continued dominance', by using the vocabulary of cosmopolitanism.⁷⁰ Such continued dominance has striking similarities between historic imperialism and the current interventions in Third World, justified by cosmopolitan thought and is seen as a contemporary development that has followed a temporal continuum from classic imperialism to neo-imperialism. In the face of such interventions by the powerful states in the West, and their continued dominance over the international system, both in the case of weaker states and multilateral institutions, 'The pluralist norms of sovereignty, territorial integrity, and non-intervention ... now seem extraordinarily valuable to the weakest members of the international society'.⁷¹

The changing context of global politics, increasingly surrendering its character to an ever-evolving multilateral network, heralds to Pakistan the same interventionist fears that were characteristics of its colonial past. This does seem to be the case with Pakistan. For example, in a speech at the UN, the Pakistani Permanent Ambassador to the UN, Abdullah Haroon, commented on the paradigmatically cosmopolitan humanitarian 'Right to Protect' (R2P) norm:

R2P shall be a delicately defined process and in order to prevent any misunderstanding or misuse of the concept as a tool to pressurise or interfere in the internal affairs of a sovereign state, the continuous double standards and selective approach to different conflicts in the world including situations under foreign occupation in the world would have to be systematically rectified to remove the doubts about the implementation of the R2P.⁷²

At another meeting in the UN, which was organised to discuss the UN Secretary-General's report 'Early Warning, Assessment and Right to Protect',⁷³ Pakistan made a case that

The report does not mention the cost and consequences of causing selective and false alarms. If there is no accountability of the Early Warning and Assessment as the report suggests then in case of a false alarm etc. no one will be held responsible.... This leads us to the issue of historical trust deficit both in the form of experience of colonialism and unresolved historical disputes. While no warning or assessment is required in the case of internationally recognized disputes, the world and the UN system have consistently failed to address the issue.

While it is true that the Westphalian sovereign state lies at the intersection of various transnational and multinational organisations, however, there is still a long way to go before cosmopolitan ideals can be reached. Till then, the current structure remains one where transnational decision-making processes remain hostage to great power interests. For example, as Chandler points out, the 'UN in practice was repeatedly utilized as an instrument of American hegemony', however, theoretically at least, a framework of international law had been put into place which constrained the exercise of state sovereignty.⁷⁴

While cosmopolitanism with its emphasis on human well-being and human rights projects a moral idea that is at the core of many human rights developments after the Second World War, however, the idea, the structure and the solution that cosmopolitan tenets have offered often remained hostage to great power interests. Thus, even though cosmopolitans argue that the post-Second World War developments, i.e. the post-Cold War global scenario, have witnessed an increased in transnational activity that has often centred around human rights, these developments have often been selective, favouring great power interests.

Conclusion

Pakistan's experience with multilateral institutions has not been a happy one. Too often, the state has found itself caught in a hierarchical relationship, where multilateral institutions have been found to be readily complacent, and in some cases, employed to further the political interests of powerful states. The discourse on human rights, democracy and similar normative values has only served as a powerful tool in the hands of large states, who have used it to exact political outcomes by wielding the power of the discourse to Pakistan's detriment. This study has sought to demonstrate the realities of Pakistan's experience that run contrary to cosmopolitan aspirations. Through a thorough analysis of the literature involving a study of Pakistan, the chapter has sought to establish that cosmopolitan ideals remain devoid of practical realities and in essence, in an already hierarchically structured global environment, cosmopolitan

injunctions may only serve to further the interests of powerful states, which is reminiscent of colonial exploitation and imperial control.

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10 Development and the China–Pakistan Economic Corridor (CPEC)

An appraisal

Ghulam Ali

Introduction

During his first visit to Pakistan in May 2013, Chinese Premier Li Keqiang proposed the establishment of the China–Pakistan Economic Corridor (CPEC). Two years later, in April 2015, Chinese President Xi Jinping during his maiden visit to Pakistan formally inaugurated the project. On that occasion, Xi announced US\$46 billion for the completion of the Corridor. According to the latest media reports, the allocated amount has reached US\$62 billion and a number of new projects have also been added.¹ This is one of China's largest overseas financing projects, and the largest amount of finance that Pakistan has received from another country. The outcome of this huge investment has its potential impact on not only Pakistan, Sino-Pakistan relations but also the entire region.

The completion of CPEC has been divided into three phases. The first phase, or the early harvest, will be completed by 2020. This phase include projects of immediate attention such as addressing Pakistan's energy crisis and building basic infrastructure, including roads, highways and the railway network. The second phase or the mid-term plan will be completed by 2025 and will focus on the development of industrial zones and the upgrade and modernisation of the railway network. The final phase, which will be completed by 2030, includes projects of long-term interest, such as the completion of energy pipelines and the railway network from Pakistani ports to the Chinese borders. These links will also be extended to other countries in the region. The National Development and Reform Commission (NDRC) of China and the Ministry of Planning, Development & Reform (MPDR) of Pakistan are responsible for the implementation of the project. The CPEC's importance could be measured from the fact that China terms it a 'flagship' project of the Belt and Road Initiative (BRI) and has mentioned it in its 13th Five-Year Plan (2016–2020) while Pakistan regards it as a 'game changer' not only for itself but for the entire region.²

Arguably, the sheer size of the project has the potential to transform Pakistan's socio-economic landscape. Thus, a book on contemporary Pakistan should not omit discussion of the CPEC. The CPEC is an ongoing project whose contours are continuously emerging. Given its evolving structure, this chapter

offers an overall review of the project. It is divided into three sections. The first section discusses the four key areas of cooperation under the CPEC. The second section examines its potential benefits to Pakistan. The penultimate section explores challenges to the CPEC's implementation. This is followed by the conclusion. Before discussing the aforementioned, it seems pertinent to provide an overview of the CPEC in terms of its conception under the Belt and Road Initiative cooperative framework.

There is no single point which can be regarded as the origin of the CPEC. Different scholars refer to different events. To some scholars, the ancient Silk Road through which successive Chinese dynasties conducted trade with other parts of the world was its origin. To them, the BRI is merely 'revising and upscaling the Ancient Silk Road',³ certain parts of which passed through some areas of modern Pakistan. To others, however, the Karakorum Highway (KKH), built during the 1970s, was the starting point of the CPEC. Arguably, the KKH was the first and, thus far, the only road connection between China and Pakistan. The CPEC is an upgrade, modernisation and further expansion of the KKH. According to a Pakistani official, Shahid Javed Burki, China expressed its desire to gain access to the Indian Ocean via Pakistan through the KKH in the 1990s. Burki referred to one of his meetings with Chinese Premier Zhu Rongji in 1993. During the meeting, Zhu pointed to a map on the wall and told Burki that China was locked by landmass on three sides. Only in its east did the country have access to the sea but that too was complicated by contested claims. He expressed China's desire to gain an outlet to the Indian Ocean via Pakistan.⁴

The credit of articulating the scattered ideas of connecting China's borders with Pakistani ports into a compact policy and giving them a name goes to former Pakistani President General Pervez Musharraf. He was the first ruler who used the term 'Corridor' in terms of a network of roads, rail tracks and pipelines connecting China's Kashgar region with Pakistan's Gwadar Port. During his tenure in office, he repeated this offer on more than one occasion.⁵ Former Chinese ambassador to Pakistan, Lu Shulin, also considered Musharraf the architect of the term 'Corridor':

In my memory, our Pakistani friends first had the idea of constructing the China–Pakistan Economic Corridor. During my ambassadorship in Pakistan 13 years ago, President Musharraf once said, in view of the important strategic location of connecting South, West, Central and East Asia, Pakistan can be the hub for regional countries, and can be the channel of trade and energy for China. He then made the proposal of building China–Pakistan railway and building oil and gas pipeline between China and Pakistan during one of his visits to China. I think this was the beginning of a framework for CPEC.⁶

These accounts also demonstrate that the idea of connecting China's western region with Pakistani ports through overland pathways – in other words, the idea of CPEC – existed earlier than the formal launch of the BRI.

Key areas of cooperation

According to the 2015 plan signed during Xi Jinping's visit, China and Pakistan identified four key areas of cooperation: (1) the energy sector; (2) infrastructure development; (3) the Gwadar Port; and (4) industrialisation, including the establishment of Special Economic Zones (SEZs). Of these four areas, the dilapidated energy sector was given an urgent and top priority. Out of \$46 billion, the lion's share of roughly \$34 billion was reserved for the revival of energy. Pakistan at that time faced a severe energy crisis with blackouts lasting 4–8 hours on a daily basis. Pakistan generated roughly 22,000 MW against 28,000 MW demand.⁷ The gap further grew with the increasing population, urbanisation and industrialisation.⁸ Although the negative impact of power shortfall was pervasive all across Pakistan, the economy's backbone industries, the textiles and garment sectors, were adversely affected. As a result of severe power shortages, many industrialists moved to other countries. This led to massive unemployment, reductions in exports and the depletion of foreign reserves. The energy shortfall and the security situation alone were the main reasons behind the shrinking foreign direct investment (FDI).⁹ According to a senior Chinese expert on Pakistan affairs, Tang Mengsheng, 'The electricity gap cost Pakistan an annual average loss of \$13.5 billion in GDP.'¹⁰ It was this urgency that made the two countries allocate the bulk of the resources to the revival of the energy sector. Initially, 21 projects for coal, hydro, solar and wind power were identified. Some of the coal projects, however, drew criticism from domestic and international environmentalists.¹¹ The completion of these projects in around 2020 is estimated to add 11,000 MW to the national grid, thus, overcoming the energy crisis. By early 2019, 3,340 MW of electricity – 11% of Pakistan's total installed electricity – had been added to the national grid.¹² In addition, China built the Matiari-Lahore 660 kv high-voltage direct-current (HVDC) transmission line. This is the first HVDC transmission line in Pakistan and the first project under CPEC which is built on a public-private partnership. The 878 km-long line is being built at the cost of US\$1.7 billion. It will transform 4,000 MW electricity from Thar and Port Qasim which have the largest coal reserves in the country to central Pakistan which is the largest consumer of electricity. The line will start operation in 2021.¹³

Development of infrastructure projects gained the second major share of around US\$12 billion for eight mega-projects. Of this, US\$8 billion was reserved for the capacity building of Pakistan Railways. The entire rail track, 1,872 km from Peshawar to Karachi, would be doubled and the speed of the trains will be increased from the existing 65 km/h to 160 km/h for passenger trains and 120 km/h for freight trains.¹⁴ The two countries have also started the expansion and modernisation of the KKH: The Phase II (Thakot–Havelian section) with total length of 118 km, and the Thakot–Raikot section with a total length of 136 km. In addition, Beijing will finance the development of roads and highways, including the Peshawar-Karachi Motorway (Multan–Sukkur Section) of about 400 km; the Khuzdar–Basima Road of about 110 km; and the upgrade

of D.I. Khan (Yarik)-Zhob, Phase-I, about 210 km. In 2016, China also agreed to finance the construction of Mass Transit Projects for four provincial capitals, Lahore, Karachi, Peshawar and Quetta.¹⁵

The third important area of cooperation under the CPEC is the development of the strategically important Gwadar Port in Balochistan. Gwadar is a natural deep-sea, all-weather port, located at the juncture of Central, South and West Asia, the Indian Ocean and the Middle East. Its approximate distance from the Straits of Hormuz (through which 40 per cent of the world's oil passes) is 400 km, from Iran's Chabahar Port, it is 172 km and from Dubai, it is about 710 km. The port is linked to Pakistan's main cities and trading routes. China is assisting Pakistan in upgrading the existing or the new roads to enhance connectivity within Pakistan as well as with the region.

In 2013, the China Overseas Ports Holding Company Ltd. (COPHC) took over administrative control of the Gwadar Port for 40 years. Since then, the COPHC has started a wide range of developmental work that includes:

- repairs and upgrading the port facilities to improve its operational capacity;
- the construction of an East-Bay Expressway;
- breakwaters construction;
- dredging of berthing areas and channels;
- the Pak–China Technical & Vocational Institute;
- infrastructure development for the SEZs;
- freshwater treatment facilities;
- the Pak–China Friendship Hospitals;
- a coal-based power plant.

In March 2019, the Pakistani Prime Minister inaugurated the Gwadar International Airport. Developed with a grant of US\$230 million from China, the airport is part of the US\$690 million Gwadar development plan. It consists of 18 sq km of area and will be the largest airport in the country.¹⁶ In late 2016, a convey of trucks from Xinjiang, joined by a Pakistani convey, arrived at Gwadar Port where goods were loaded onto Chinese ships for their destination to Asia and Europe. The event tested the viability of the entire length of the Corridor from the Chinese border up to the Gwadar Port and beyond.

After putting efforts into the energy and infrastructure sectors, Islamabad and Beijing paid attention to expanding industrial cooperation under the SEZs. The Sixth Meeting of the Joint Coordination Committee (JCC) finalised the construction of nine SEZs. These zones will be established in Nowshera, Dhabeji, Bostan (Balochistan), Faisalabad, Islamabad, Port Qasim Karachi, Mirpur in AJK, the (former) FATA and Gilgit-Baltistan.¹⁷ The two countries have also reserved 923 hectares of land for the Gwadar Port Free Trade Zone. The establishment of SEZs seems a comprehensive strategy especially for the developing countries to industrialise and speed up economic growth. These nine zones will be based upon China's vast experience of SEZs which were created in the late 1970s at the time of their reforms and opening up and that proved a milestone in

China's economic growth.¹⁸ Economists posit that these zones will fill the gap in Pakistan's economic growth which jumped from the first stage of the agro-based economy to the third stage of the services sector, thus bypassing the second stage of industrialisation. Industrialisation is crucial to Pakistan's sustained economic growth.¹⁹ As a Chinese scholar noted, 'Dedicated industrial zones to be established along the routes of CPEC will be an ideal platform where what China can provide will be meeting Pakistan's needs.'²⁰ The SEZs, coupled with the relocation of some Chinese labour-intensive industry to Pakistan, will 'generate massive employment opportunities'.²¹ Four decades ago when China started on its development path by turning Shenzhen into a SEZ, no one could imagine one day a small fishing port will become the world's leading production centre. Today, Shenzhen's GDP is greater than the total GDP of Pakistan. Both sides hope that one day Gwadar could become Pakistan's Shenzhen.

The above-mentioned four areas of partnership were identified initially and provided a broad framework. Over the years, a number of new projects have been added to the CPEC. For example, the two sides opened the 820km-long China–Pakistan cross-border fibre optic link between Rawalpindi, Pakistan, and Southern China in July 2018; and decided to build the Mass Transit Projects for four provincial capitals. The long-term plan indicated that China would assist Pakistan in the areas of agriculture (including fertiliser, agricultural technologies), livestock, textiles, garments, cement, building materials, tourism, recreation and maritime trade, to name but a few. China will also provide a surveillance system for the main cities of Pakistan.²² The Khan government has additionally sought cooperation in water, skills-based education, skill development and transport projects.²³ These projects were later included in the CPEC. Keeping in view this momentum, new areas of cooperation are expected as well.

Benefits for Pakistan

Pakistani authorities claim that the country can accrue huge benefits from the CPEC. It will address energy crises, improving the infrastructure in the country and bring a source of FDI. These measures will help industrial and agricultural growth, thus reviving Pakistan's economy. The improved infrastructure will not only improve connectivity within the country but also with the region. With regards to China, the free trade agreement (FTA) signed between the two countries will provide Pakistan with access to the huge Chinese market. Pakistan intends to increase exports of value-added finished products rather than merely supplying raw material and agricultural products.²⁴ If successful, this will help Pakistan to address its burgeoning trade deficit with China. The two countries have also taken measures to regularise their informal border trade by controlling smuggling, empowering custom departments and adopting the latest technologies.²⁵ Previously, there was extensive informal trade and smuggling taking place across their borders.

As China moves from labour-intensive to capital-intensive industries, Pakistan expects the relocation of some Chinese industries. The technological

advances and rising labour costs led China to relocate the bulk of its labour-intensive industries to neighbouring countries as other Asian economies, such as Japan, Korea and Taiwan, did a few decades ago. Pakistan is host to the world's youngest population with 64 per cent of the population below the age of 30, and 29 per cent aged between 15–29 years. During his April 2019 visit to China, Pakistani Prime Minister Imran Khan reiterated the proposal to China to take advantage of Pakistan's young population by involving them in China's chain of production. The relocation to Pakistan will be mutually beneficial: Chinese businessmen could hire cheap labour while Pakistani youth could get much-needed employment opportunities. As a Chinese scholar put it, 'China's upgrading to higher industries will leave a huge space for Pakistan to enter a labor-intensive industrialisation development phase.'²⁶

The huge Chinese financing under the CPEC has attracted investors from other countries. A media reporter noted, 'The investment from China has been a morale booster for Pakistan's beleaguered economy and society.'²⁷ According to the State Bank of Pakistan, FDI inflows in Pakistan increased by 5 per cent to US\$2.41 billion during 2016–17 compared to US\$2.30 billion during 2015–16.²⁸ International rating agencies and financial bodies such as the Japan External Trade Organization (JETRO), Standards & Poor's, Moody's and Morgan Stanley Capital International rated a positive impact of the CPEC on Pakistan's economy.²⁹ The hefty investment from Saudi Arabia, the UAE and Qatar, as discussed later, were influenced in part by the CPEC. Some international airlines which had stopped their operations to Pakistan due to security reasons and lack of business, have already resumed their operations or are planning it in near future. Among them, British Airways resumed its flights in June 2019 while Air France, Lufthansa, Norwegian Airlines, and a private Saudi airline will resume in future. The national flag-carrier, Pakistan International Airlines, has reformed and expanded its operations. These instances indicate the gradual recovery of Pakistan's economy. The International Crisis Group, in its recent report, concluded, 'For all the risks and challenges, CPEC offers an opportunity to upgrade Pakistan's aging and dysfunctional infrastructure and revive a flagging economy.'³⁰

The maritime sector

An important outcome of the CPEC is its boost to Pakistan's maritime sector that had remained neglected for decades. Pakistan's coastline is 1,046 km long and Pakistan has 290,000 Exclusive Economic Zones (EEZ). Despite these natural endowments, successive Pakistani governments have paid no attention to developing the maritime sector. Until the construction of Gwadar Port with China's help, Pakistan had only the twin ports of Karachi and Qasim, which met all its commercial and naval needs. To have only two ports, that are too near India, posed strategic risks in conflicts with India, as was seen during the 1971 and 1999 wars.³¹ On both occasions, India threatened to block Karachi Port that could strangle Pakistan's entire trade and energy lifeline. Similarly, Pakistan

failed to take advantage of other aspects of maritime treasures such as fishing, ship building, and the exploitation of undersea resources.

Pakistani planners began to realise the importance of the maritime sector at the turn of twenty-first century – a change which started almost parallel to China's overtures towards reaching the Indian Ocean. Later, the launch of the BRI and the CPEC with a strong maritime component, opened a wide range of cooperation opportunities between the two sides especially in the defence sector.³² This was also obvious from the fact that Pakistan has imported almost all its major hardware from China since the new century began. In many deals, Pakistan also gained access to Chinese technology.³³ Beijing also agreed to assist in the modernisation of the Karachi and Gwadar shipyards. This will enhance Pakistan's domestic shipbuilding capacity. In addition, both countries hold maritime dialogues, conduct joint naval exercises, make port visits and conduct joint maritime research projects. A Chinese company has been building a state-of-the-art fish processing zone at Gwadar. China has also provided a grant to build a school, a college, a hospital and water-related infrastructure at Gwadar. These initiatives in the maritime sector are closely linked to the CPEC.

Regional connectivity

The CPEC has the potential to make Pakistan a 'transit state' by connecting it with China, on the one hand, and Central, South and West Asia and the Middle East, on the other. In February 2019, the MPDR and the NDRC invited other parties to invest in SEZs.³⁴ The Pakistani Prime Minister stated that participation of other countries in the CPEC will open a new chapter of growth and prosperity in the region.³⁵ Several countries have already shown an interest in joining the project. Iran and Afghanistan were the first among them. Iran, which has huge oil and gas reserves, can complement the energy component of the CPEC and push forward the abandoned Iran–Pakistan gas pipeline which can be extended to China. During the recent visit of the Pakistani Prime Minister to Iran, the two sides committed to further expanding connectivity and enhancing cooperation.³⁶

Russia is another potential participant. Moscow has long desired to reach warm waters. The invasion of Afghanistan in the 1980s was seen as an unsuccessful move to this end. Pakistan has invited Russian companies to join the project.³⁷ According to a Chinese expert on Eurasian affairs, 'Russia's participation in the CPEC, including the use of the Gwadar Port', will not only benefit these two countries but also 'give a boost to Sino-Russian cooperation'.³⁸ Although Russia has not officially responded, in the changing regional environment in which Pakistan is moving closer to Russia and Russia's Cold War ally, India, is moving towards the US, Moscow's affiliation with the CPEC in one form or the other cannot be ruled out.

The most recent entrants to the CPEC are Saudi Arabia and the United Arab Emirates (UAE). Riyadh will spend a major part of its US\$20 billion investment committed to Pakistan, building an oil refinery at Gwadar. According to its Energy Minister, 'Saudi Arabia wants to make Pakistan's economic

development stable through establishing an oil refinery and partnership with Pakistan in the China–Pakistan Economic Corridor.³⁹ UAE has also announced investment worth US\$5–6 billion in logistics, ports, oil, gas, infrastructure and a refinery. Saudi Arabia and the UAE are some of the largest oil exporters while China is the one of the largest oil importers. Gwadar’s development as an oil hub in the middle of the demand and supply will equally benefit both sides. Investment by Middle Eastern countries has enhanced Pakistan’s credibility and will potentially encourage other financiers.⁴⁰ Countries, such as Qatar, Korea, Japan and the EU, have either shown an interest or Pakistan has invited them to participate.

Finally, India’s response to the CPEC is crucial to regional geopolitics. There are benefits for both Pakistan and India if they cooperate with each other. India’s economy has been performing well for about two decades. To sustain its growth, India needs an uninterrupted supply of energy, on the one hand, and market access, on the other. Pakistan sits in the middle with India, on its east, and Central, South and West Asia and the Gulf – all with energy surplus and huge markets – on its west. New Delhi has been developing connectivity with these regions by taking sea routes which involve longer distances making the transportation costs too high. Connecting these regions via Pakistan can provide the most direct and cost-effective way. Similarly, bringing India into the CPEC will benefit Pakistan in many ways. It could collect a transit fee for two-way transportation, on the one hand, and gain access to the huge Indian market for its own products, on the other. Moreover, this would ‘develop interdependence, remove the prospects of Indian sabotage, ensure security and at a later stage, pave the way for dialogue: the only way to settle disputes’ between New Delhi and Islamabad.⁴¹

Despite these obvious benefits, neither Pakistan has invited, nor has India shown any interest in joining the CPEC. Instead, India has opposed the CPEC for three reasons. First, the so-called ‘sovereignty’ issue. The CPEC passes through Gilgit-Baltistan which is part of the Kashmir territory, disputed entirely and controlled partially by India and Pakistan. From the Indian point of view, joining the CPEC will legitimise Pakistan’s hold on the part under its control. Second, the CPEC contains a strong maritime component. The Indian strategic community fears that China will ultimately get a naval base in Pakistan. Finally, this multibillion project will further deepen the Sino-Pakistan partnership. As Siegfried Wolf noted, ‘CPEC heightens the notion that the Sino-Pakistani partnership poses a challenge to India’s regional standing and attempts to contain New Delhi’s influence in South Asia and beyond.’

Beijing hopes that Pakistan and India will resolve their differences and cooperate with each other. Given the deep-rooted Indo-Pakistan rivalry, China has focused on the completion of the CPEC on the Pakistani side and avoided making any direct offer to India to join it. But Beijing’s hope for India’s participation in the project has persisted right from the beginning. For example, during his address to the Pakistani Parliament in April 2015, the Chinese President Xi Jinping stated that the fruits of the corridor should be expanded to

‘people of other countries in the region’.⁴² The ‘other countries’ certainly included India. Six months later, the visiting President-designate of the Asian Infrastructure Investment Bank (AIIB), Jin Lique, in a joint press conference with Pakistani officials, asked India to support the idea.⁴³ Beijing continued its efforts to assuage Indian concerns regarding the CPEC. The Chinese ambassador to India, Luo Zhaohui, during his address in New Delhi, even suggested changing the name of the corridor to accommodate Indian concerns. The Chinese Embassy website later removed this part of his speech.⁴⁴ Interestingly, Luo had earlier served in Pakistan as the Chinese ambassador and was thus aware of Pakistan’s sensitivities regarding India. China’s maritime policy aims at connecting the CPEC with Bangladesh, China, India, Myanmar (BCIM) by sea.⁴⁵ Clearly, to bring India on board for BRI and the CPEC remains China’s objective.

There are other voices clamouring for both sides to take the opportunity to cooperate. Wolf argued that India’s joining the BRI and the CPEC will bring huge Chinese investment, open new trade opportunities and will revive and revitalise the existing transport and economic links. India thus should start a debate on the CPEC ‘free from emotive arguments’.⁴⁶ According to an Indian sinologist, India should ‘tone down its noise’ and show ‘greater openness to connecting its economy with the CPEC’.⁴⁷ Finally, the onus is on Islamabad to formally invite India, proposing that joining the CPEC will not affect New Delhi’s stance on Kashmir, or, India could participate in those parts of the project which do not involve disputed territory.⁴⁸ India’s participation will add a new dimension of regional connectivity and cooperation.

Major challenges

Along with opportunities, the CPEC also faces a number of challenges which need to be addressed before expecting its benefits. These include Pakistan’s internal politics, the law and order situation there, especially terrorism, and regional geopolitics. In Pakistan, the centre-province tension over the distribution of resources and power is not new, the sheer size of capital that accompanied the CPEC exacerbated it. Right from the beginning, Pakistan’s political parties vied for a greater share in the pie. The Pakistan Muslim League-N (PML-N) which took power concurrent to the launch of CPEC, initially tried a solo flight by sidelining the other parties. Only the Punjab’s Chief Minister, the younger brother of the Prime Minister, accompanied him on his visits to China. The government focused on the eastern route which suited PML-N’s political constituency over the western route and approved Mass Transit Transportation only for the city of Lahore. The PML-N’s handling of the project politicised it, leading some opposition parties to term the project the ‘China–Punjab Economic Corridor’.⁴⁹ Upon China’s urging, the government formed the Joint Coordination Committee (JCC) ensuring equal representation of all the provinces. Despite these efforts, it remained difficult to develop complete consensus. For example, the Chief Minister of Balochistan did not attend the 8th JCC meeting, held in

Beijing in December 2018, apparently in protest at the neglect of Balochistan in the developmental work.⁵⁰

Concerns from other provinces also made headlines. The people of Gilgit-Baltistan, the starting point of the CPEC, began to demand a provincial status for their region. The PPP, which holds power in Sindh, missed no opportunity to criticise the government over the CPEC. The strongest opposition came from Balochistan where some Baloch nationalists expressed their concerns over the exploitation of their resources and the influx of outsiders, which, they feared, will turn the Baloch population into a minority. These issues, coupled with chronic red tape, delay in projects escalating costs, the deep-rooted feudal culture in which power and interests are centred around a few families, weak technological base unable to support mega projects, a religious-conservative society slow in accepting changes and pervasive corruption in Pakistan society together affected the implementation of the project.

Lack of transparency is another major issue. Even though a lot of time has passed since the launch of the CPEC, its terms and conditions remain obscure. This led to speculations in the media about Chinese loans at a high interest rate making it difficult for Pakistan to repay. The US, the IMF and the World Bank expressed their concerns about China's 'debt trap'. Washington warned that it would critically examine Pakistan's case during next plea for an IMF bailout.⁵¹ It is estimated that Pakistan's debt for the CPEC-related projects will amount to US\$5 billion in 2022. Pakistan's economic planners expect that by the time of the maturity of the loans, the revival of industry and the economy will generate enough money to pay them back.⁵² However, this is conditional on the industrial and economic revival of the country. If this does not happen, the Chinese loans coupled with Western ones, will further burden Pakistan's economy. Western analysts have warned that, under a financial burden, Pakistan might further lease mega projects to China as had happened in Sri Lanka. This will further deepen China's influence in Pakistan. These speculations created a negative image of the project and complicated the security of Chinese entities in Pakistan.⁵³ Although both China and Pakistan reject the 'debt trap' argument,⁵⁴ it remains to be seen how Pakistan will manage to repay the huge amounts of money in the years to come.⁵⁵

For other analysts, the security situation and terrorism are far graver risks than Pakistan's internal politics and the financial burden of the project. Baloch separatists are directly against Chinese-funded projects in their province and have resisted through violence and direct attacks against the Pakistani state, security agencies and Chinese entities. In addition to this, groups such as Tehrik-e-Taliban Pakistan (TTP) and elements of other extremist groups might not have direct grievances against China, but targeting Chinese entities in Pakistan immediately puts them in the limelight. The security situation in Balochistan, where Gwadar Port is located, in particular is a matter of concern. As China has been building most of the projects in Gwadar, it became an easy target for these disgruntled elements. As an analyst noted, 'Because the CPEC is so important to the Pakistani government, these projects' construction sites and engineering personnel may become targets for religious as well as nationalist

extremists.⁵⁶ In addition, the situation in the Middle East, in Afghanistan, the rise of religious extremism, especially of Al-Qaeda and the Islamic State (IS), have a direct bearing on the security of the CPEC.

Finally, the CPEC cannot be separated from broader geopolitics. Many countries, especially the US, view China's BRI and, for that matter, the CPEC as part of China's grand global strategy. They are concerned at China's rapidly developing overland pathways connecting Eurasia with the Indian Ocean. This brings global geopolitics into the project. At the regional level, Pakistan often points to the involvement of 'foreign hands' and openly accuses India of anti-CPEC activities. It presented the case of Kulbhushan Jadhav, an Indian spy who was arrested in Balochistan, as testimony. Pakistan and China have raised a Special Security Division (SSD), a paramilitary force of over 15,000 men under the Pakistan Army, to ensure the safety of the CPEC. However, in May 2019, the attack on the Pearl Continental Hotel in Gwadar shows that the security situation remains a key challenge.

Conclusion

Over the last seven years, the CPEC has moved from a concept to a reality. During this period, several key projects relating to energy, infrastructure and industries have been completed. As the CPEC was opened up to third parties, it attracted investment from other countries and international rating agencies showed a positive outlook for the project. The mutuality of interests between China and Pakistan is at the heart of this project and guarantees sustained commitment from both sides. In return for its investment in Pakistan, the CPEC provides China with access to the Indian Ocean through a short distance, opens up Xinjiang to other countries and provides an alternative route to the Malacca Strait. Gwadar Port can help in securing China's maritime interests. For the smooth progress of the project, Pakistan needs to develop national consensus and improve the security situation. Both Pakistan and China need to bring transparency and develop the project from the long-term perspective. The project has now entered Phase II which will focus on the development of nine industrial zones, the upgrading and modernisation of Pakistan Railway, Gwadar International Airport, the agricultural sector and human resources development. The CPEC is an ongoing project whose contours are continuously evolving. A lot will depend how it is implemented, especially on the Pakistani side. Thus far, it has made positive progress and has the potential to become a game changer for Pakistan.

Notes

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11 ‘Deterrence’ development and nuclear governance

Understanding doctrinal transformation in the contemporary context

Syed Ali Zia Jaffery

Introduction

Ever since the overt nuclearisation of Pakistan, the country’s nuclear programme has merited a great deal of scholarship from across the world. Observers of South Asian security issues and the international community have raised eyebrows at the safety and security of Pakistan’s nuclear assets and the associated risks of proliferation. However, Islamabad’s nuclear developments are being analysed with respect to their impact on strategic stability in the South Asian region. Pakistan’s introduction of Tactical Nuclear Weapons (TNWs), its seaward nuclearisation and the continuation of First Use policy have been critiqued and deemed as destabilising.

These developments do represent a change in the country’s nuclear doctrine, from a purely war-prevention doctrine to one that aims to prevent war by adopting war-fighting capabilities. This chapter analyses changes in Pakistan’s nuclear doctrine, through the lenses of Islamabad’s deterrence goals. It also assesses the effects of doctrinal shifts on deterrence stability in the region. This chapter argues that the shift in Pakistan’s nuclear doctrine is consistent with its deterrence goals and the evolving threat perceptions. This lends strength to its deterrence mix and bolsters strategic stability in South Asia. In addition, this chapter aims to place the notion of nuclearisation in the broader context, as postulated by this book, of development, which generally is restricted to economic development. The ensuing discussion will also magnify and, to some degree, ensconce deterrence development in (nuclear) governance.

Pakistan has entered the third decade of its nuclearisation. Ever since becoming the seventh Nuclear Weapon State (NWS), Pakistan has continued to garner the attention of academics, policy-makers and the international community. The respective nuclear explosions by India and Pakistan in May 1998 added a nuclear dimension to the acrimonious rivalry between the two countries. The bilateral nuclear deterrence was, to a varying degree, put to the test four times: The Kargil War (1999), the Twin Peaks Crisis (2001–02), the Mumbai Attacks (2008) and the Pulwama–Balakot Crisis (2019) occurred in a nuclear environment and hence invoked third party mediation and robust crisis diplomacy. Yusuf, in *Brokering Peace*, writes that the US crisis behaviour prioritised

de-escalation over its other foreign policy goals from the onset to the termination of the previous crises.¹ The fact that third parties have put a premium on de-escalation in the region shows that nuclear-related developments in South Asia by India and Pakistan have not eluded the attention of the major powers. With respect to Pakistan, three aspects of its nuclear programme have attracted a great deal of academic interest.

Recent scholarship on the country's nuclear programme has raised concerns about the impact of Pakistan's development of a sea-based nuclear force on strategic and crisis stability while outlining the risks to nuclear weapons security.² Pakistan's bid to fill the gaps in its deterrence mix through the introduction of tactical nuclear weapons (TNWs) has also warranted scholarly analyses. Joshi and Haider have used words like 'nightmare'³ and 'stupidity'⁴ to describe Pakistan's TNWs, respectively. Islamabad's seaward nuclearisation and TNWs fall into the domain of its nuclear doctrine, something that suggests the need for further dabbling with the country's evolving doctrinal approaches. A doctrine offers guidelines for the application, structure and configuration of forces. A doctrine, thus, cannot be dissociated from the type and nature of the enemy, the terrain on the battlefield and the objective of any military engagement. Pakistan's nuclear weapons programme started because of the colossal events of 1971 when the conventional imbalance with India became one of the main reasons for its dismemberment.

Since the fall of Dhaka, Pakistan's nuclear journey has been directly linked to developments made by India in the conventional and nuclear spheres. Khan in *Eating Grass: The Making of the Pakistani Bomb*, writes that after the events of 1971, Pakistanis believe that 'nuclear weapons are the only guarantee of Pakistan's national survival in the face of both an inveterately hostile India that cannot be deterred conventionally and unreliable external allies that fail to deliver in extremis'.⁵ Similarly, Naeem Salik posits that Pakistan aims to deter not only nuclear blackmail but also all kinds of military aggression.⁶ Both Khan and Salik, by virtue of previously being part of Pakistan's strategic fraternity, present an insider's view of the Pakistani nuclear establishment. Such views and academic opinions suggest that upholding deterrence is the hallmark of nuclear Pakistan. Therefore, an assessment of any doctrinal shift without analysing its value-addition to deterrence cannot be holistic. Also, given that Pakistan's nuclear trajectory has been India-centric, its nuclear doctrine can only be understood in totality, if India's nuclear and military doctrines are deconstructed.

Doctrinal lessons from the literature

The destructive capacity of a nuclear device has had an indelible impact on war and strategy. The presence of nuclear weapons has made war costlier than ever before, something that has engendered the necessity of war prevention. Nuclear weapons have placed the concept of deterrence at the heart of modern strategy. Broadly defined, deterrence is the ability to dissuade an adversary from doing something that it was willing to do. The idea is to convey to the enemy state that

the costs of carrying out a particular action far exceed the benefits. Snyder, in *Deterrence and Defense*, posits that 'deterrence is a function of the total cost-gain expectations of the party to be deterred' and says that the aggressor will factor in all actions of the 'deterrer' from the start of the crisis till its termination.⁷ Thus, a state's annihilation wherewithal is likely to lend strength to its deterrence mix.

However, the laws of deterrence are far more intricate and paradoxical. In his detailed analysis of bilateral nuclear deterrence, French strategist, André Beaufre assessed deterrence by hypothetically looking at second-strike capabilities of nuclear dyads. According to Beaufre, a state with fewer riposte capabilities is likely to achieve defensive deterrence which may not enable it to react to an attack on its territory.⁸ Second-strike capabilities are directly proportional to stable bilateral deterrence. The sheer ability of a nuclear device to inflict immense pain on an enemy means that residual nuclear forces and their survival become paramount. Deterrence loses its value if a state cannot make its enemy believe that punishment will ensue if an act of aggression is committed. An aggressor can be better deterred if it is certain that an action on its part will automatically cause a reaction, however irrational, it might be. Thomas Schelling, in *Arms and Influence*, discussed how deterrence can be enhanced by 'maneuvering into a position where one clearly cannot yield'.

This, according to Schelling, puts the burden of escalation on the enemy state.⁹ The idea of burning bridges could also be deemed a signal to the opponent that any further advance by its troops will invoke the most powerful response. Two conditions are important to maintain a stable bilateral deterrence framework between nuclear dyads. First, states must have the means to cause unacceptable damage to each other while having sufficient second-strike capabilities in order to be able to retaliate to a first strike. Waltz addressed the issue of invulnerable nuclear arsenals and asserted that given the fact that a warhead contains so much destructive power, the quantity is hardly consequential and hence it is easier to ensure invulnerability of its second-strike capabilities.¹⁰ However, Sagan used organisational theory to analyse why nuclear forces may remain vulnerable. He argued that military outfits look for more resources, leading to the accumulation of larger stockpiles of weapons than required which increases the costs of augmenting survivability.¹¹

The foregoing scholarly works on deterrence and its requirements amplify the importance of credibility, the ability to decimate an opponent and, most importantly, the need for states to have riposte or second-strike capabilities. This has implications for the development of nuclear doctrines. First, a doctrine must be devised in such a way that a state's deterrent forces are able to cause maximum attrition to its enemy. If a smaller nuclear force does not take steps to ensure the survivability of its repertoire and does not have a first-use policy, its capacity to annihilate vis-à-vis the adversary is reduced, something that dents its deterrence value. Second, a smaller nuclear force cannot rely solely on the ability to carry out countervalue strikes if its nemesis has the ability to engage in counter-force strikes. Lastly, deterrence will be dealt a severe blow if the enemy is confident that its first strike will not be responded to by the enemy in shape of a countervalue strike.

Thus, it is reasonable to argue that in order to achieve a fair degree of deterrence against a much bigger enemy, a state may need to retain the option of using nuclear weapons first, acquire a sizeable second-strike force and boost its 'deterrence by punishment' by increasing its ability to 'deter by denial'.¹² An evaluation of how the nuances of deterrence have affected Pakistan's doctrinal thinking is necessary in order to fully fathom the ongoing shifts in its nuclear doctrine.

Deconstructing early doctrinal thought on credible minimum deterrence

Pakistan has not declared an official nuclear doctrine since becoming an overt nuclear weapon state in 1998. However, this does not imply that it does not have a nuclear doctrine. Over the course of the past two decades, senior officials have lucidly enunciated the guiding principles governing nuclear use. The statements made by some high-ranking officers from Pakistan after its nuclearisation gave an invaluable insight into the contours of Islamabad's nuclear doctrine. In a co-authored piece in October 1999, former Foreign Ministers, Agha Shahi and Abdul Sattar, and former Chief of the Air Staff, Zulfikar Khan, made a link between the paucity of resources at Pakistan's disposal and the salient features of its nuclear weapons programme. They argued:

Deterrence was the sole aim [of Pakistan] and a small arsenal was considered adequate. At no time did Pakistan contemplate use of nuclear weapons for war fighting or seek to develop capabilities for a pre-emptive attack. Apart from the obvious constraint of resources, it was not so unrealistic as to entertain such thoughts. India is too large and too well armed to be vulnerable to a disabling strike. Besides, any such attempt would provoke retaliation with disastrous consequences. Pakistan's purpose warranted no more than a minimalist approach.¹³

The article clearly suggested that Pakistan saw its nuclear weapons as a bulwark against Indian aggression of the kind it committed in 1971. This also meant that Pakistan was looking to deter a much bigger force through the possession of a small stockpile of nuclear weapons. In strategic parlance, this is known as minimum deterrence. This concept was contextualised by Pakistani and Indian officials, subsequently. Further thoughts on minimum deterrence by Pakistan, during the initial years of its nuclearisation, revealed that it would be tailored and perhaps done away with, depending upon India's capabilities and the concomitant change in threat perception. The authors reflected these thoughts in the very same article and only lent support to minimum deterrence with qualifiers by stating that:

Minimum deterrence has been and should continue to be the guiding principle of Pakistan's nuclear pursuit. Of course, minimum cannot be defined

in static numbers. In the absence of mutual restraints, the size of Pakistan's arsenal and its deployment have to be adjusted, to ward off dangers of pre-emption and interception. Only then can deterrence remain efficacious.¹⁴

In addition, Abdul Sattar, who by then had become Pakistan's Foreign Minister, alluded to how India 'would necessitate review and re-assessment'¹⁵ in the doctrine. It is noteworthy that while minimum deterrence was posited as a suitable doctrine for Pakistan, officials were mindful of its limitations and how it could change because of India. This, to a certain extent, explains the reason why Pakistan did not declare its doctrine and left it open to interpretation and tied to developments made by India. The argument that minimum deterrence was deliberately kept ambiguous and that the nuclear deterrent was meant to ward off multi-faceted threats, appears more plausible because of two notable factors.

During the first two crises post-1998, Islamabad showed how heavily it relied on nuclear weapons to deter India from escalating. It resorted to nuclear signalling. At the height of the Kargil War and after India's vertical escalation, the then Foreign Secretary, Shamshad Ahmad Khan threatened that Pakistan would use any weapon in its armoury to defend its territorial integrity.¹⁶ The signalling was done more cogently during the first phase of the Twin Peaks Crisis, when India and Pakistan had mobilised after the former launched Operation Parakram in response to the attacks on the Indian Parliament in December 2001. In a rare yet timely move, Khalid Kidwai gave an interview to two Italian scientists and roughly defined Pakistan's nuclear-use thresholds.¹⁷ As the country's most experienced nuclear manager, Kidwai's announcement of the red lines carried weight and meaning. He stated that Pakistan would use nuclear weapons if:

- India attacks Pakistan and conquers a large part of its territory (space threshold).
- India destroys a large part of its land or air forces (military threshold).
- India proceeds to economically strangle Pakistan either by naval blockade or cutting off water supplies (economic threshold).
- India pushes Pakistan into political destabilisation or creates large-scale internal subversion in Pakistan (political threshold).¹⁸

The four red lines laid out by Kidwai were not only equivocal but also ran against the tenets of minimum deterrence. The red lines also showed that for Islamabad, nuclear weapons could be used to deter all kinds of threats along the 'full' conflict spectrum. Though the term 'full spectrum deterrence' was used for the first time 11 years after Kidwai's statement, his interview was arguably all but a manifestation of that very concept.¹⁹ Also, what is noteworthy, is that Kidwai did not particularly mention the type of conflict that would merit a nuclear response. If one put events into retrospect, he may have referred to all kinds of Indian military engagements from limited war to a fully-fledged one, given the fact that geographical proximity puts pressure on the above-mentioned

space threshold. In 2006, he was clearer in spelling out the objectives of Pakistan's nuclear policy, which were:

- Deterrence of all forms of external aggression.
- Ability to deter a counter-strike against strategic assets.
- Stabilisation of strategic deterrence in South Asia.
- [Employing a combination of] conventional and strategic deterrence methods.²⁰

The objectives of Pakistan's nuclear policy that became clear as far back as 2006, could not possibly have been achieved if Pakistan were to strictly follow minimum deterrence. In order to achieve deterrence against all forms of external aggression and guard against counterforce strikes, Pakistan had to tinker with its rudimentary approaches towards the bomb, something it was veritably mindful of. Pakistan's deviance from minimum deterrence was couched by the use of the word 'credible'. This allowed Pakistan more space to work towards deterring threats across the conflict spectrum without raising alarm bells in India and other international capitals. The objectives stated by Kidwai in 2006 not only required the addition of second-strike capabilities but also the need to add counter-force options to buttress the country's deterrence.

Right from the very outset, Pakistan's deterrence goals were India-specific. However, the 'deterrence against what' part of deterrence changed from events like invasion or general war to all types of conflicts, something which meant that Pakistan's nuclear policy objectives were geared towards achieving full spectrum deterrence. Only two elements of Pakistan's nuclear doctrine have remained constant: First-Use Policy and the adversary. It is fitting to argue that, for Pakistan, full spectrum deterrence is as old as credible minimum deterrence. In order to analyse the efficacy of full spectrum deterrence, it is important to understand the contributory factors that forced Islamabad to adopt it in earnest.

Indian threats to Pakistan's deterrence mix

Pakistan and India are locked in a bilateral deterrence framework. Though it has largely been successful by being able to maintain stability at the higher end of the conflict, it has come under threat and continues to be challenged. As mentioned earlier, Pakistan relies heavily on its nuclear deterrent to counter multifarious threats from India. Therefore, developments in the Indian nuclear and conventional realms affect Pakistan's deterrence drive. Thus, in a bid to comprehend Pakistan's full spectrum deterrence, India's evolving nuclear doctrine, its Ballistic Missile Defence (BMD) system and its idea of limited war need to be brought into the discourse.

India's BMD system and instability

A warhead, whether nuclear or conventional, cannot deter an enemy without its delivery vehicles. Missiles are the foremost means of delivering warheads and

hence are central to achieving credible deterrence. The importance of missiles cannot be understated in the Indo-Pak nuclear dyad. Both countries possess ballistic and Cruise missiles. With respect to Pakistan's delivery vehicles, Khan writes: 'Until the 1990s, aircraft were the only means of nuclear delivery for Pakistan. However, once solid and liquid-fueled missile technologies were transferred to Pakistan from North Korea and China, respectively, ballistic missiles became the mainstay for delivery ...'.²¹

India's quest to acquire a BMD system is not new. Since its first BMD test in 2006, New Delhi has conducted more than ten tests. India is said to be working on a two-tiered missile defence shield. The first is the Prithvi Air Defence (PAD) and the other is the Advanced Air Defence (AAD). As of now, India's nuclear development and deployment are aimed at shielding two cities, New Delhi and Mumbai.²²

The effectiveness of the BMD, however, depends upon the number of interceptors and warheads and the ability to intercept and detect warheads. In the view of Jaspal, if a missile defence capability is fully at the disposal of India, then it could destroy Pakistan's missiles in all phases along the trajectory.²³

As is evident, Pakistan has put a premium on its nuclear capability to obviate threats emanating from India. If its ability to achieve deterrence by punishment is hampered by the deployment of the BMD system, then New Delhi, relatively secure from retaliation, may press ahead with its limited war options against Islamabad. This argument found a place in the recent literature as well. In light of incendiary statements of resuscitating the Cold Start Doctrine by the Indian Army Chief, Bipin Rawat, Khan argued that the BMD could just provide India with a protective shield and a sword to strike Pakistan with nuclear weapons.²⁴

The possession of a BMD system by the adversary undermines a state's second-strike capability, and as established in our analysis of deterrence theory, a reduction in residual capacity jolts the deterrence mix of a state. Khan contends that one of the rationales of operationalising the BMD for India is to offset Pakistan's first-use policy.²⁵ The credence to his view was given by General Rawat's threat of calling out Pakistan's nuclear bluff, in 2018.²⁶ Frank O'Donnell, while being circumspect regarding the performance of the BMD, said that it is harder to justify BMD 'in light of a doctrine of no-first-use and a posture of assured retaliation'.²⁷ Thus, there are concerns regarding India attaining a false sense of security by using the BMD shield. The BMD has the potential to deride Pakistan's nuclear deterrence, increase crisis instability during a crisis and lead to an arms race in the region.²⁸ Pakistan's response to the BMD will be discussed in the final section.

Evaluating India's nuclear doctrine and its no-first use policy

The shifts in India's nuclear doctrine constitute a factor in determining Pakistan's nuclear trajectory. The intent expressed and the attempts made to make India's nuclear doctrine more dynamic vis-à-vis Pakistan have had and will continue to have a bearing on Pakistan's nuclear policy. Unlike Pakistan,

India has a declared nuclear doctrine. The doctrine has two main planks: credible minimum deterrence and no-first-use (NFU) policy. Announced in August 1999, the Draft Nuclear Doctrine (DND) stated that the fundamental purpose of India's nuclear weapons is to deter the use and threat of use of nuclear weapons by a state or entity against India or its forces. It further asserted that India would not use nuclear weapons first but would retaliate punitively if deterrence fails.²⁹ Both, the proclamations of credible minimum deterrence and the no-first-use policy, were viewed with scepticism. As a matter of fact, Articles 2.6 and 2.3 of the DND not only called for the need to maintain survivable, sufficient and operationally prepared nuclear forces but also termed credible minimum deterrence a dynamic concept that will be influenced by various factors such as national security needs.³⁰ This dichotomy was analysed by Cheema, who argued:

A general reader would note obvious contradictions in this formulation. It appears self-contradictory that the doctrine of credible minimum deterrence requires maintaining sufficient ... forces. So, is the doctrine actually minimum or sufficient? And, if the actual size of the components, deployment, and employment is to be decided in the light of strategic environment, technological imperatives and needs of national security, as stated above, is it not akin or closer to a doctrine of flexible response than minimum deterrence?

Moreover, he went on to term the DND a war fighting doctrine and contended that 'it is escalatory in nature, generates pre-emptive threats and therefore, would undermine deterrent stability if it were to be adopted in totality by the Indian government'.³¹

Predictably, Pakistan saw the Indian DND as provocative.³² This is partly because of anomalies in its posture of credible minimum deterrence as coherently explained in the preceding. In addition, Vipin Narang derided India's posture of credible minimum deterrence and stated:

The widely held belief that India's nuclear posture is one of 'credible minimum deterrence' is increasingly a myth. Presently, it is neither credible toward China, nor minimal toward Pakistan. As it continues to strive for the former (in addition to developing Pakistan-specific lower-order use options), it is undermining the latter in ways that could have significant consequences for a regional arms race.³³

These destabilising features of the Indian nuclear doctrine, however, are not as threatening as the confusion regarding India's no-first-use policy is. Owing to less geographical depth and the closeness of strategic nerve centres to the border, Pakistan has never given up its right to use nuclear weapons first. The first-use policy generates maximum deterrence for Islamabad and is mainly responsible for outlawing the escalation of crises after the nuclearisation of South Asia.

India's no-first-use claim was critiqued and rejected when its DND was reviewed in January 2003. The summary of the doctrine exposed glaring caveats

in New Delhi's no-first-use policy. The no-first-use policy was more or less done away with when the revised version of the doctrine stated: 'However, in the event of a major attack against India, or Indian forces anywhere, by biological or chemical weapons, India will retain the option of retaliating with nuclear weapons.'³⁴ The highly-touted sacrosanctity of India's no-first-use has taken centre-stage in the nuclear debate in South Asia, after India's Defence Minister, Rajnath Singh, said that circumstances will determine what becomes of India's NFU in the future. The statement came in the midst of rising Indo-Pak conflict over the disputed region of Kashmir. This is being construed as the most authoritative and cogent expression of India's deviance from its NFU commitment. Rajnath Singh is not the first one who made such remarks. In his book, former India National Security Advisor, Shivshankar Menon remarked that India may relinquish its no-first-use policy and draw first blood against Pakistan without naming it.³⁵ While Menon's suggestion has encouraged nuclear pundits into working out hypothetical scenarios of future crises in the region, it has given further vindication to Pakistan's suspicions over India's commitment to the no-first-use policy. In his interview with the author, O'Donnell said that India's no-first-use policy has never been vigorously challenged before, which could put pressure on the government to reinterpret or abandon it.³⁶

Recently, doubts regarding India's no-first-use policy again surfaced after former commander of the Indian Strategic Forces Command, Balraj Singh Nagal, argued that India's 'strategic deterrence can follow a policy of first use when there is an unstable and unpredictable adversary, thereby eliminating the dilemma of responding to battlefield weapons'. He also added that the no-first-use policy is flawed.³⁷ The fact that these words come from one of India's most experienced strategic practitioners raises more questions about India's no-first-use policy. Pakistan, a country that has time and again shown disbelief in India's enunciation of its no-first-use policy, will have reason to deem Nagal's words meaningful and instructive. In so far as the impact of India's nuclear doctrine on Pakistan's doctrinal evolution is concerned, the perpetual incongruity over the former's no-first-use policy has been and will be the most critical influencer. The critique of NFU highlights the fact that officials in the higher echelons of power in New Delhi feel that choosing a First-Use policy at some stage could be an effective way to deal with the 'Pakistan conundrum' at lower ends of the conflict spectrum. This line of thinking essentially changes the potential role of nuclear weapons that India has envisaged vis-à-vis Pakistan from war-prevention to war-fighting. Thus, dynamism in India's nuclear doctrine would arguably be Pakistan-specific, and hence impinge upon Pakistan's nuclear readiness, deployment and thresholds.

Below the red lines: a limited war under a nuclear umbrella

The debate over the applicability of the classical stability-instability paradox in the South Asian theatre is long and ongoing. However, what is proven is that conflicts have taken place way below the nuclear threshold. Menacingly, India's

military options against Pakistan all fall under the ambit of fighting a limited war under a nuclear umbrella. Despite challenges at the tactical, operational and strategic levels, the Cold Start Doctrine (CSD) is still considered a viable option to compel Pakistan. The Cold Start Doctrine has had an impact on Pakistan's doctrinal thinking, despite the fact that it has not been operationalised. In order to dissect why CSD, a purely conventional doctrine, has caused a change in Pakistan's deterrence strategy, the doctrine needs to be introduced succinctly.

New Delhi has continually accused Islamabad of whipping up insurgency in Kashmir and perpetrating acts of terrorism in India. In December 2001, when gunmen attacked the Indian Parliament, India launched Operation Parakram under which it mobilised half a million troops. Pakistan's counter-mobilisation and effective nuclear signalling initiated third-party mediation which led to the end of the crisis.³⁸ However, India felt that Pakistan had got off scot-free and that it had used the nuclear hoax. Thus, Indian strategists were faced with a daunting task of coming up with a doctrine that could quickly cause enormous pain to Pakistan without forcing the latter to press the nuclear button. Two years after Operation Parakram, the Indian Army produced a new doctrine that was called the Cold Start Doctrine by the media.

Relying on alacrity and firepower, the CSD entailed taking away offensive power from the three Strike Corps based in Ambala, Mathura and Bhopal and configuring formation-sized Integrated Battle Groups (IBGs). The eight IBGs, in tandem, with air support, would attack along different axes and advance into Pakistani territory. The doctrine not only gave a new name to India's Holding Corps (renamed as pivot corps) but also gave them a limited offensive role of creating a bridgehead into Pakistani territory.³⁹ In one of the most comprehensive studies of the CSD, Ladwig argued:

Rather than seek to deliver a catastrophic blow to Pakistan (i.e. cutting the country in two), the goal of Indian military operations would be to make shallow territorial gains, 50–80 kilometers deep, that could be used in post conflict negotiations to extract concessions from Islamabad.⁴⁰

Some security analysts have discussed how the attrition of Pakistani military forces is also an important component of the CSD. This army-centric doctrine has two broad contours and one politico-military objective. The CSD envisages compelling Pakistan to rein in or disband anti-India forces that operate allegedly under state patronage by either capturing its territory or damaging the war-waging capabilities of its armed forces. Operational challenges aside, two factors mar CSD's effectiveness in achieving its military objectives.

Pakistan has clearly announced its nuclear-use thresholds. The aims and objectives of the CSD threaten Pakistan's military and spatial thresholds. It must be noted that the prime purpose of Pakistan's nuclear deterrent is to offset India's conventional superiority. Even a partial demolition of Pakistan's critical fighting formations can make Islamabad use the ultimate weapon. In other words, the military threshold can be breached, for instance, if fighting elements

under the ORBAT (Order of Battle) of the Lahore-based IX Corps are pulverised by Indian IBGs. Perhaps the greatest escalatory potential of the doctrine lies in its feature of 'biting and holding' territory. If a desolate territory across the Rajasthan border is captured, Pakistan will try to wrest it back by directing more conventional firepower.

However, if urban centres such as Lahore and Sialkot that form Pakistan's heartland are invaded by Indian forces, Pakistan cannot be expected to hold back. Its response may not only be through conventional warfare. Thus, the CSD directly exerts pressure on the escalation ladder. Also, while India may have limited aims, it is hard to make Pakistan believe that New Delhi only has specific objectives. The problems associated with India's CSD add to its so-called 'compellence woes'.⁴¹ The dilemma for India in devising a set of actions that can punish Pakistan and keep escalation under control was aptly highlighted in a co-authored book by Toby Dalton and George Perkovich. They stated that 'too little punishment will not inflict sufficient costs on Pakistan, while too much punishment might lead to escalation'.⁴²

From the preceding discussions of India's BMD, its nuclear doctrine and its proactive war strategy or CSD, three threats to Pakistan's deterrence regime emerge: (1) Pakistan's long held concerns about India's no-first-use policy will fester, given India's acquisition of a defence shield in the shape of BMD systems; (2) the BMD system will dilute Pakistan's deterrence by hampering the capabilities of its main delivery means: ballistic missiles; and (3) by threatening strategic arteries of Pakistan and its Centre of Gravity (military), India's limited war options suggest that there are gaps in Islamabad's deterrence that need to be plugged.

Since its nuclear development programme started, Pakistan's strategic managers have remained cognisant of the evolving threat matrix. It is essential to understand whether the doctrinal lessons have been elicited from the above-discussed Indian advances. Thus, the subsequent section will deal with how full spectrum deterrence has manifested itself and internalised the changing strategic landscape in the South Asian region.

Filling the gaps: towards operationalising full spectrum deterrence

Pakistan's counter-measures to redress the imbalance vis-à-vis India have gone on to give definite shape to the concept of full spectrum deterrence. One of the steps that Pakistan took towards augmenting its deterrence was the introduction of the short-range ballistic missile, named NASR (HATF-IX). With a range of about 60 km, the missile is capable of delivering nuclear warheads of appropriate range. A closer analysis of official statements regarding the NASR missile underscores its importance for Pakistan. On NASR's first test, Kidwai termed the test one that would 'consolidate Pakistan's nuclear deterrence at all levels of the threat spectrum'. He went on to add that NASR is a valuable addition in the hierarchy of military options.⁴³

It is interesting to observe that after the first flight test of NASR, Pakistan began to use the term full spectrum deterrence. As mentioned above, it was in only 2013 when the National Command Authority (NCA) started using the concept in its releases to the media. In 2017, Pakistan tested an improved version of the NASR missile with increased range and manoeuvrability. While witnessing the training launch of the short-range ballistic missile (SRBM), Chief of the Army Staff of Pakistan, General Qamar Javed Bajwa said that the missile will pour 'cold water on Cold Start'.⁴⁴ Months after the successful training launch of the missile, the NCA firmly committed to 'retaining' full spectrum deterrence as a policy.⁴⁵

This implies that bringing in TNWs like NASR is one of the defining features of full spectrum deterrence. This line of reasoning is not untenable. As is abundantly clear from the evidence and analyses presented above, Pakistan rightly feels that India looks to exploit gaps to engage in a military conflict at the lower ends of the conflict spectrum. From within the full spectrum, the threats at the lower end are what perturb Pakistan. Therefore, for Pakistan, a deterrent that deters India from using space below the N-threshold helps in the attainment of full spectrum deterrence.

Notwithstanding the debate over the utility of the TNWs in the South Asian theatre, there is a need to assess it in light of what Pakistan wants to do. Kidwai, in a tell-all conversation at the Carnegie Institute in 2015, laid bare the rationale behind the inclusion of the NASR missile in the inventory. He argued that Pakistan could not ignore the effects being generated by the offensive doctrine. Therefore, in order to deter the unfolding of operations under the Cold Start Doctrine, Pakistan had opted to develop a variety of short-range, low-yield nuclear weapons, also dubbed tactical nuclear weapons. While arguing that the NASR missile was a defensive response to an offensive doctrine (Cold Start), he emphasised:

What they were seeing, as the adversary on the other side, they were seeing Pakistan strategic weapons, meaning the ballistic missiles. They were perhaps looking at the operational level in terms of ranges, the lesser ballistic missiles. What they were finding attractive, and what was probably encouraging them to find the space for conventional war, below this gap, was the absence of a complete spectrum of deterrence, if I may. That is what we have been calling the full spectrum deterrence. Because there was also talk of calling, the term being used, calling the Pakistani nuclear bluff, as if they could go in with conventional war, conventional forces against Pakistan in a sort of limited time and space matrix. And Pakistan would not pick up the courage, in that kind of a scenario, to use its strategic weapons, or the operational level nuclear weapons. So it was this particular gap that we felt needed to be plugged at the lowest rung.⁴⁶

The foregoing detailed analysis on the utility of the NASR missile is instructive. Certainly, the words from the country's most experienced strategic practitioner

carry academic value. For Pakistan, the TNW is a weapon that has moved deterrence up a few notches. The official narrative regarding the NASR missile is that it is one of the deterrents at Pakistan's disposal, not the only one. Thus, Pakistan's TNWs cannot be properly assessed in isolation. An appraisal of Pakistan's expectations of NASR reveals that Islamabad is banking upon the TNWs to mitigate the gap in the deterrence spectrum. It needs to be stressed that deterrence rests on the 'whole' rather than the 'part'. Apparently, using a nuclear device in a theatre of operation may lack credibility as the act may appear irrational. However, as Snyder posited, 'for deterrence, one wishes to project an image of excessive boldness rather than of excessive caution',⁴⁷ Pakistan has made strenuous attempts to reassure that it will commit the act of irrationality.⁴⁸ While Islamabad sees its TNWs as lending support to its whole deterrence, critics see them as a part. Insofar as the country's doctrine is concerned, the TNWs are integral to full spectrum deterrence.

Pakistan and India both follow the action-reaction model. Even a cursory look at the nuclear excursions of both countries shows that Pakistan has reacted to and, in the process, helped maintain strategic stability. As highlighted earlier, India's BMD system reduces the potency of Islamabad's means of delivery. In order to grapple with this challenge, Pakistan conducted the test of the Ababeel missile, which, according to the Inter-Services Public Relations (ISPR), has the capability of delivering multiple warheads using Multiple Independent Re-entry Vehicle (MIRV) technology. The press release further shed light on the Ababeel missile and said that 'the development of the Ababeel weapon system was aimed at ensuring survivability of Pakistan's ballistic missiles in the growing regional Ballistic Missile Defense (BMD) environment'.⁴⁹

MIRVing by Pakistan is a classic illustration of the action-reaction model. The BMD system undermined Pakistan's deterrence credentials but it came up with a counter-move and followed the path of MIRVing to alleviate the challenge posed by the defence shield. A Pakistani analyst discussed MIRVing as follows:

There are chances that MIRVs could undermine the credibility of India's deployed defense shield. In fact, MIRV was created against a BMD capability. For example, the United States was the first to develop MIRV capacity against the Soviet Union Anti-Ballistic Missile shield during the peak of the Cold War. Increasing warheads mounted on a MIRV would enhance their credibility enough to defeat the adversary's defense shield, no matter how sophisticated the shield may be.⁵⁰

According to Akhtar and Das, reactionary approaches to meet the BMD challenge highlight that Pakistan is sensitive to what it reckons is signalling from New Delhi and hence is compelled to react in as little time as possible.⁵¹ While the degree of Pakistan's confidence on MIRVing will be ascertained in the years to come, MIRVing can safely be considered a way to bolster second-strike capabilities. The centrality of riposte capabilities in upholding deterrence compelled

Pakistan to look for options to acquire an assured second-strike capability. Kidwai saw a second strike as a balancer and said:

A second strike capability helps in stabilizing the first strike capability, in my judgment. Therefore, at some point in time Pakistan should be looking at a second strike capability, particularly in a scenario where India is already well on its way. So we can't allow balances, and imbalances to be disturbed. Balances must be maintained.⁵²

As part of the attempts to redress the imbalance that Kidwai alluded to, Pakistan carried out two successful tests of submarine launched cruise missiles (SLCM), Babur-3 in 2017 and 2018. While Pakistan rightly claims that the completion of a triad is a milestone in the attainment of an assured second-strike capability, critics are concerned about safety and the likelihood of nuclear use.⁵³ MIRVing and the quest for a sea-based nuclear deterrent represent the fact that Pakistan's full spectrum deterrence takes into account one of the hallmarks of nuclear deterrence: the greater the second-strike capability, the stronger the deterrence. Whereas the TNWs add much-needed deterrence value in defensive deterrence, the second-strike capability, if and when fully attained, will buttress full spectrum deterrence. However, there is a subtle yet discernible shift in the doctrine that cannot be eschewed. While answering a question on the range of Pakistan's Shaheen III ballistic missile, Kidwai justified its 2,750km-long range by saying that:

Of late, there have been reports of the Nicobar, and the Andaman Islands in the Bay of Bengal, being developed as bases, potentially as strategic bases. And if those bases are not covered by Pakistan, and Shaheen-III does that, with 2,750kilometers, if those bases are not covered then inadvertently Pakistan will be allowing, so to say, a second strike capability to India within its land borders.⁵⁴

Moreover, he categorically referred to Pakistan's drive to deny India the ability to increase its second-strike options. This is what we term 'deterrence by denial'. Under such a strategy, a state deters by expanding its options to deny its adversary the means of punishment. Beaufre gave a different name to such a strategy. He wrote that deterrence is said to be offensive if it is used to prevent the 'enemy resisting some action which one proposes to take oneself'.⁵⁵ Islamabad's quest to introduce denial capabilities is aimed at strengthening its deterrence against India. It is worth reiterating that second-strike capabilities are integral to achieving denial capabilities. Taken together, this represents a change in Pakistan's doctrinal direction. From merely war-prevention by defensive deterrence, Pakistan wants to deter war by honing its ability to fight. Counterforce and second-strike capabilities are not only deterrence-enhancement measures but also increase a state's potential to fight a nuclear war.⁵⁶

The in-progress journey towards a war-fighting doctrine appears to be a viable option, especially because of lack of confidence in India's no-first-use

policy and its intentions and actions that are undermining Pakistan's deterrence regime. Full spectrum deterrence cannot be complete if countervalue strike capabilities are not supplemented by counter-force options. Besides, deterrence will be bolstered if Pakistan strikes a balance between possessing punishment and denial capabilities.

All this is essential to ensuring strategic stability, especially when armaments and posturing have vitiated the strategic environment. By making the costs of war prohibitive, deterrence can be maintained. Plugging gaps in deterrence leaves less room for the adversary to entertain thoughts of achieving escalation dominance. If spaces are left open for the enemy to exploit, strategic and crisis stabilities are compromised.

The primacy of strengthening bilateral deterrence becomes all the more imperative due to the risks of outsourcing escalation control to third parties with divergent interests.⁵⁷ Akhtar argued for the need to uphold mutual deterrence through bilateral mechanisms. Her analysis was based on the hypothesis that a third party with high resolve to mediate in a crisis could enhance the chances of escalation by both conflicting parties. As evident from US behaviour in the three crises since 1998, the resolve to play the go-between is high. However, for Pakistan, trusting the US, a country that is perceived to be pandering to Indian interests in the region, is rather difficult. In such an environment, Pakistan is in a better position to justify its endeavours to reinforce its deterrence and leave India with little room to start, escalate and terminate a conflict on its own terms. The credibility of a third party as a fair arbitrator can be called into question; its geopolitical interests converge with at least one of the warring parties. Thus, Pakistan is better served by adding more layers to its defence and defence spectrum.

Conclusion

'Nuclear Pakistan' has matured as a nuclear weapon state. Its understanding of the threat environment and the concept of deterrence has enabled it to 'learn on the job'. Pakistan's simplistic assessment that the kill-capability of the ultimate weapon will be enough to deter India has changed over the years. Its strategic fraternity quickly came to terms with the requisites of deterrence and started altering its direction. Post-1998 crises showed how a nuclear device alone cannot outlaw conflicts.

Thus, Pakistan set itself on the path of extracting as much deterrence as it could from its meagre resources. Indeed, the idea behind full spectrum deterrence development is that Pakistan wants to possess 'just enough' numbers and types of deterrents on all rungs of the ladder to keep India from winning rounds in each rung. Contemporaneously, it has largely been successful in this respect. Though its doctrine of full spectrum deterrence has war-fighting connotations, it does not imply that Islamabad wants to fight a nuclear war. Rather, it wants to prevent war and strategic instability by strengthening its capabilities, be they war-fighting or war-prevention. Thus, its doctrinal evolution typifies the action-reaction dynamics in the South Asian region.

Last but not the least, it is befitting to contend that strategic stability can be ensured only if Pakistan's reactions in the face of Indian actions in the nuclear domain redress imbalances and instabilities. Faced with a bellicose nuclear-armed neighbour, Pakistan depends upon its ability to deter and, thus, gears its doctrine to maximise deterrence. Therefore, Pakistan's doctrinal thinking would be dynamic and based on the level of threats to strategic stability in South Asia. Finally, since the inception of its nuclear programme in the 1970s, Pakistan, despite a limited amount of resources, reflected two significant trends: it has not only sustained nuclear development but also has learnt the art of nuclear governance. These insights, thus, add to the existing literature on development and governance as pursued by this volume.

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12 The environment and development in contemporary Pakistan

The way forward

*Muhammad Fahim Khokhar and
Khadija Amir*

Introduction

Geographically, Pakistan is located in the temperate zone and is characterised by an arid and semi-arid climate. The summers are hot, and the winters are cold. However, there is distinct variation of temperature at given locations. For example, the northern areas housing snow-capped mountains of the Karakoram and Himalayan ranges are extremely cold and only accessible for a short time span during summer. The climate is usually warm along the coastal area of the Arabian Sea. The country receives summer monsoon rains (80 per cent of the total rainfall) and winter monsoon rains which have varied greatly in the recent years. Also, the monsoon rains are a primary source of recharge of surface water, such as rivers and aquifers and are extremely important for agriculture and human subsistence.

Pakistan enjoys a key position in South Asia, both strategically and economically. It shares a border with India, China, Afghanistan and Iran. Recent developments, including the China–Pakistan Economic Corridor (CPEC, see Chapter 10 in this volume) and trans-regional gas pipelines and an electric transmission line, have established the importance of Pakistan's geo-strategic position in the region.¹ The CPEC is a network of regional connections benefitting China, Pakistan, Iran, Afghanistan and the Central Asian countries.² The enhancement of geographical links through road, rail and air transport will create opportunities for frequent exchanges of growth, trade, academic and cultural knowledge, energy, and create a well-connected region. This gives Pakistan a unique status in the region.

Since 1947, Pakistan and India have sustained mutual hostility over the disputed territory of Kashmir, leading to two inconclusive wars in 1948 and 1965. A third war resulted in the separation of East Pakistan from West Pakistan, now called Bangladesh since 1971. Tensions arose between the two countries when India tested nuclear weapons in May 1998, putting tremendous pressure on Pakistan which responded by conducting its own nuclear tests only days after India's. The two countries came alarmingly close to a nuclear exchange in 1999 in the Kargil conflict. Furthermore, the internal situation in both countries has also been a key factor in the strained relations.

Amidst the discussion on mutual strengthening of the region in terms of social and economic development and strained relationships between neighbours, an important aspect has been overlooked in the mainstream geopolitical discussion: environmental security, particularly in the transboundary context and shared resources. The unpredictable geopolitical situation of the South Asian countries, coupled with prevalent mutual distrust, means events based on environmental factors can pose a threat to regional security.³ There has been a general acceptance in recent years that environmental security is a significant aspect of the national and regional security contexts of the nation-states.⁴ The term environmental security refers to the link between environmental issues with serious effects on the economic well-being of a population of a region, and non-traditional security concerns. In particular, this applies to a region where natural resources are shared by different nations and communities. Environmental deterioration and scarcity of natural resources not only can result in the weakening of economic conditions but also can spur conflicts in the region. One such example that may have the potential to trigger conflict could be if there is a shared groundwater aquifer between two countries, one country might be using or polluting it in such a way upstream that it becomes scarce or unusable in the other country downstream. Further, excessive deforestation or the bursting of a dam in one country may cause a devastating flood, carrying a huge amount of silt and industrial waste into downstream countries. In South Asia, two environmental issues are of major concern with respect to their transboundary impact: water and air pollution.

This chapter attempts to explore the major environmental concerns and climate change challenges faced by South Asia with particular emphasis on the water and air pollution challenges in Pakistan. The possibility of a rise in nuclear tension between India and Pakistan is also discussed in the light of these environmental threats, given the possible link between environmental challenges and security.

Climate change and extreme weather events

Climate change has become an undisputed reality of the twenty-first century. In many parts of the world, it is manifested in the form of extreme weather events. More than 526,000 lives were lost between 1997 and 2017 as a result of more than 11,500 extreme weather events.⁵ According to the Global Climate Risk Index (CRI) developed by German Watch, Sri Lanka and Dominica were among the 10 most affected countries in 2017. Bangladesh and Pakistan ranked among the 10 most affected countries by climate change assessed over the period of 1997 to 2017. Bangladesh ranks seventh and Pakistan ranks eighth of the 10 countries in the Long-Term Climate Risk Index, costing 0.56 per cent of its GDP (US\$3.8 billion).⁶ Although Pakistan does not contribute to climate change substantially, it potentially faces major climate change challenges.⁷

South Asia has witnessed a rise in the number of climate-induced disasters, such as torrential rains followed by devastating floods, disruption in monsoon

circulation, vector-borne diseases, heat waves and droughts. This has caused a great loss of human lives, damage to infrastructure and a serious blow to the economy. Flooding is a recurrent phenomenon in Pakistan and the country is very susceptible to it. However, the intensity of these flooding episodes has increased tremendously in the past few years, having an impact on a much larger scale. Almost one-fifth of the country was affected by the floods of 2010 and 2014. Climate scientists have largely attributed this to the rise in ocean temperatures. Other countries in the region have also been subject to similar catastrophic floods. India also faced major flooding in Uttarakhand in 2013, Indian-administered Kashmir and other parts in 2015. Between 2013 and 2017, heat waves in India claimed 4,620 deaths. Similarly in Pakistan, a two-week heat wave in 2015 caused the deaths of 1,250 people.⁸ A record temperature of 51 ° Celsius was recorded in Rajasthan, India, in May 2016. Overall 330 million people were affected by persistent droughts and heat waves in 2016.⁹

During the past 50 years, the average annual temperature of Pakistan has risen by 0.5 °C. The frequency of heat waves has also increased five times. One of the worst heat waves Pakistan has ever witnessed was in June 2015 and this had an extremely disruptive effect on society.

Due to hotter temperatures and warm air, there is an increase in the evaporation rate which might lead to an increased demand for irrigation water. It can also cause an increase in the demand for energy (due to use of air conditioning) to adapt to the increasing temperature. As per a 'business as usual' scenario of global greenhouse gas emissions, the average annual temperature of Pakistan is expected to increase by 3 °C to 5 °C by the end of the twenty-first century.¹⁰ Consequently, Pakistan will experience increased melting of glaciers and highly varied precipitation patterns in future.

The coastal areas of Karachi have already experienced a rise of 10 cm in sea levels during the last century and may experience a sea level rise of 60 cm by the end of this century. A rise in the sea level and increased storm surges cause severe damage to infrastructure and the livelihoods of people living in the coastal areas. According to an assessment by the Ministry of Climate Change, Pakistan needs a budget of around \$7 billion to \$14 billion per year in order to adapt to the changing climate.¹¹

Pakistan's environmental challenges

Pakistan has experienced modest economic development in the recent years. However, it is important to note that human well-being is linked to the continuous availability of critical ecosystem services and natural resources.¹² Pakistan is facing pressing environmental challenges as its natural resources are not only becoming increasingly polluted, but also scarce because of the increased population rate and unsustainable environmental practices. Pakistan ranks sixth on the list of the world's most populous countries. By 2050, the population is expected to increase to 295 million. The environment and the natural resources

of Pakistan have been polluted and degraded. Pakistan's environmental issues can be broadly identified as:

- management of limited natural resources;
- pollution and waste management;
- vulnerability to natural hazards and climate change.

Pakistan has a diversified ecology, ranging from the mountains in the north to the coastal zone in the south. These ecological regions are also important in terms of the natural resource base each has to offer. Although Pakistan is blessed with natural resources, the increase in the population continues to exert tremendous pressure, resulting in exploitation at alarming rates. The country is predominantly an agrarian economy, with agriculture taking a 21 per cent share of the GDP and using 45 per cent of the total labour force. The majority of the population live in rural areas, hence, they depend on natural resources for daily subsistence needs – use of rangeland, forests, fish, and fuelwood is common.¹³

In addition to a declining natural resource base, Pakistan is facing serious environmental pollution challenges, particularly air and water, land degradation, urban congestion, desertification, deforestation, loss of biodiversity and habitat, water scarcity and declining water quality, followed by adverse impacts of climate change and extreme weather events.

For instance, Pakistan has a very small number of endemic species, i.e. reptiles and flowering plants are about 7 per cent, mammals constitute about 3 per cent and freshwater fish consist of about 15 per cent of the world's wildlife. However, various plants and animals in Pakistan have been disappearing in the past 73 years. In particular, species like the tiger, the Indian one-horned rhinoceros, the lion and swamped deer have disappeared from Pakistan in the preceding decades.¹⁴

Recently, Pakistan has been suffering from severe air pollution problems. Lahore and other major cities are among the most polluted cities in the world with the amount of particulate matter exceeding the safety limits proposed by the National Environmental Quality Standards (NEQS) ($35 \mu\text{g}/\text{m}^3$ for $\text{PM}_{2.5}$ and $150 \mu\text{g}/\text{m}^3$ for PM_{10}) and the World Health Organization (WHO). Extensive smog episodes from late October to mid-November are witnessed each year, and this is now considered the fifth season in the city of Lahore and adjacent areas.

Pakistan's glaciers are receding at an alarming rate (with an exception in the Karakoram range – referred to as the Karakoram anomaly).¹⁵ The forests are facing a similar trend, with the total forest cover of 1.9 per cent in 2015 compared to 3.3 per cent in 1990.¹⁶ Pakistan incurs a loss of almost 6 per cent of GDP every year as a result of environmental degradation and the consequent burden on the health sector.¹⁷ Pakistan's 21 per cent GDP depends on agriculture, which is the second largest source of contributions to the economy in Pakistan. About 45 per cent of the total labour force is employed in this sector.¹⁸ The availability of natural resources is of great importance to the economy and it is considered an imperative element in achieving prosperity. As the natural

resources of Pakistan are rapidly depleting due to over-population and unsustainable practices, this leads to a decrease in GDP every year and a drop in the economic well-being of a considerable section of the population in Pakistan.

Frequent natural disasters

Pakistan's distinct topography and climatic extremes make it susceptible to several natural hazards. Of these, most hazards are induced by climate change, such as torrential rains, floods, droughts, heat waves, avalanches, and glacial lake outburst floods (GLOF). Of these hazards, some are seasonal, occurring annually, such as floods, especially during the monsoon season in summer and winter.¹⁹

On 8 October 2005, a devastating earthquake struck the Azad Jammu and Kashmir (AJK) and Khyber–Pakhtunkhwa regions, killing at least 73,000 people, severely injuring another 70,000, and leaving 2.8 million people without shelter. It has cost Pakistan's economy approximately US\$5.2 billion in relief and rehabilitation of the victims in addition to the enormous human toll.²⁰

Torrential rains followed by floods are the most recurrent and destructive climate-associated hazards occurring in Pakistan. Climate change is considered to have a serious impact on the rainfall patterns in the country, thus modifying the monsoon period and its occurrence. This will lead to more severe and unpredictable flooding in the coming years. Of the total population affected by natural hazards, about 90 per cent are endangered by flooding.²¹ Between 1947 and 2010, almost 8,000 human mortalities and US\$100 billion economic losses were recorded in official statistics.²² According to the Aqueduct Global Flood Risk Country Rankings by Population Affected 2015, Pakistan stood 5th worldwide in term of populations affected by flood.²³ The 2010 floods were the most devastating from an economic point of view (in terms of unprecedented loss of GDP) and human losses. During these floods, more than 312 millimetres of rain within 56 hours were recorded in Khyber–Pakhtunkhwa. The devastating floods affected more than 20 million people directly and caused over 1,800 deaths across the region.²⁴ The World Bank and the Asian Development Bank Disaster Needs Assessment summarised the loss and damage as costlier than the 2011 tsunami that hit Japan (Pakistan floods: 5.8 per cent loss to GDP whereas the tsunami caused 4.6 per cent loss to GDP).²⁵

Almost 60 per cent of the land in Pakistan is categorised as arid or semi-arid, making it prone to droughts.²⁶ The most recent and prominent drought spell in Pakistan occurred in Tharparkar, a southern district in Sindh Province bordering India. The drought spell has continued since 2012. On average, every third year in Tharparkar is a drought year. Erratic rainfall and severe water scarcity have caused these droughts in southern parts of the country, resulting in loss of human life, deaths of large numbers of animals and economic losses.

The glaciers in the northern mountain ranges of Pakistan are melting rapidly due to rising temperatures, leading to the formation of 3,044 glacial lakes in Gilgit-Baltistan and Khyber–Pakhtunkhwa. Of these, 33 glacial lakes were

assessed as being prone to glacial lake outburst flooding (GLOF).²⁷ According to the United Nations Development Programme (UNDP), more than 7.1 million people in Gilgit–Baltistan (GB) and Khyber–Pakhtunkhwa are vulnerable, owing to their economic status (living below the poverty line). By 2100, Pakistan is expected to experience a warming of 3°C to 5°C²⁸ and it is expected to need billions of dollars annually for an effective adaptation plan to cope with the changing climate. This is a huge cost for country with several constraints on its economy due to the ongoing geopolitical situation (e.g. the War on Terror, Afghan refugees and internally displaced people because of the volatile law and order situation) in the region. Pakistan has faced a loss of about US\$126.79 billion (Rs.10,762.64 billion) due to terrorism (directly and indirectly) over the last 17 years.²⁹ Huge concern is growing about the resilience of Pakistan towards climate change and extreme weather events. Pakistan is facing an economic crisis due to some of the many aforementioned reasons, in addition to the huge amounts required for climate change adaptation cost. Therefore, Pakistan is in a difficult situation in its ability to move forward and work on improving its climate change resilience capacity.

Transboundary air pollution

Air pollution is a significant problem in South Asia. Air particles, mostly pollutants from many sources, remain suspended in the air during the winter season owing to temperature inversion, resulting in smog. This is a major issue in the region, including Pakistan, India, Bangladesh and Nepal. The smog is so thick that it not only poses extreme health risks due to the composition of the pollutants, but impairs visibility, resulting in high risks of air and road traffic mobility and subsequent accidents. According to the WHO, approximately 4.2 million people die annually due to ambient air pollution worldwide.³⁰ The urban air pollution in Pakistan is considered a significant contributory factor to substantial health impacts and economic losses.³¹ The levels of particulate matter are many times higher than the acceptable air quality guidelines published by the WHO and the NEQS.³²

In 2016, Pakistan's second largest city, Lahore, and the plains of the Punjab were engulfed in a thick smog, which, according to the National Aeronautical and Space Administration (NASA), resulted from extensive rice paddy fires in the bordering Indian province of the Punjab. Life was choked on both sides of the border, causing a severe disruption to society. Air pollutant levels reached hazardous levels. In the wake of the poor air quality caused by the transboundary smoke from fires in agriculture and industrial emissions, in 2017, the Chief Minister of the Punjab, Pakistan, wrote a letter to the Chief Minister of the Indian Punjab in order to seek a political consensus to tackle the air pollution problem at the regional level.³³ He stressed regional cooperation to combat the transboundary air pollution issues with the help of strict legislation for agriculture burning and other activities. However, the Indian side did not accept this invitation to act.

Every year public warnings are issued during the smog season to restrict outdoor activities and to wear safety masks to avoid drastic health losses. A huge public outcry about deteriorating air quality and poor health conditions has been reported, putting a huge question mark over air quality management and the mitigation strategies of the government. Various outcries arose to take this matter to the International Court of Justice as the problem was initiated by uncontrolled burning of rice stubble in the Indian Punjab and later in the Pakistani Punjab as well. In addition to the geo-political tensions with India, transboundary smog issues further strain the relationship and aggravate its repercussions on regional security. Burning crop residues in the Punjab regions have adverse impacts on the air quality of both India and Pakistan. Since 2018, Pakistan has enforced Section 144 (a ban) on the burning of rice paddies and closed brick kilns during the smog seasons and this was clearly reflected in satellite images of fire detection by NASA over South Asia. The satellite images clearly indicated extensive agricultural burning activities in Indian territories compared to Pakistan. Moreover, transport pathways show that pollution flows primarily from the Indian regions and crosses the border with Pakistan in the atmospheric boundary layer.³⁴ Despite imposing Section 144 (ban) on agricultural residue burning activities in Pakistan, Pakistan could not resolve the issue as air quality remained just as toxic during the smog season due to the transboundary movement of air masses. Therefore, there is a dire need for both nations to make a collective effort to combat transboundary air quality issues in order to save massive health and economic losses occurring on an annual basis. Enhanced management of resources would help to improve the socio-economic conditions of the citizens of both Pakistan and India. Further, it may emerge as an opportunity for both countries and present a platform for both nations to work together to combat a common problem.

The water crisis

Pakistan's water resources are under tremendous pressure. The rapidly growing population has pushed Pakistan to the status of a water-scarce country. This situation poses the threat of food insecurity. According to the National Water Policy (2018), the per capita surface water availability in 1951 was 5,260 cubic metres per year which has declined to about 1,000 cubic metres in 2016. This quantity is predicted to further decrease to 860 cubic metres by 2025, marking Pakistan's shift from a water-stressed to a water-scarce country which is lower than the 1,000 cubic metres per capita per year water required to avoid food and health implications of water scarcity.³⁵

Pakistan's freshwater resources amount to 176 million acre foot (MAF).³⁶ Freshwater is available through the Indus River system which is formed of five main rivers: River Indus (44 per cent), River Chenab (19 per cent), River Jhelum (16 per cent), River Kabul (16 per cent), and others (5 per cent).³⁷ Glacial and snow melt and monsoon rains feed freshwater into the Indus River and its tributaries.³⁸ The River Indus is the primary source of irrigation for 80 per cent of the

agricultural land, covering an area of 21.5 million hectares.³⁹ Pakistan stands at fourth position of countries with the largest irrigated area in the world, and its contiguous irrigation network is considered the largest in the world.⁴⁰ As Pakistan is predominantly an agrarian economy, the majority of the freshwater (95 per cent) is used in irrigated agriculture, and the remaining serves domestic and industrial uses.⁴¹

One of the biggest issues affecting the irrigation system in Pakistan is that less than 40 per cent of the water is actually used for irrigation whereas over 60 per cent water is lost in conveyance and field application.⁴² The major factors that have led to Pakistan's water scarcity include exponential population growth and urbanisation, water-intensive agriculture practices, unsustainable ground-water extraction; and irregular rainfall as a result of regional climatic changes. Pakistan's water scarcity problems are congruent with poverty and the disproportionate distribution of water resources. Moreover, the agricultural sector demands a shift in types of food production and requires efficient irrigation practices to combat water scarcity.⁴³

Groundwater depletion is another alarming concern as Pakistan is utilizing 83 per cent of the total renewable resources.⁴⁴ Pakistan, as an agrarian country, receives 494 mm rainfall per year, mainly during the summer monsoons. However, the rainfall patterns are unevenly distributed and fluctuate with the seasons.⁴⁵ Climate change has led to a dynamic transition in extreme weather events and water supply patterns that in turn has intensified social inequalities and the unavailability of water. Thus, a collaborative framework is needed to develop an effective and comprehensive water management strategy that amalgamates policies, institutions, technology and skills to enhance effective water management and agricultural productivity.

Water: the regional dimension

Given the current state of the environmental challenges faced by Pakistan, it is difficult to pick one issue and name it the sole cause of environmental deterioration, posing a threat to regional security. As discussed above, Pakistan's rapid rise in population is exerting pressure on the natural resources, on one hand, and its vulnerability to climate change and associated impacts presents a grim situation, on the other. Water is a basic human right and vital for human existence. Pakistan has been a water-stressed country since the 2010s and it is estimated that the current availability of water constitutes about 1,090 cubic metres per capita annually. Pakistan is expected to become a water-scarce country by 2035.⁴⁶ This prediction is the result of the growing population, the disproportionate distribution of resources, poor supply management and the effects of climate change. In view of the current situation, Pakistan's water scenario is quite multi-dimensional and historical.

Pakistan has faced water-related issues since its inception. Pakistan's water supply was blocked by India immediately after partition in 1947, posing a threat to agriculture and the related infrastructure which was entirely reliant on river

water. Pakistan sought international assistance, and following a decade of strained relations with India, the Indus Waters Treaty (IWT) was signed in 1960 through the World Bank mediation.⁴⁷ The Treaty allocated the eastern rivers – the Ravi, Sutlej and Bias – to India, while the western rivers, namely, the Chenab, Jhelum and Indus were assigned to Pakistan. Consequently, both countries were awarded conditional usage rights of each other's rivers, with the condition that water quantity and flow would not be lowered from the agreed levels. However, in 1999, India backtracked on its commitments and announced it was constructing the Baglehar Dam on the River Chenab. Though Pakistan raised its concerns with the Indus Commission, this was futile as the commission could not find a mutual consensus to resolve the issue. Eventually, Pakistan had to approach the World Bank which decided in favour of the construction of the Baglehar Dam.⁴⁸

According to the IWT, water from the rivers (Sutlej, Beas and Ravi) belongs to India and should not be used by Pakistani farmers and only the amount of water mandatory for downstream ecosystems will be released all the way to the Arabian Sea. The IWT has been threatened on several occasions following any insurgency or raised tension between the neighbouring states of India and Pakistan. Recently, regional peace was in danger due to the tense situation after the Uri attacks in September 2016 on the Indian side of the Line of Control (LOC) and following the Indian Prime Minister's remarks that 'blood and water cannot flow together' and his promise to bring the Indus waters 'back to India'. He also announced a task force to review the Indus Waters Treaty.⁴⁹ This has concerned Pakistan as the Indus River was allocated to Pakistan under the Treaty. Any review or modification of the Treaty will not be acceptable to either party and may have severe implications for regional security. In addition to the Baglehar Dam, India has commenced building more dams on the western rivers Chenab, Jhelum and Neelum in Kashmir, east of the Line of Control, as well as on Indian territory. These include the Kishanganga, Ratle and Sawalkot Dams and the Wullar Barrage.⁵⁰ Pakistan has raised serious concerns and objections to such developments as the dams can affect the water flow in the Chenab and Jhelum Rivers, endangering the accessibility of water in Pakistan for irrigation and domestic purposes. Pakistan approached the International Court of Arbitration against the Kishenganga Dam construction by India. The Court partially ruled in favour of Pakistan; however, it allowed the construction of Kishenganga with the requirement that India adheres to the Indus Waters Treaty's requirement of minimum water flow in the River Chenab.

Pakistan and India are still in dispute over the issue of dams, complicating the water conflict between the two countries. India's dam construction spree is an obvious threat to the water availability of the people of Pakistan. As per the Indus Waters Treaty, India can build dams but must ensure their design has no impact on the downstream riverine flow. However, on the Pakistan side, the fear is that the Indian construction of dams on the rivers will adversely affect the availability of water in the Pakistani rivers. Both countries resorted to the International Court of Arbitration in The Hague over issues of the design and

building of dams. However, the problem seems to be more of trust deficit between the two IWT signatories rather than the design of dams and their technical aspects.

Pakistan is a predominantly agrarian economy and as stated above, almost 80 per cent of the irrigation water is extracted from the Indus River system and about 45 per cent of the population in Pakistan is employed in agriculture. Pakistan's irrigation system is comprised of canals and barrages. Like the main tributaries, these canals and barrages are fed with water from the western tributaries, with a major share from the Indus River. Any attempts or malicious intent by India to affect the water flow into the Indus River will ultimately influence the availability of water in the barrages and canals system of Pakistan. Over the past few years, the dispute over water sharing between India and Pakistan has worsened. Recently conflict arose after the construction of a hydropower plant along the tributary of the Indus. India's plan to divert the river course would reduce the river's capacity by 30 per cent during the winter in Pakistan.⁵¹ This will in turn cause a lack of water altogether for irrigation. Therefore, this will have a severe impact on the survival and well-being of the population due to crop failure, resulting in food insecurity and ultimately leading to regional insecurity. Thus, scientists have warned that if interventions to ensure water availability are not implemented, then Pakistan might face severe water disaster within the next three years. The IWT is unparalleled in determining the water share based on location rather than the quantity of water. Pakistan's concerns are about water sharing, taking priority over security aspects.⁵² However, there is consensus among various experts that, legally, IWT has a 'non-exit' and any unilateral withdrawal by India not only will damage its global reputation but also have strong repercussions on its treaties on water sharing with its other neighbouring states. By all means, if it happens, then it is very unlikely that India can hold/revert the flow of the mighty rivers of the Indus system with the existing infrastructure of dams in the near future as it takes at least 10 to 15 years to build a dam.

The way forward

Climate change has become a serious challenge for Pakistan. It also threatens the social, environmental, economic and political stability of the region. The most pressing issues at present are transboundary air pollution and the extreme weather events induced by climate change, the vulnerability of the countries in the region to these events and water scarcity. The level of subsistence in the region is critically dependent on water and its availability. Particularly for Pakistan – a predominantly agrarian economy – agriculture is the backbone of the country's economy with a substantial share of the national GDP. With increasing populations living below the poverty line, the survival of the people in this region is dependent upon the availability of food and natural resources.

A water-food-climate change nexus becomes of critical importance in the region where each is intricately linked to one another. Food security is

dependent upon water availability that is regulated through precipitation which is in turn influenced by climate change. Pakistan faces serious water scarcity issues. With a massive dependence on water for agriculture, Pakistan's dwindling water resources put the crop production in jeopardy. The changing climate is altering precipitation patterns, influencing the monsoon rains as well.⁵³ Monsoon rains are critical to recharge the surface and groundwater resources in the country. On the other hand, extreme weather events, such as floods caused by erratic rains and droughts, magnify the problem.

Pakistan shares its water basin in the region. India's challenging stance over water and threats to cut off water supplies to Pakistan give rise to tension between the neighbouring countries. Both countries have shared a war history that led to unfavourable consequences. Adding water security to the picture not only intensifies the security issues between India and Pakistan but threatens pushing the two nuclear powers into a water-war. The seriousness of the matter can be gauged by the fact that nuclear war can be on the table if the water issue escalates.

On the other hand, the rising issue of cross-boundary air pollution has developed recently. This is mostly associated with crop residue burning as was the case in 2016. A dense smog afflicted the plains of the Punjab, Pakistan, as a result of intense crop residue burning across the border in the Indian Punjab. The city of Lahore was engulfed in smog with hazardous levels of particulate matter. If the practice continues and, as a result, transboundary air pollution rises in Pakistan, this can have serious repercussions. It is reflected in the Punjab smog event in 2017, when the chief minister at the time wrote a letter to his Indian counterpart proposing a regional agreement for a coordinated and cooperative approach to tackle the issue.⁵⁴ However, as of today, there still has not been an encouraging response to it from the Indian side. According to recent reports from the Intergovernmental Panel on Climate Change (IPCC): 'Climate-related risks to health, livelihoods, food security, water supply, human security, and economic growth are projected to increase with global warming of 1.5°C and increase further with 2°C.'⁵⁵

Moreover, health issues due to malnutrition of large sections of the population are expected to increase by the end of current century as per projected climate scenarios due to water scarcity and consequent food shortages. This tragedy will be further deteriorated by poor air quality contributed by both transboundary and local sources. There is, thus, a need for diligent environmental diplomacy in the region. The South Asian Association for Regional Cooperation (SAARC) can play a critical role in engaging all its member countries to sit around the table and tackle climate change and related issues. There is no easy way out of this situation; all the countries in the region are in a precarious situation which calls for regional cooperation and knowledge exchange. There is no choice but to join hands and to address these mutual issues.

The absence of political will is a major hurdle in pursuing the environmental diplomacy route. Politicians, the media and the public need to play a vital role in creating domestic and, for that matter, regional cooperation and harmony in

order to address transboundary issues as we share a common atmosphere beyond the geo-political boundaries. Failure to do so may escalate tension in the region that can be transformed into a full-scale (nuclear) war between neighbours with already strained relations and an existing history of conflict.

Conclusion

In view of the foregoing, what can be concluded is that the structural nexus between the environment and development reflects a complicated interdependence whereas the former, as per the latest climate research as well as the findings of this study, ought to be accorded priority in terms of preservation and conservation of natural resources, such as water, politically, socially and strategically. Nationally, there is an urgent need to generate climate consciousness at both the societal and state levels. Regionally, there is a need for diligent environmental diplomacy. In this respect, the SAARC can play a critical role in engaging its member countries, especially India and Pakistan, to sit around the table to discuss and plan climate action and joint ventures to tackle these issues. The two can take the lead in developing and initiating regional programs for cooperation in the areas of awareness, capacity building, technology and knowledge transfer for early warning, preparedness, disaster management (including transboundary impacts) and rehabilitation. Last but not the least, politicians, the media and the public need to play a vital role in creating domestic and— for that matter, regional – cooperation and climate harmony in order to address transboundary issues, as we all share a common atmosphere beyond the geopolitical boundaries. Political and policy failure, in this respect, may escalate tension in the South Asian region with the potential to end up in a (water/air pollution) war. Thus, it is urgent for the South Asian leadership to think climatically, and not geopolitically, in order to realise sustained socio-economic development for the current and future generations.

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13 Water governance, climate and development

A case study of the Indus Waters Treaty

Tooba Khurshid

Introduction

History abounds with examples of nations struggling for control over natural resources that are critical to their survival. On many occasions these struggles become bitter conflicts. Among these resources, water is undoubtedly the most important and precious.¹ It goes without saying that water is vital for life; people need it for basic survival; to cultivate crops; for their livestock; health; environment; construction; transport and innumerable domestic and other indispensable uses. However, in the world, the rapid increase in the population and industrialisation, on the one hand, and waste of water, on the other, have further depleted this resource.² The situation has reached a point where water that was once in abundance has become scarce and a source of conflict at both regional and international levels.

The available literature on ‘water wars’ and ‘peace agreements’ presents two different perspectives. One argument is that it is a source of conflict³ and the other is that ‘water [is] a catalyst for peace’.⁴ Despite the vital need that countries have for this resource, history offers various examples where states have been able to reach agreements on water sharing without compromising their claims and keeping their ideological and political rivalries intact. The most relevant case, in this context, is Pakistan and India. Despite contested territorial claims between them regarding Kashmir, they agreed to a ‘river distribution formula’ in the Indus Waters Treaty (IWT). A very important aspect of the Kashmir dispute is regional water security. The conflict over the territory of Kashmir is mainly about control of the waters.⁵ This chapter focuses on the question, ‘who owns the water?’

Genesis of the dispute

The genesis of the water dispute dates back to the pre-partition period when the Government of India Act 1935 designated water under provincial jurisdiction. Disputes began to crop up between the provinces of Sindh and the Punjab.⁶ In 1942, at the behest of the British Government, a judicial commission prepared a report on the water dispute which both Sindh and the Punjab rejected. The issue

was then referred to His Majesty's Government in London for a decision. However, before a ruling could be made, South India was partitioned under the Independence Act of 1947.⁷

The 'Radcliff Award', the delineation of the border between India and Pakistan, did not anticipate the implications of haphazardly dividing the Indus River Basin (IRB). The long-established irrigation system of the Punjab was split in two. Thus, partition proved to be a bifurcation not only of the people and the land of the Indian sub-continent but also of its waterways. Since 1947, both India and Pakistan have been engaged in conflict over the control of Jammu and Kashmir. Henceforth, the partition controversy erupted over the status of the princely state of Jammu and Kashmir (J&K). Water is an important aspect of the India–Pakistan dispute over the state of Jammu and Kashmir. The roots of water disputes lie in the source and flow of rivers into different countries.⁸ The IRB originates in Tibet, flows through J&K (the part of the state under Indian control), India and then runs into Pakistan. The Indus has six tributaries: the Indus, the Jhelum, the Chenab, the Ravi, the Sutlej and the Beas. The Jhelum – the largest of all – originates in the Kashmir valley (part of J&K under Indian control); the Chenab flows through Jammu (also under Indian control) thus entering Pakistan from Kashmir.⁹ The Ravi flows along the Indo-Pak border, while the Beas and the Sutlej flow through the Indian state of Himachal (see Figure 13.1). The Indus, Jhelum and Chenab are western rivers and the Ravi, Sutlej and Beas are called the eastern rivers.

The Indian and Pakistani economies are largely based on irrigated agriculture. The colonial government of British India established one of the best canal networks in the world here. This helped to take water from the sources in the North and distribute it all over the Punjab, even to the remotest areas of the

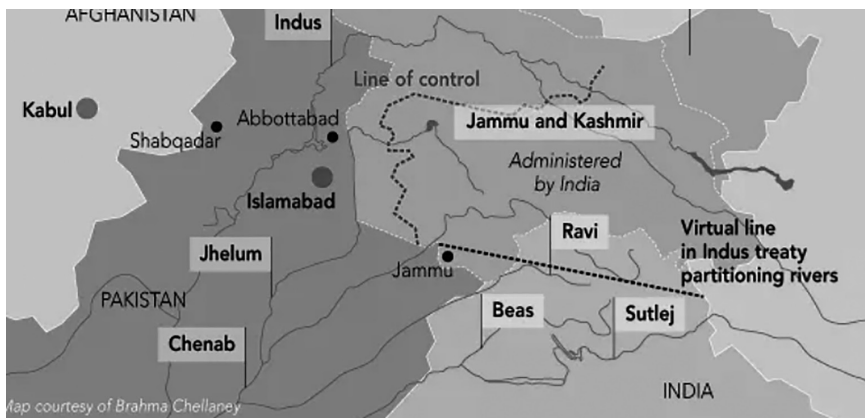


Figure 13.1 Map of the Indus waters' flow.

Source: <https://www.clearias.com/indus-water-treaty/> (accessed 13 May 2020).

province. Many canal projects were sanctioned during the Raj, including the 'Sutlej Valley Project' and 'The Triple Canal Project', mainly in East Punjab.¹⁰ Of course, originally the canal system was designed as a single project, but partition divided it in two, leaving the 'headworks'¹¹ in India, and the canals flowing through Pakistan. Since the agriculture of both countries was highly dependent on the Indus River, they signed a short-term 'Standstill Agreement' on 18 December 1947 and agreed to maintain the pre-partition water allocation.¹²

The Kashmir dispute complicated Indo-Pakistan relations with a direct impact on the water situation. After the expiration of the Standstill Agreement, India withheld the water from the canals in Pakistan.¹³ These developments created a water dispute between the two countries. Later, as a short-term measure on 4 May 1948, the 'Inter-Dominion Agreement' was signed between the two countries. This obliged India to provide water to Pakistan in return for annual payments and stated that a permanent solution would be agreed upon through further negotiations.¹⁴ However, the negotiations remained at an impasse. Subsequently, in 1954, the World Bank (WB) offered its services and after six years of talks, India and Pakistan signed the Indus Waters Treaty in 1960. The salient features of this treaty for water usage include the following provisions.

Provisions for Pakistan

- 1 Pakistan shall receive unrestricted use of all the waters of the Western Rivers.
- 2 India shall be under an obligation to let flow all the waters of the Western Rivers, and shall not permit any interference with these waters, except for the following uses, restricted (except as provided in item (c) (ii) of Paragraph 5 of Annexure C) 1 in the case of each of the rivers, the Indus, the Jhelum and the Chenab, to the drainage basin thereof:
 - a Domestic Use;
 - b Non-Consumptive Use;
 - c Agricultural Use, as set out in Annexure C; and
 - d Generation of hydro-electric power, as set out in Annexure D. 2.
- 3 Pakistan shall have the unrestricted use of all waters originating from sources other than the Eastern Rivers which are delivered by Pakistan into the Ravi or the Sutlej, and India shall not make use of these waters.

Provisions for India

- 1 All the waters of the Eastern Rivers shall be available for the unrestricted use of India, except as otherwise expressly provided in this Article.
- 2 Except for Domestic Use and Non-Consumptive Use, Pakistan shall be under an obligation to let flow, and shall not permit any interference with, the waters of the Sutlej Main and the Ravi Main in the reaches where these rivers flow in Pakistan and have not yet finally crossed into Pakistan.
- 3 Except for Domestic Use, Non-Consumptive Use and Agricultural (as specified in Annexure B), 1, Pakistan shall be under an obligation to let

flow, and shall not permit any interference with, the waters (while flowing in Pakistan) of any tributary which in its natural course joins the Sutlej Main or the Ravi Main before these rivers have finally crossed into Pakistan.¹⁵

Emerging scenario

The signing of the IWT proved to be a model of cooperation between India and Pakistan. Even when the relationship between the two countries was tense, it did not impact the IWT. The implementation of the treaty remained successful as apparently it forestalled several potential conflicts between the two countries. In recent years, however, many new issues have arisen between the two countries, primarily regarding Kashmir, that have reignited the water dispute. In 2016, the Indian Prime Minister Narendra Modi warned Pakistan that he would scrap the treaty and stop the flow of waters into Pakistan.¹⁶ The statement presented a potential challenge to Pakistan as well as to the peace of the region. As one of the scarce and precious sources on Earth, water crosses borders and elevates pressures among people and countries depending on it for life and survival. Although freshwater scarcity is a prevailing issue across the world now; however, the situation is acute in India and Pakistan with their high rates of population growth and rising demand for domestic and agricultural water.

Overall in South Asia, the exhaustion of water resources has become a looming crisis. It is home to 25.22 per cent of the total world population and has access to just 8 per cent of the total quantity of the world's water resources, making the per capita water availability hardly the average. Given the current growing multiple challenges, water problems in South Asia are becoming more complex. As the population, economic and environmental pressures on scarce water resources increase, they put a greater burden on the river basins across the region, thus creating additional friction between the two states (India and Pakistan). A study showed that the amount of water availability in South Asia per capita has fallen dramatically in recent decades.¹⁷ This, coupled with unchecked population growth and the expected impact of climate change, continues to aggravate the problem.¹⁸

The situation is more critical for Pakistan where water shortages already exist in many cities, such as Karachi. In the Indo-Pakistan conflict, the Himalayan waters are likely to gain importance, potentially increasing the risk of this area becoming a flash point. Even prior to the statement of the Indian Prime Minister to abrogate the water treaty with Pakistan, the two countries had tangled with each other over the water issue. Both countries have been uncomfortable with the treaty. Even earlier, in 2002, the Indian authorities threatened to abrogate the treaty to 'teach a lesson to Pakistan'.¹⁹ Pakistan has also raised concerns over the treaty more openly.²⁰

The IWT regulated the water distribution, but did not address the problems that could arise regarding specific points in the planning and execution of Indian projects on the western rivers. As stated, the treaty grants India limited use of

the waters of these rivers, but this use is subject to stringent technical regulations and contractual clauses to protect Pakistan's interests. However, though the treaty is restrictive, it is also permits Indian projects – especially large projects – on the western rivers. This leads to a constant tug-of-war within the Indus Commission. Pakistan has raised concerns over various Indian projects including the Wullar Barrage on the Jhelum and the Baglihar Barrage on the Chenab. However, recently India's plan to build the Kishanganga Hydro-Electric Plant (KHEP-Kishanganga Dam) on the upper reaches of the Neelum River (India calls it the Kishanganga River) has raised significant concerns as Pakistan also constructed the Neelum–Jhelum Hydro-Electric Project (NJHEP) on its side of the Neelum River. India has already built a dam on the Neelum River which is a tributary of the Jhelum River (Figure 13.2).

According to the treaty, India can use the upstream river water (the western rivers), but cannot store or divert water.²¹ India claims that it is building dams to meet its electricity demands. Under these circumstances, Pakistan held that the on-going hydropower project in India violated the treaty and will disrupt the water resources flowing in Pakistan. Both the KHEP and the NJHEP are run-of-river hydroelectric schemes and operate in a similar way. The dispute over Kishanganga not only centres on water diversion from one tributary to another but also signifies that the river can provide the energy and irrigation needs to only one side, not both. The diversion of water to Kishanganga not only reduces the power generation but also decreases the flow of water in the Neelum Valley

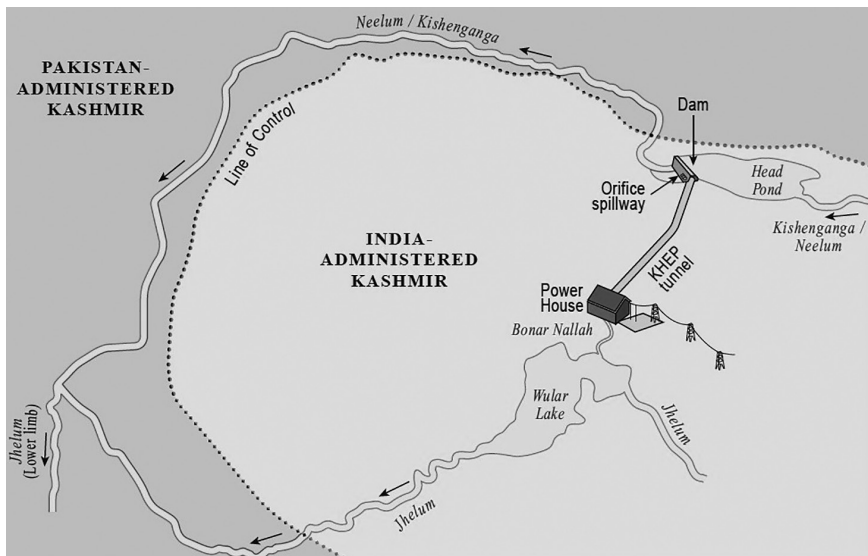


Figure 13.2 Map of Kishanganga Dam and the powerhouse of the Indus waters' flow.

Source: <https://sandrp.in/2013/12/23/international-court-asks-india-to-release-more-water-and-rejects-plea-to-re-interpret-february-verdict-on-kishanganga/> (accessed 13 May 2020).

(the part of AJK under Pakistan control), depriving the people (of Kashmir) of this scarce source they are dependent on. As the two sides continued to argue over this issue, environmentalists also have criticised the Indian plan. They argue that the Indian government's current decision to build dams is not conducive to environmental protection, nor can it improve energy efficiency. It is a short-sighted plan and huge hydropower projects will inundate large areas of farmland and forests. Environmentalists also argue that it is better for the government to solve the problem of water and electricity shortages by adopting smaller-scale projects and meeting local needs.²² Thus, with the expansion of urbanisation, the demand for hydropower is increasing, and the issue of water and electricity has begun to become a political issue of concern in the region.

A review of the history of the IWT agreement shows that the documents relating to the negotiations did not include any definite mention of environmental issues. Further, lack of underground water was never considered a relevant factor that affected the socio-economic situation of the region's communities. In recent years, there have been calls for holistic, inclusive management or shared management, etc., of the entire system. These are ideas that should not be rejected. Today questions such as the assessment of environmental consequences, reduced or environmentally friendly flows, etc., apply to the Indus system as well as to other systems and these demands should not be ignored just because the Indus Waters Treaty did not foresee them. It is likely that environmental impact assessments will be made for all hydropower projects planned on the western rivers. Environmental consequences do not stop at borders; a project on one side of the border may have effects beyond the boundary.

India's policy decision to build dams, reservoirs and canals on the rivers of the Indus Basin has made it mandatory to assess their benefits and the costs. Various scholars have argued that building large dams affects the entire ecosystem, including the poor people and those dependent on rivers for their livelihood. According to the World Commission on Dams (WCD): 'The completion of any dam project should be a constant improvement in the direction of human welfare and – economically viable, socially equitable and environmentally durable with vision.'²³ While many countries have invested in the construction of large dams in order to fulfil the growing demands of water and energy of their population, the costs always outweigh the benefits.

The preceding points indicate that indeed, most of the water disputes between India and Pakistan are due to the construction of certain dams. For example, the Baghliar Dam has been a cause of controversy due to its design and storage capacity. Similarly, the Kishanganga Dam on the Jhelum River is also controversial because it affects the course of the river.

However, the water debate between India and Pakistan is complex and goes beyond water sharing. One of the main reasons behind the water conflict is the absence of mutual trust between the two countries. According to a special report from the US Institute of Peace, the reasons for the disagreement over the Baghliar Dam project were not only technical aspects, but also security concerns of

Pakistan – the dam could prevent/limit the flow of water in the short-flow winter months, when water is scarce. On the other hand, India's potential to release more water in the summer months also raised fears of the possibility of causing floods in Pakistan.²⁴ This truly underlines the lack of trust between the two countries; an action by India is seen with suspicion in Pakistan and vice versa.

Dispute resolution mechanism and the IWT

Today, water conflicts across the globe are generally over its use and distribution. These have become more complex due to the growing scarcity of water. In contemporary times, water conflicts can be categorised as:

- conflicts, where there is no agreement to share watercourses;
- conflicts, where there is an agreed treaty;
- conflicts, where there is an agreed but non-functional treaty.²⁵

In cases where there is no treaty, international law as a legal framework of juridical or non-juridical mechanisms is applied as follows:

A Juridical Dispute Resolution Mechanisms

- 1 Permanent Court of International Justice (PCIJ)
- 2 International Court of Justice (ICJ)
- 3 Arbitration

B Non-Juridical Dispute Resolution Mechanisms

- 1 Fact-Finding Commissions
- 2 Mediations
- 3 Negotiations

In the case of India and Pakistan, both have a mutually agreed and functional treaty. However, both are facing challenges primarily due to the reasons stated above. The mechanisms for settlement of disputes vis-à-vis the IWT are enshrined in Article IX of the treaty under the following paradigms:

- 1 Permanent Indus Commission (PIC)
- 2 Neutral Expert
- 3 Negotiations
- 4 Arbitration

Clause (1) of Article IX states:

Any question which arises between the Parties concerning the interpretation or application of this Treaty or the existence of any fact which, if established, might constitute a breach of this Treaty shall first be examined by

the Commission, which will endeavour to resolve the question by agreement.²⁶

Thus, at this stage, the questions of the parties will be solved by the PIC with an agreement.²⁷

If the Commission does not reach agreement on any of the questions mentioned in Paragraph (1), then a difference will be deemed to have arisen, which shall be dealt with as follows: (a) Any difference which, in the opinion of either Commissioner, falls within the provisions of Part 1 of Annexure F 1 shall, at the request of either Commissioner, be dealt with by a Neutral Expert in accordance with the provisions of Part 2 of Annexure F.²⁸

Furthermore,

If the difference does not come within the provisions of Paragraph (2) (a), or if a Neutral Expert, in accordance with the provisions of Paragraph 7 of Annexure F, has informed the Commission that, in its opinion, the difference, or a part thereof, should be treated as a dispute, then a dispute will be deemed to have arisen which shall be settled in accordance with the provisions of Paragraphs (3), (4) and (5): Provided that, at the discretion of the Commission, any difference may either be – , dealt with by a Neutral Expert in accordance with the provisions of Part 2 of Annexure F or be deemed to be a dispute to be settled in accordance with the provisions of Paragraphs (3), (4) and (5), or may be settled in any other way agreed upon by the Commission.²⁹

If negotiations do not succeed and the dispute needs more mediation, then under the IWT, the following measure may be adopted:

(5) A court of Arbitration shall be established to resolve the dispute in the manner provided by Annexure G 1 (a) upon agreement between the Parties to do so; or (b) at the request of either Party, if, after negotiations have begun pursuant to Paragraph (4), in its opinion the dispute is not likely to be resolved by negotiation or mediation; or (c) at the request of either Party, if, after the expiry of one month following receipt by the other Government of the invitation referred to in Paragraph (4), that Party comes to the conclusion that the other Government is unduly delaying the negotiations.

Thus, the IWT provides a four-layered mechanism for the settlement of disputes and differences. If the disputes are not settled by negotiations or mediation, then the highest available mechanism under IWT is ‘arbitration’. The arbitration forum can rely on international conventions of which India and Pakistan are party to.³⁰ The Vienna Convention on Law of Treaties 1969 (which is the

codification of International Customary Law) requires the Court of Arbitration (CoA) that apart from provisions of treaty, the CoA can take into account relevant international customary laws such as international environmental law, etc. while interpreting the treaty.³¹ Thus, the multi-layered dispute resolution mechanism under the IWT is a reflection of agreeable international law customs and forums.

Common legal liability in relation to the use of transboundary waters

Due to the vast history of the use of transboundary rivers, a comprehensive legal framework has been prepared by the United Nations (UN) on the rights and obligations of the countries settled along such rivers. From the International Water Law perspective, no country is allowed to use its authority (absolute) on transboundary rivers to harm its neighbour. Under the UN Watercourses Convention, two rules apply on sharing international waters: (1) equitable utilisation; and (2) no significant harm.³² The obligation of 'no significant harm' stipulates that the watercourse state, while using the international watercourse in its territory, will take all appropriate measures to prevent causing any significant harm to other watercourse states. This includes harms to water use, health, safety, etc. Importantly, as this obligation is not an absolute prohibition but a due diligence responsibility of prevention, thus forth, compliance depends not only on the harm caused but is also determined by the state's conduct with regard to preventive behaviour to avoid the harm in question. In the KEHP case, India's conduct to avoid harm to Pakistan is clearly deficient.

Although it is difficult to define each legal subject matter of the rules established under the prevailing law here, the tradition of the international community and the decisions of the tribunals strengthen various important principles that are related to the use of international rivers. While rejecting the claim of full regional sovereignty over the waters of transboundary rivers; the prevailing legal format is based on legal principles to ensure legitimate use of water resources and to protect other countries located across the border.

The rule of limited regional sovereignty means that any country can use the water of the shared rivers flowing in its territory, as long as it does not harm the interests of other countries located on the banks of the river.³³ In the Lake Lanoux arbitration case, this rule was confirmed as a prevailing law. This dispute flared up because of a project launched by the French government on Lake Lanoux in the Pyrenees mountain range. The Spanish government feared that its interests might be affected. The International Tribunal upheld that the country with the upper part of the river had an obligation to keep the riparian interest downstream in sight too.³⁴ The same proposition is recognised in the IWT.

The principle of equitable and fair use of shared water resources has also been confirmed by the International Court of Justice (ICJ) in the Gabčíkovo-Nagymaros case between Hungary and Slovakia for a dam on the Danube, in

1997. Hungary and Slovakia signed an agreement to jointly build this project in their respective countries to prevent flooding and provide electricity. Later because of environmental concerns and the fall of the socialist government, Hungary decided to abandon the project and back out of the agreement. Consequently, Slovakia decided to carry on with the project in its own territory in such a manner that it would affect the flow of the Danube in Hungary. Both countries went to the ICJ. According to the decision of the court, the design was modified to protect Hungarian concerns and Hungary was obliged to carry out the modified construction. Thus, the ICJ established the legal principles that unilateral withdrawal from a treaty is inadmissible and that all the countries located on river banks must refrain from any kind of preferential use of the full stream river.³⁵ Thus, it was observed that under international law, no country can unilaterally control shared resources and also no country on the banks of the river should be deprived of the right to a fair and equitable share of the natural resources of the rivers. Likewise, in the India–Pakistan case, the IWT requires both countries to endorse the principle of equitable and reasonable use, taking into account the existing and future potential population-dependent and socio-economic needs.

Preventing damage to any country across the border is another obligation of the prevailing international law and a fundamental law which cannot be ignored by any country's development policy. Therefore, if any development project will cause significant damage to the environment of another country, it is obliged to stop the project or reduce the loss.³⁶ A permanent arbitration court confirmed this rule in matters relating to Pakistan's dispute against the KHEP of India. Its interpretation explained that being a lower country on the bank of the river, Pakistan had the right to the minimum environmental flow of the Kishanganga/Neelum Dam, which meant that India was required to ensure environmental protection.³⁷

In 2010, in the dispute between Argentina and Uruguay over the construction of pulp mills on the Uruguay River, the ICJ recognised an environmental impact assessment (EIA) as a duty to act with circumspection.³⁸ Explaining a special provision of the bilateral water-sharing treaty that the parties have liability to prevent potential environmental damage to each other, the court issued useful explanatory guidance on the subject matter of the necessity for proper circumspection to be observed. The ICJ expressed the need to make an environmental assessment while giving its opinion in the Uruguay–Argentina pulp mill case. Although this was a dispute related to obligations under the bilateral agreement between the parties (the 1975 Uruguay River Act), however in this matter, the court said that this treaty codifies the current obligations imposed under the prevailing law. It further stated:

- the treaty should be interpreted according to the prevalence, which in recent years has been accepted between [the countries] to such an extent that it has now been granted to the general international rule to assess the environmental impact of that place. The internal requirement has to be

understood, where there is a danger in the transboundary context of the proposed industrial activity, especially on the shared resources. Not only this, if country is responsible for influencing the river system or the quality of water, if the party planning to do any work is responsible for the possible impact of those tasks and the environmental impact in relation.³⁹

Regarding environmental protection, a ruling of the United Nations General Assembly stressed upon concerned countries to make technical data publicly available. However, this should be done in 'a spirit of cooperation and good neighbourliness'. As '[Without this,] programs and projects relating to the exploration, utilisation and development of the natural resources of each country in which such programs and projects are being carried out ... [are subject to] delay or inhibiting hurdles.'⁴⁰ This prevailing legal liability establishes an institutional framework comprising bilateral commissions. These have been included in various bilateral water-sharing agreements. These commissions review, consult and decide on individual projects being implemented on transboundary rivers. In particular, the obligation to assess the environmental impact by countries is considered to be the most important step in observing this code of cooperation. Without an assessment of the environmental impact of a project, the duty of notifying countries and mutual consultations becomes redundant due to the possibility of getting into unforeseen transboundary risks.

Reportedly, the KHEP has caused serious water and health concerns on both sides of Kashmir (J&K and AJK). People in the Neelum Valley and Muzaffarabad (part of AJK) are struggling for clean water and battling health problems due to pollution.⁴¹ While the KHEP is located in the J&K (the part under Indian control), the areas harmed mainly are located on Pakistan's side. Furthermore, India's dam construction necessitates the impact assessment of costs and benefits. In 2012, Delhi University's Centre for Inter-Disciplinary Studies of Mountain and Hill Environment (CISMHE) carried out an EIA and warned that, apart from pollution, the dam would endanger the Himalayan plant and animal species.⁴² According to the World Commission on Dams (WCD) 'the end of any dam project must result in ... improvement of human welfare ... and [be] environmentally sustainable'.⁴³ The KEHP has neither improved the welfare of local people nor it is environmentally sustainable.

Conclusion

Waters do not follow political boundaries; they flow through the countries and across the international boundaries. No one owns water; it is a resource that all people share. Henceforth, the transboundary developmental projects should be examined not only for their compliance with water-sharing agreements but also for whether they conform to the various principles established under the prevailing international law. The use of water resources in a proper and equitable manner is the responsibility of the states who share it. Importantly, water must not to be used as a strategic weapon against other states. Although the IWT has

certain achievements to its credit, it currently faces challenges related to dam construction and transboundary water sharing. Despite the historical significance of the IWT, there is need to address emerging technicalities and environmental vulnerabilities. The construction of future dam projects should be well informed by socio-economic and environment impact assessments. Conflict over the distribution of water resources can be avoided by building trust and recognising the rights of all parties involved. The environmental challenges arising can be identified and used as an opportunity to build trust and cooperation. It is important to realise that what is missing is the holistic approach to address the problems of the people of the area (both J&K and AJK) who are being deposed, displaced and deprived of their rightful resource. Thus, future water crises require clear and practical rather than merely water control strategies. Such an undertaking will not only turn the IWT into a remarkably successful treaty but will also have positive spillover effects on achieving hydro-cooperation regionally. Furthermore, as the laws on transboundary resources are still evolving, these provide the rules which have not been included in early water treaties. As a result, countries with running projects on international water basins will not only have to follow the water-sharing agreements they have entered into, but also they will be required to fulfil other liabilities under prevailing international law.

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