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Editor's Note

The ISSRA Papers, (The Journal of Governance and Public Policy), 2nd Half 2018, is in your hands. Selected papers pertaining to various domains of governance, policy and other relevant subjects, written by seasoned academics and research scholars, are part of this issue. A brief summary of papers and their contributors is given in the succeeding paragraphs.

The first paper, 'Understanding the Hidden Power Relations in Policy Implementation: The Case of Pakistan', is written by Dr Fatima Bajwa and Dr Sarfraz Hussain Ansari. It explores the history of political structures that confer power to the political institutions, which, in turn, influence policy actors' behaviour. The paper reveals how the role of policy actors, their power relations resulting into strong policy networks lead to stasis of policies for a long time.

'FATA Merger with Khyber Pakhtunkhwa: Prospects and Opportunities', is the second paper, written by Ms Saba Noor, Dr Arshi Saleem Hashmi & Ms Syeda Tehreem Bukhari. The paper attempts to explore the role of structural and cultural factors causing disturbance in FATA region and implications of merger to address such issues. The authors find that this merger will not only bring administrative and infrastructural development in FATA, but will also open up the region to new businesses, better communication, greater development, and positive social changes.

The next paper, 'Punjab Local Government Act 2013: Annulling Good Governance under Devolution Plan 2000' is written by Dr Rafaqat Islam & Dr Muhammad Bashir Khan. The authors claim that the Local Government Ordinance 2001 had put in place a mechanism for public participation in designing, monitoring and controlling of service delivery. Evaluative studies reported Pakistan's devolution experience a success, but findings and recommendations of such studies were ignored altogether and Punjab Local Government Act 2013 was passed on 21 August 2013, which struck down the Local Government Ordinance 2001.

'Kashmir Issue and Pak-Indian Press: Content Analysis of Leading Newspapers' is fourth paper by Dr Saqib Riaz, Dr Babar Hussain & Mr Shakil Ahmed. The authors explore the portrayal of Kashmir issue by the print media in Pakistan and India, by examining the dominant frames for the Kashmir conflict, used by the leading Pakistani and Indian press in their coverage during the year 2013 and 2018. The paper argues that whereas Pakistani press promotes the cause of peace and conflict resolution through peaceful means, Indian press continuously harps on jingoistic and communal themes, which is exacerbating the existing divide, and thereby, endangering the stability in South Asia.

‘Instructional Supervision as a Component of School Governance: Enhancing its Practice in Educational Institutions in Pakistan’s Cantonment Areas’ is the next article written by Mr Sayyam Bin Saeed, Dr Manzoor Hussain Shah & Mr Shahid Yaqub Abbasi. The authors highlight the status of instructional supervision in educational institutions functioning in the Cantonment Areas of Pakistan and suggest that if annual reports pertaining to the instructional supervision carried out in these institutions are made available to the researchers, further and better picture is likely to emerge, which may help in understanding the concept of teachers’ performance in highly structured and disciplined environment.

The sixth paper titled, ‘The 1972 Educational Policy of Pakistan: An Historical Account of its Marxian Content’, is written by Mr Iftikhar Ur Rehman Durrani & Dr Sarfraz Hussain Ansari. It takes the view that Marxian ideas had to compete with existing more important modes of culture and politics in Pakistan. The study traces the failure of early efforts at promoting communist ideas and espousal of such ideas by Pakistan People’s Party in its Foundation Document in 1967. It then discusses dilution of such ideas by the time they were incorporated in the National Education Policy 1972-80, highly modified and made very much palatable to Pakistani population.

The seventh paper relating to ‘Tax Burden and Income Disparities – A Review of Pakistan’s Taxation System’, is written by Mr Adnan Zulfiqar Mirza, Dr Hassan Jalil Shah & Dr Tahir Mahmood. The article highlights the effects of taxation system of Pakistan, especially indirect taxes, on the distribution of wealth between the rich and the poor. It proposes a Tax Revenue Strategy, which can provide a road map for policy planners to moderate economic distortions and reduce inconsistencies in the society.

The eighth paper ‘Pakistan-Afghanistan Transboundary Water Governance’ authored by Dr Aneel Salman, Dr Tahir Ul Mulk Kahlon & Dr Marium Din reviews the challenges posed to Pakistan’s water resources and explores relevant theories, laws and conventions to uncover the existing policy regime between Afghanistan and Pakistan. At the end, the paper proposes strengthening of hydro-diplomacy for a secured eco-system in the region.

The last paper, ‘Intra-Movement Dynamics of Ethnic Militancy in Balochistan: A Policy Perspective’, has been authored by Mr Aqeel Akhtar, Dr Ghulam Qumber and Dr Arshi Saleem Hashmi. The paper employs Movement Structure Theory to unravel intra-movement behavior of militant groups by disaggregating ethnic militancy in Balochistan. Paper concludes that presence of multiple groups in a movement undermines its ability to achieve strategic objectives.

At the end, the Editorial Board extends profound gratitude to all the

writers, who trusted ISSRA Papers for their worthwhile contributions. We are equally indebted to experts and reviewers, who helped a great deal in the improvement of these papers.

UNDERSTANDING THE HIDDEN POWER RELATIONS IN POLICY IMPLEMENTATION: THE CASE OF PAKISTAN

Fatima Bajwa & Sarfraz Hussain Ansari*

Abstract

Policy implementation studies gathered importance somewhat late in 1970s. Subsequent research and studies have produced a continuing debate with emphasis on game-theoretic notions, ultimately leading to notion of power. Most of such research has concentrated on Western stable democracies. Interest is growing in comparative studies, and this paper presents the case of Pakistan. Forty-two semi-structured interviews were conducted with key policy actors to explore their knowledge, perspectives and experience with reference to their role in policy implementation. The key informants were mainly politicians, bureaucrats, ministry officials, and technocrats from Islamabad, Punjab, Khyber Pakhtunkhwa (KPK) and Sindh provinces. The data was analysed using thematic analysis. Power and policy networks emerged as the main themes.

Findings suggest that policy implementation in Pakistan is a complex process and suffers inertia. It is shaped by capacity of elites in power, political patronage, influence of elite groups out of power for the time being, hidden power relationships and utilitarian mechanisms for participation in the policy subsystem. The analysis revealed the role of policy actors, their power relations resulting into strong implicit networks that lead to stasis of policies for a long time.

Key Words: Policy Implementation, Power, Policy Actors, Pakistan

Introduction

The old literature usually described as ‘advice to the ruler’ attests to the fact that implementation has always been something problematic.¹ A modern recognition of the problem was stated in the last quarter of the 19th century by a university lecturer destined to become president of United States of America.² Yet, in the study of public policy that effectively began in the 1960s in that country, careful attention was not accorded to the subject of implementation till the mid 1970s. The implementation phase of public policymaking was given less attention in comparison with other phases of the policy process, namely, agenda setting, policy formulation, program evaluation, etc. An assumption among the researchers was that once policy decision had been made, the executive/administrative arm of the government would simply carry it out. This

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view changed with an epoch-making book Implementation: Great Expectations in Washington are Dashed in Oakland.³ The book almost dramatized that federal programs were not being implemented in the way they had been envisaged by the policymakers in Washington. There was similar evidence of lapses at the implementation stages and researchers' interest was aroused "to understand the factors that influenced public policy implementation."⁴

The Pressman-Wildavsky book was followed by studies like that from Hargrove. But such early works were criticized, inter alia, on the point that they largely focused on top political and executive leadership. Further studies dubbed as 'second generation' studies focused more on lower-level officials. The new approach was called bottom-up approach. The 'second generation' of implementation researchers got entangled into the 'top-down' versus the "bottom-up' debate.⁵ In top-down, implementing officials were envisaged to perform their work effectively keeping to the original intent of the adopted policy. In the bottom-up approach, emphasis was on the actions of those affected by and engaged in the implementation of a policy, i.e. adaptive behavior of 'street-level bureaucrats' seeking to attain and sustain the means to achieve policy goals on the ground.⁶ Over the acuteness of the debate a 'third generation' of implementation scholars grew which emphasized policy tools or instruments involving a process of more or less conscious design. Concretely, they attended to such models of implementation behavior as game theory and principal-agent models. Game theory lets analysts study how notion of high costs both *in enforcement* and *in compliance* would lead to more satisfying positions⁷. However, there could be divisions within implementers attracting the other game theoretic model, namely, principal-agent model. Such models are useful in analyzing situations where variations in implementation context create space for implementers/civil service discretion. The dynamics of principal-agent relationship can limit the ability of political principals to effectively circumscribe the behaviour of their 'agents', the bureaucracy.⁸

Principal-agent theorists argue that many noble efforts on the part of governments and citizens to create better and safer worlds have foundered. Actions of agents can, and usually do, diverge from the intentions of their principals and thus distort policy outcomes. This insight has led to a greater appreciation of the difficulties encountered in policy implementation.⁹

Research Problem

Writers have come to characterize policy implementation in such a high income and institutionally stable country as the United States of America in terms of "Implementation Games."¹⁰ Scharpf well articulates such implementation game as a matter of "use of power of the collectivity to produce effective and legitimate solutions to policy problems" under the dramatic title:

“Games the Real Actors Play.”¹¹ The subtitle, *Actor-Centred Institutionalism in Policy Research*, refers to the settledness of institutions in the Western democratic countries. The power of the collectivity means governmental power residing in institutions. Use of such power involves games that real actors play. Most of the theorizing depicting policy implementation as games of power has occurred with regard to high income countries. However, policy analysis in Low and Middle Income Countries (LMICs) is attracting increasing attention. This paper studies the use of power in policy implementation process in Pakistan.

It is convenient at this point to introduce both power, as conceptual framework, and Pakistan as the case study. First a quick look at Pakistan's context.

Pakistan's Political Context

Pakistan's history is filled with failures in policy implementation. The government of Pakistan has over six decades introduced many initiatives and plans. Still, the implementation process remains arduous.¹² There are several periods in Pakistan's political history.

The first period, covering the initial eleven years from 1947 to 1958, was a period of formation in Pakistan. Some authors have called this period as ‘*Flat Fifties*’. The political atmosphere was subverted and political instability prevailed. As a result, economic management took a back seat in the formative phase of Pakistan's life.¹³ The second period from 1958 to 1969 has been termed as ‘*Golden Sixties*’.¹⁴ Governance improved with a major expansion in the governments' capacity for policy analysis, design and implementation, as well as the far-reaching process of institution building.¹⁵

The third period from 1969 to 1977 consisted of both the military rule by General Mohammad Yahya Khan and the follow up civil regime of Zulfikar Ali Bhutto. This period witnessed the dismemberment of the country and the creation of Pakistan in its present day territorial shape. This period has been labelled as ‘*Socialist Seventies*’ by some analysts.¹⁶ The fourth period from 1977 to 1988 has been called as ‘*Revivalist Eighties*’. General Zia-ul-Haq took over in July 1977 and halted the socialist experience.¹⁷ The Fifth period from 1988 to 1999 called *The Muddling Nineties* saw nine different governments (four interim-appointed, four elected and one following the military coup of October 1999) ruling Pakistan in this period.¹⁸ This period is noticeable for quick changes in civil governments and caretaker cabinets. The law and order situation worsened during this period and the tussle between different elite groups intensified.¹⁹ Sixth period from 1999 to 2007 known as *The Reforming Hundreds* saw another martial law under General Musharraf. Civilian government officials carried on doing all current work, but they executed it under the guidance and observation of military officers of the same rank.²⁰ Seventh period from 2008 to 2013 and the

stint from 2013 to 2018 could safely be termed as *Rampant Corruption*.²¹

For the purpose of this study, politicians, bureaucrats, technocrats, media, donors and other interest-groups came up as the key players in policy sphere of Pakistan. Bureaucrats are the civil servants who are inducted through the public service exam, technocrats are not the civil servants, but subject experts who have entered the government service, as a lateral entry, or are the professionals working in different non-government organizations. Some technocrats are also a part of different ministries either on contract or permanent basis.

Power and its Sources

Power is defined in the Oxford Dictionary as the ability or capacity to ‘do something or act in a particular way’ and ‘direct or influence the behaviour of others or the course of events’. However, in disciplines of Social Sciences, there exist numerous definitions of power, many bearing what have been termed a ‘family resemblance’ to one another.²² English-language discourse on power reflects the ‘Western’ or North American/Western European tradition. Over the course of the twentieth century, theorists from these regions working in the disciplines of social sciences such as political science, sociology, anthropology and philosophy have engaged in rich debates over the meaning of power.

Power is best understood as power over (one’s influence over others) or power to (one’s capacity to achieve one’s goals) and the power of underlying social structures in shaping individual behaviour, thought and action. Power operates through different dimensions, resulting in varied theories regarding the mechanisms for influencing decision-making. One of the most commonly discussed dimensions of power is its ‘relational, zero-sum nature’. Power is sometimes tightly concentrated amongst particular actors, such as policy elites²³ or dispersed more broadly among certain individuals and groups, who then compete for influence.²⁴ Bachrach and Baratz expanded on these explicit dimensions of power by positing that another ‘face’ of power was non-decision-making; in other words the underlying social and political norms that block or suppress actors from raising issues or taking action.²⁵

Recognizing how individuals, organizations and networks derive their power is important for sharpening our understanding of how and why power flows in particular directions or accumulates with certain groups. Such understanding also facilitates an awareness of how those sources of power are distributed unevenly. Sources of power identified in social science literature are several. An important source may be described as political. Political institutions confer legitimate authority. Such authority may then be channeled toward achieving certain objectives. Political power is usually understood in terms of state power and its impact on social life.²⁶

Technical expertise, skills and information held by individuals also confer power. Quite often, authoritative claims to knowledge and power are inextricable,²⁷ and shape discursive norms in society.²⁸ There is also bureaucratic power based on knowledge and appointment on merit to government positions in the state's administrative machinery through which formal policies are often designed, implemented and coordinated.²⁹ An obvious source of power is accessibility to financial resources, such as money, assets and property, and the use of that power in influencing decision-making. Access and networking in their many structures and forms, such as issue networks or epistemic communities, often serve as a key source of power.³⁰

Methodology of the Study

A qualitative study design was chosen to understand the drivers behind the implementation problems in Pakistan. The semi-structured interview guide approach was adopted and was seen as enabling the interviewers to cover an outline of topics or issues, while allowing some freedom to vary the wording and order of the questions. It was also expected that this format of the interview would remain fairly conversational and informal as it was aimed to establish a good rapport with the authors' study participants and gain their confidence. Forty-two semi-structured interviews were conducted. The participants were mostly politicians, bureaucrats, government officials in different ministries, policy advisors, heads of Non-Governmental Organisations (NGOs), provincial, and district officials who have been involved in the decision-making. The participants were purposively selected. All interviews were audio recorded (except two) after the written consent of the participants. The researchers conducted the interviews and all were in English. Research for this study was carried out during 2014-15. Power resulting into strong networks emerged as the core theme at the end.

Thematic analysis was used to analyse the data, which is one of the most common approaches to qualitative data analysis.³¹ Thematic analysis is a method for identifying, analysing, and reporting patterns (themes) within the data. It minimally organises and describes the data set in (rich) detail. However, it also often goes further than this, and interprets various aspects of the research topic.³²

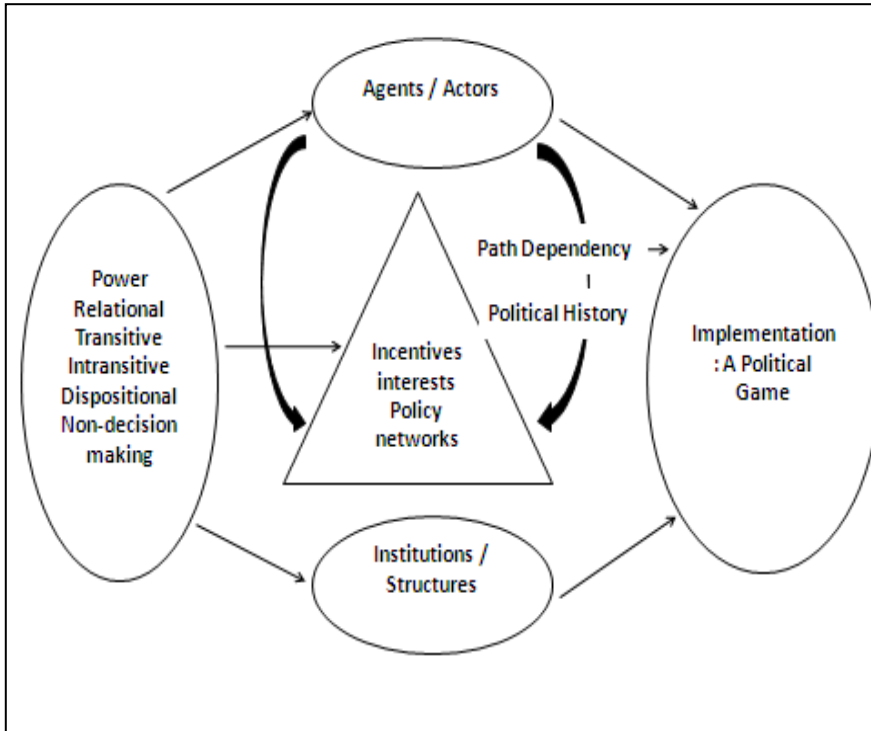
Three rounds of coding were done. The first round produced 65-70 codes printer view transcript. The codes branched out like a tree. In the second round, all the duplications and redundant codes were discarded. It was only in the third round that some patterns or categories started appearing. These categories are normally labelled as *Themes*. There were 6-7 main themes.

Power resulting from various sources including improvised networks emerged as the core theme at the end.

Iterative Conceptualisation

The development of the conceptual framework was an iterative process as depicted in Figure 1, with different themes taking the centre stage at various stages of data analysis. A preliminary conceptual framework was developed initially keeping in mind Gill Walt policy triangle. It was modified during the field work and refined when the data was being analysed.

Figure 1: Conceptual Framework



As the arrows indicate, the power can be deconstructed into agential and structural, where the agents or policy actors were able to influence one another, work together, or at times use their authority at the expense of others. Policy implementation needs to combine both structural and individual perspectives.

Due to underlying incentives and self-interests, power relations usually act in the form of *networks*. The underlying power relations were present throughout the different phases of the political history in one form or the other and this led to the path dependency or policy inertia. All the arrows finally culminate into the implementation box, displaying it as more of a political game where the actors, power, incentives, institutions, and policy networks have their own role to play.

Power of Key Policy Actors in Pakistan

The findings revealed bureaucrats as agenda setters and powerful players in the general political sphere and other policy sub-systems as well. The bureaucracy was criticised by most of the key informants, who happened to be politicians and who saw it getting their choice of policies on the agenda. Politicians were generally perceived to be lacking political ownership by bureaucrats and creating a culture of unnecessary interference in policy initiatives. Policy process in general was perceived to be top-down, non-participatory, rushed, secretive, and highly bureaucratic. It was the prerogative of a few policy elites who made the policies behind closed doors. They were seen as having captured the policy making/implementation process. The technocrats, clinicians and district officers seemed to be given limited decision space except those who had strong political connections.

A senior politician said, *"I think major policy decisions are taken up by the bureaucrats in our country. I am a privy to a lot of meetings and certain tasks were given and timeline set but they used to come up with bureaucratic hurdles and procedures."*³³

A ministry official involved in the policy implementation remarked, *"Politicians are the main barrier in implementation of policies. They have absolute powers. They have a myopic vision and urge for personal gains. Every government has its own political agendas. They want political visible projects."*³⁴

The above quotes are a clear reflection of both bureaucratic powers and self-interests of the politicians. The key policy actors had an underlying power nexus resulting in strong policy networks. These hidden alliances were for self-interests, authority, and resources, operating horizontally and vertically as well. Perceptions differed among actors according to the personal or political connections.

Poor implementation was recognised by almost all the participants. Twenty of forty-two key informants argued that we had whimsical policies. Mostly the policies lacked the various steps of implementation. Some of the policy issues go directly and suddenly onto the agenda but some issues having potential for good policies never got onto the agenda. Some public problems that got onto the agenda continued for decades. Politics was evident everywhere in the policy implementation phase.

The factors attributed to the gaps at different tiers of the government as perceived by the participants were mainly political and institutional. The political ones were corruption, political interference, nepotism, rent-seeking, lack of political attention, multiplicity of actors, patrimonialism, donors' agenda, lack of national ownership of sectoral problems, hidden alliances and

policy-politics nexus. The institutional factors were institutional flaws, wrong priorities, capacity issues, lack of merit and accountability, lack of evidence-based policies, financial constraints, overburdened tertiary care, absence of a proper career ladder for professionals, limited decision space for district officials (street level bureaucrats as they are called), lack of capacity building, maldistribution of workforce, lack of conducive working environment, brain drain, and lack of inter-provincial co-ordination.

A technocrat from the planning commission commented *“Ideally it should be the political ownership but conversely every policy is influenced by power, perks and self-interests.”*³⁵

Personal and political interests have clearly shown to play an integral part in the overall policy process which ultimately affects the implementation of policies. The bureaucracy dominates all the departments. These personal relationships and political linkages add to the complexity of the policy implementation process and leads to political patronage.

A technocrat remarked, *“You mean a best implemented policy. Well, I have yet to see. For the last 15 years I have not seen any policy.”*³⁶

A bureaucrat remarked, *“In the very recent past a policy was made just because the minister wanted it.”*³⁷

It is quite evident that the targets or goals are not realistic and need based policies are not made. Further, the personal interests have always dominated national interests.

A head of an international organization in Islamabad, commented, *“Politicians not just interfere at the implementation level but at every level and in every strategy and policy.”*³⁸

A technocrat in the Planning Commission quoted *“As James Wattman analysed Pakistan’s policy in 1980 and said that it is nothing but government decisions on day-to-day basis that continue for decades to come.”*³⁹

The multiplicity of actors was quite evident in Islamabad where there was overlap of services and the main services were distributed among various ministries at the centre. A senior civil servant remarked, *“I mean to say policy process or decision making is a bit complicated. There are lots of players or actors involved at various levels who just make use of their power. In Pakistan it always been a top-down approach and will always be.”*⁴⁰

Poor implementation was admitted mainly by the technocrats at the centre. A technocrat remarked, *“Well policy making all over the world is the same cycle. What I feel and experienced is that we are very poor implementers of the same policies which are there for so long.”*⁴¹

Some of the key informants were keen on discussing different political eras in the country's history which gave a *tour d' horizon* of the political history of Pakistan. The information provided clearly indicated that constant domination of the political power and the state apparatus by narrowly based elite seeking to advance its private and parochial interests lay at the heart of the problem. Regime changes either military or civilian did not make any substantive difference. Due to this, stasis in some of the state policies was seen which contributed to path dependency of some policies. This was due to the some strong policy players pursuing their own interests for authority and resources.

As far as the role of policy elites was concerned, majority saw the bureaucrats as the agenda-setters and having the non-decision making power in their hands. This group of actors could easily be termed as the veto players in the overall policy sphere. The apparent blame game by policy players had a strong underlying power nexus. A technocrat remarked, *"You mean a best implemented policy. Well, I have yet to see. For the last 15 years I have not seen any policy."*⁴²

It could be validly argued that power in overall policy sphere and policy subsystems is relational, transitive and intransitive as well where policy actors were sometimes seen influencing others, sometimes acting at the cost of others' interests and sometimes acting collectively in networks. The politicians had the financial power but the bureaucrats had the technical expertise plus the bureaucratic power. Bureaucrats emerged as the veto players in the policy sphere with the non-decision making power vested in them. None of the characteristics of Weberian bureaucracy were found in Pakistani bureaucracy in context of this study.

Patronage in Patrimonial Society

Gaps in implementation of policy were compounded by power relationships between groups of actors. Clearly, patronage as a part of power relationship existed at all levels. At the national level, between the politicians and bureaucrats, between the provinces and the centre, within provinces and between the provinces and the districts. Sometimes this patronage was obvious, sometimes hidden, and not verbalised. Literature from other low and middle-income countries showed that policy implementation was influenced by political interests, personal linkages and the values of policymakers.⁴³ Implementation is seen as a mostly complex, interactive process in which a wide range of actors influence both the direction of travel as well as the way that given policies are carried out within the limits of existing institutions.

Keeping in view our findings, Pakistani society could be rightly termed as a patrimonial society, which has existed in many places outside Africa, what we would call the state was indeed the personal domain of one or a few leaders.

These were reciprocities that helped cement patrimonial authority. Such reciprocities like personal, densely interwoven, often uneven, and based on symbolic dynamics of status, loyalty, and respect became the means by which rulers sought obedience from the ruled. The term patrimonialism or neo-patrimonialism has proliferated in recent decades.⁴⁴

Eric Budd support the claims made by Theobald regarding the relationship between neopatrimonialism and poor policy outcomes. Like Theobald, Budd indicates that patrimonialism is a structural feature of many states that all states are patrimonial but “some states are clearly more patrimonial than others”⁴⁵ and he attempts to document levels of patrimonialism exhibited by thirty developing countries. Although Budd does not present an African case study to illustrate his claims, many African countries appear in his rankings, with Botswana considered a “moderately patrimonial” state and Gabon, Kenya, Nigeria, Zaire, and Zimbabwe considered “highly patrimonial.”

Pakistan clearly has a history of patrimonial authority along with democracy. Politicians favour the bureaucrats who obey them and bureaucrats patron their junior colleagues. This patronage in turn adversely affects the policy implementation in the longer run as this patrimonial culture mainly promotes the policies to win the electorate for the politicians.

The Neo-Patrimonial power politics that saturated the political landscape had surrounded the political elites. This is a manifestation of the nature of politics in the society, which Kew sees as a negative phenomenon that should be altered.⁴⁶ In Pakistani context, the loyalty to the ruling government was seen among few bureaucrats and technocrats who were enjoying the power and did not criticize any of the policies of the current government.

Bureaucrats – Politicians Nexus and Alliance

The bureaucrats in the Pakistani context were generally perceived by all as strong and powerful agenda-setters and the real decision makers in all sectors. But this was more of a non-decision making power attributed to the bureaucrats, pointing to the bureaucratic hurdles created by them at all levels. And sometimes presenting the files at the last moment where the politicians have no time and no choice to think twice. This thing was also attributed to the rushed policy process. On the other hand, politicians were blamed occasionally by the bureaucrats and technocrats for political interference and patronage at all levels starting from the agenda setting onwards till policy implementation.

The bureaucrats were viewed as the *locus of power* in the policy sphere in Pakistan and used this authority and power wherever and whenever they liked. There were some non-state actors which could be regarded as the policy players outside the government. They had strong connections with either the

bureaucrats or politicians or both and influencing the policy decisions at the top level from behind. This complexity of conflict and consensus, multiplicity of linkages and the interest-power structure in the policy sphere has a strong influence on policy-action relationship.

The findings also suggested some strong coalitions at every level due to personal, political connections, authority and monetary alliances were seen when there was a shared interest. In addition, these alliances turned into personal and political linkages with the passage of time and took the form of established power relations in the longer run.

All actors strived to create '*policy monopolies*' dominated by the predictability in terms of who can participate in policymaking and its implementation. Closed policy networks typically also involved veto players (who happen to be the bureaucrats in this study) that can prevent changes from occurring. The policy networks were more than just networks and could be labelled as *iron triangles*, of stable relationships between various interest groups, which sometimes persisted even after the change of political governments.

The concept of networks in the analysis of public policy processes first emerged in the mid-1970s and early 1980s.⁴⁷ In the past three decades, a considerable amount of effort has been expended by political scientists and policy researchers in trying to understand the structure of stakeholders' interaction in policy domains and the reasons for policy failure in the US, the UK, and other European countries.⁴⁸ The concept of the network is an appropriate metaphor describing the strategic interaction between Congress, bureaucrats, the president, the courts, the people, the media, interest groups, and all other possible actors playing important roles in policy domains. In the US, numerous researchers have used metaphors like "iron triangle", "whirlpool" or "private government" to describe the sub-government system as an important political decision-making mechanism in earlier U.S. government.⁴⁹

Heclo's work on "issue networks" provides a more fluid and changeable form of political relationships with the U.S. government. In some European studies, the concept of policy networks has been seen as a new form of policy.⁵⁰ These studies attempt to use the idea of policy network to facilitate the co-ordination and co-governance relationships between multiple agents at the national or domestic levels.

The concept of policy network is used to indicate patterns of relationships between interdependent actors involved in processes of public policy making.⁵¹ There is no doubt that an independent relationship is the most important characteristic of policy networks and many theoretical foundations such as the "power/resource dependence" approach⁵² or the "idea" approach⁵³ indicate that

all actors in a policy domain cannot achieve their own interests and goals without others' assistance because they need others' resources and support. It means that the complicated policy problems nowadays are non-hierarchical and complex in democratic countries. These require a combination of resources and ideas owned by different actors. This was seen in the context of this study as well where power and resource dependence was seen between the politicians and bureaucrats.

The policy subsystems in Pakistan never developed enough to allow for independence from the central government. Unstable political institutions in the country have led to selective attention from the policy makers affecting the policy implementation in the longer run. Opportunities were not availed even during the stability periods in the country's history. The new ideas and new actors in the political sphere were not utilised by the key players in the policy sphere due to the existing strong networks.

Conclusion

Policy implementation should always be understood in terms of the language of power. Power is recognised as a key influence over the implementation of policies, yet it is a concept that is rarely unpacked in empirical analyses from LMICs settings. In policy contexts, power is typically conceived of in a relational sense, i.e., particular policy actors are understood to exercise their 'power over' others. Actors have personal and positional resources, as well as those they can access through their ties with other actors in the form of networks. Quite often, networking is not conscious; it is implicit taking the form of coming together because of mutual interests.

Policy choices are influenced by bureaucratic inertia and power relations. Policies remain in stasis for long periods due to the policy monopoly of permanently placed actors like bureaucrats. This monopoly over policy choices and implementation results in the policy networks between different policy players.

The competitive, deep-rooted and elitist features of the Pakistan political system are generally not conducive in dealing with problems of policy implementation. The Pakistan government provides many avenues for interests to influence implementation and affords the opponents of implementation many opportunities to block action. The persistence of *de facto* political power emphasises how the same policy actors are able to shape politics, even when certain aspects of specific political institutions change. It was also seen how the frequent changes in the identity of those who hold political power can go hand in hand with the continuation of some policies be it in the general political arena or policy sub-systems. A complementary mechanism, which we refer to as the "*Iron Law of Oligarchy*" following Robert Michels' classic book, focuses on

how changes in the identity of key policy players can go hand in hand with the same dysfunctional policies and political institutions. Implementation from this perspective is about self-interested people '*playing games*'.

Need for further research

More studies should be conducted on a much wider scale in the South Asian region on a similar pattern to investigate the power practices in policy implementation in the neighbouring countries. Moreover, the political histories and policy trajectories could be followed for contrasts and comparisons with a focus on nature of the political systems. The same research could be repeated in the Eastern Mediterranean region (EMRO) as Pakistan is also a member of this region. Most ambitiously, future research may strive towards a model that can explain the composition of policy elites and their roles in policy implementation, when existing elites persist, when elites change but institutions persist, and when institutions truly change.

Endnotes

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FATA MERGER WITH KHYBER PAKHTUNKHWA: PROSPECTS AND OPPORTUNITIES

Saba Noor, Arshi Saleem Hashmi & Syeda Tehreem Bukhari*

Abstract

Federally Administered Tribal Areas (FATA) merger with Khyber Pakhtunkhwa is a significant step by the government of Pakistan to deal with the law and order situation and mainstreaming the region. This qualitative analysis is an attempt to explore the role of structural and cultural factors causing disturbance in FATA region and implications of merger to address these issues. The research findings indicate that a considerable majority of FATA inhabitants not only appreciate the decision but are also looking forward to welcome positive changes in the region. This merger will not only bring administrative and infrastructural development in FATA, but will also open up the region to new businesses, better communication, greater development, and positive social changes. However, it is important that government should involve local people in this process because without understanding the local dynamics, it would be very hard for the state to achieve the desired results.

Key Words: Federally Administered Tribal Areas, Merger, Khyber Pakhtunkhwa, Structural and Cultural Violence, Political, Constitutional and Socio-Economic Impacts

Introduction

The process of merger of Federally Administrated Tribal Area (FATA) with Khyber Pakhtunkhwa (KPK) started in November 2015, with the establishment of a cabinet-level Committee on FATA reforms. The Committee organized several meetings with various stakeholders in all seven agencies of the FATA, including *Maliks and Masharaan* (tribal elders), political activists, local businessmen, media personnel, civil society organizations and youngsters.¹ The purpose of these meetings was to explore the needs, expectations and workable options. The Committee on FATA reforms headed by Sartaj Aziz in 2015 also took into account the popular views of FATA residents about the reforms by holding jirgas in all the 7 Agencies and consulted about 3000 tribal *Maliks* and *elders*. In addition, the Committee received over 29,000 comments on Ministry of SAFRON hotline and majority supported the merger of FATA with KPK and the abolition of Frontier Crimes Regulation (FCR).² The final report of the Committee submitted to the Prime Minister in August 2016 suggested that the merger of FATA with KPK province was the most preferred

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option proposed by the locals. The rational decision was made based on the close socio-economic, ethno-cultural and administrative connections between the two regions.³ The suggestions of the Committee were approved by the Prime Minister in March 2017. However, due to the heated nature of the debate on the topic, with some arguing against the merger of FATA with KPK while others in its favour and even some demanding status of a separate province, the passage of the bill took several months. It finally became the 25th Amendment to the Constitution of Pakistan on 31 May, 2018.⁴

The merger of FATA with KPK is an important step by the Government of Pakistan to address the prevailing security issues and bring prosperity to the region. The merger with KPK was also considered as a salient feature of National Action Plan (NAP) to establish strategies for addressing the local conflicts in the county. It is believed that the FATA reforms may help in dealing with the structural and cultural reasons of the violence prevailing under the old system, and developing a comprehensive plan for counter extremism and de-radicalization.⁵ Significant work has already been done to explore the impacts and challenges of the FATA merger with KPK but very few studies have interrogated the role of merger for restoration of social fabric of the region. This study is an attempt to fill this vacuum in existing literature by exploring the role of structural and cultural factors in promoting violence in FATA and impact of merger on it. A qualitative research method has been adopted using both primary and secondary data sources. For primary data collection, in-depth interviews and a national seminar were organized with legal and security experts, local population, and scholars with comprehensive knowledge working on the subject.⁶ For secondary data sources, existing literature such as books, journal articles, e-journal articles, policy papers and research reports were accessed.

Historical Background

The FATA region consists of seven agencies including Khyber, Orakzai, Kurram, Bajaur, Mohamand, South Waziristan and North Waziristan and six frontier regions known as Dera Ismail Khan, Tank, Bannu, Lakki Marwat, Kohat and Peshawar Frontier Regions. It lies in the heart of South Asia, a landlocked tribal belt. The region is spread over an area of 27,220 sq. km.⁷

This region is inhabited by majority Pakhtun ethnic group and shares about 600 km border with Afghanistan.⁸ The Pakhtun tribes are divided across the political border known as the Durand Line between Afghanistan and Pakistan. The Pakhtun tribes, living across this region are known as “independent or free tribes.”⁹ Each tribe is an inhabitant of a specific geographical location and divided into sub-tribes, clans or *Khel* (sub-clans).¹⁰ Members of these tribes frequently travel between the two countries but have less exposure in

interacting with other regions of the country due to the structural constraints and tribal setup. The Pakhtun culture is based on ancient traditions of the Pakhtunwali, which, along with other norms, include four main components like *Nang* (honour), *Badal* (revenge), *Melmastya* (hospitality) and *Nanawatai* (forgiveness and Asylum). The *Jirga* (the council of tribal elders) is a platform for dispute resolution according to the *Riwaj* (local customs) and *Sharia* (Islamic laws).¹¹

This region remained the epicenter of “The Great Game” between the Russian and British Empire in the late 19th and early 20th century. This tribal belt of Pakhtun fought against the British. Realizing the strength of the Pakhtun belt and their resistive nature, and in pursuit of the great game strategy, the British came to an agreement with Amir Abdul Rehman and divided the tribal region in 1893 under the Durand Line Agreement. As per this agreement, one of the parts came under the rule of British India and the other went to Afghanistan.¹² Since the inception of the Durand Line agreement, FATA was regulated by a specific administrative system. They were governed under the Frontier Crimes Regulation (FCR) law which was enacted by the British to administer FATA through Political Agents (PAs) and *Maliks*. However, they were autonomous in running their internal affairs.¹³

After the partition of the Indian subcontinent in 1947, FATA was merged with Pakistan. Pakistan accepted the same administrative system in FATA governed under the British FCR law. FATA was given a constitutional status as a territorial part of Pakistan according to Article 1 and 2 of the 1973 Constitution. Autonomy in the region was granted to *Malik* who was basically the leader of the tribe - a reliable local elite. He was an inspirational and influential figure of his tribe. His words were considered final in any verdict. The *Malik* dealt with other tribes and government on behalf of his tribe.¹⁴ The agencies were governed through PAs who were representatives of the federal government. They were granted judicial, revenue and executive powers. Under FCR law, the federal government representative in the tribal area was empowered to punish the whole clan for a crime committed by an individual by imposing heavy fines, detaining the members of a tribe, snatching or vandalizing their property.¹⁵ PA would provide grants to *Maliks* for their allegiance to the government and their tribes' role in maintaining peace and suppressing crimes.¹⁶

The geographical location of the region and border connections with Afghanistan made it a safe haven for criminals and extremists. The concentration of Jihadists in the region from all over the world during the Afghan war against the Soviet Union and the involvement of FATA tribes in this war during the 1980s completely changed the social dynamics of the region. The post-Soviet war era further made FATA volatile and dangerous as it became a hub of militant groups including Taliban, Al-Qaeda, Islamic Movement of

Uzbekistan, etc.¹⁷ Poor education, widespread unemployment and lack of economic opportunities made the task of militant organizations and Jihadists easy to exploit the local youth and opened the region up to ongoing war and conflict for another decade. In the process, *Maliks* lost their authority and were replaced by the commanders of militant organizations who assumed control over power and resources. These militant groups used religion as a source of radicalization by misinterpreting religious concepts and establishing *Madrassas* (religious seminaries) for the propagation of their ideology.¹⁸ The main objective of these religious seminaries was not religious education but brainwashing of the young people to exploit them to spread extremists' ideology and the recruitment of native foot soldiers.¹⁹ The presence of militant organizations and their connections with Taliban and Al-Qaeda became a strong reason for FATA's engagement in the post 9/11 US-War on Terror.²⁰

FATA faced immense economic and humanitarian crisis after Soviet intervention, followed by Soviet disintegration and war on terror. The war on terror had grave impacts on the population of FATA in social, political, economic, cultural and psychological spheres. The rising number of drone strikes and huge military operations in FATA and adjoining areas resulted in the displacement of 3.5 million people – for their own safety – towards the mainstream lands and settled areas of the country.²¹ They were displaced and had to leave their homes and villages to migrate towards the settled areas of the country for safety of their families. According to various research reports, the said displacement is believed to be the largest one in the history of Pakistan²² resulting in aggravation of discontentment and frustration among the natives.

In the past six decades, some meaningful attempts were made by the state to introduce structural reforms in FATA but desired results could not be achieved. One of the reasons was that the focus had been on empowering political actors rather than improving functionality of political order, rule of law, economic development, and educational and infrastructural conditions of the region. Former Prime Minister Zulfikar Ali Bhutto took an initiative to introduce reforms in FATA. He formed a committee with the purpose of developing a framework to make FATA part of North West Frontier Province (NWFP) for 1977 general elections.²³ The process got delayed because of the elections, and it could not be resumed since the Bhutto government was ousted by the military coup in July 1977.²⁴ Another attempt was made in 1996 by introducing adult franchise in FATA, for direct election of representatives to the National Assembly. Previously, only *Maliks* were entitled to cast their votes for parliamentary members.²⁵

General Pervez Musharraf's Administration introduced a local bodies system in FATA in 2002. The government constituted a committee of National Reconstruction Bureau (NRB) to bring grass root reform in the FATA as well.²⁶

The Agency Councils were established in all agencies of the FATA with aims to limit the role of the PAs and to look after all the development works. 40 members of the council were elected by the *Maliks* while 20 were nominated by the PAs from all agencies. However, no significant results were achieved with these amendments; rather these councils turned into the PAs administrative bodies.²⁷

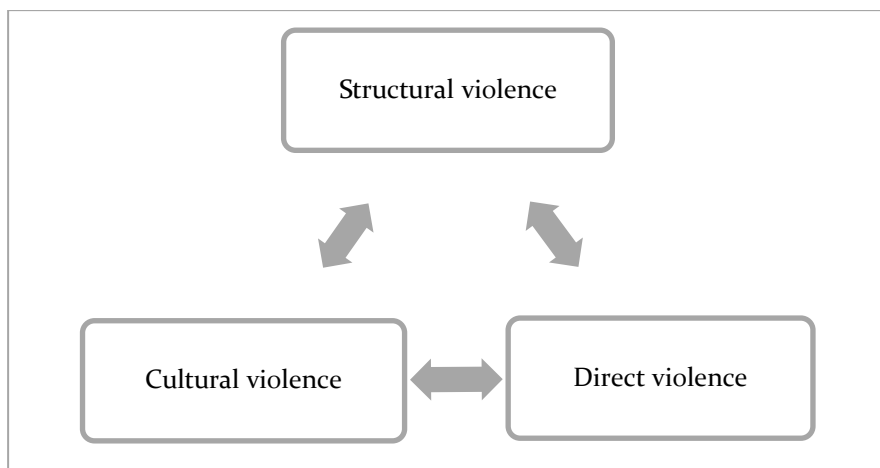
In 2005, an attempt was made to introduce legal reforms in FATA. A committee was constituted to propose changes in FCR law after consulting the people of FATA. Many of the changes were acknowledged and incorporated in 2011.²⁸ This attempt removed some flaws of FCR but major changes were required to improve their judicial system and grant equal citizenship to the people of FATA. With the extension of Political Parties Order 2002 to FATA on August 12, 2011, political parties were permitted to campaign freely in the region. This led to the demands for fundamental reforms. In November 2015, another FATA Reforms Committee was constituted for mainstreaming of FATA, which carried out an extensive study of all previous reforms to determine their shortcomings and to find the best possible solution. The Committee concluded FATA merger with KPK as a way forward for politically mainstreaming FATA.²⁹

Theory of Structural and Cultural Violence and Its Application on FATA

The study can be best explained under the framework of the structural and cultural violence theory, developed by Johan Galtung. It highlights the role of structural and cultural reasons as a contribution to violence in a society.³⁰ Galtung divides violence into two broader categories; one is *direct* or *personal violence* (impairment of fundamental human needs or life and physical use of force) and the other is *structural violence* (the conditions in which a social structure or socio-political institutions stop a particular group from meeting its basic needs).³¹ According to Galtung, the focus has been mostly directed towards controlling the factors of *direct violence* whereas structural reasons, which usually aggravate the sentiments of hate and revolt, were ignored.³² The FATA merger was significant in this sense because it explained that while the military operations were an attempt to deal with the direct violence, the merger with KPK stood out as an effort by the state to deal with the phenomenon of prevalent structural violence, extending law and order at the optimal level to the region.

In case of FATA, this theory broadly explains the sufferings of people owing to the prevalent flaws in socio-political structure. When the structures like these are endorsed by the society and politicians, they become part of our culture and we gradually accept them in terms of indigenous customs. Cultural acceptance

of violence, embedded in the structure, legitimizes the violence.³³ The people of FATA have been victimized to structural violence under FCR.³⁴



The above diagram shows that when the two prongs of violence, identified by Galtung, are assimilated at cultural level, the phenomenon reinforces the pattern likewise. The FCR Law, in terms of the extension of structural and cultural violence, denied the basic human rights to the residents of FATA, which otherwise are provided to the citizens of Pakistan under 1973 constitution. In addition, FCR was a gross violation of the Universal Declaration of Human Rights, which set the same standard for all humans and states.³⁵ As per Article 9 and 10 in United Nations draft on “Universal Declaration of Human Rights”, basic human rights should be protected worldwide. It is also the part of 1973 constitution of Pakistan, whereby Articles 8 to 28 deal with basic human rights. In case of violation of these laws, the judiciary is responsible to provide protection. According to the constitution, FATA is a part of Pakistan as per Article 1 and 2; however Articles 51, 59 and 247 excluded FATA to be treated equally like other provinces that came under the President/Governor. Fundamental rights enjoyed by the citizens of Pakistan were not granted to them under old arrangement.

How structural violence impacts the societies is evident from the clause 21 of FCR law highlighting its unkind nature towards the natives. The said clause is about collective punishment. As per Sections 22 and 23, if a person is found guilty of a crime, his entire clan or family will be charged a fine or sentenced to imprisonment.³⁶ To exemplify, the inhumane nature of FCR law can be observed from the incident which took place in March, 2016 at South Waziristan Agency when five employees along with three security guards of FATA Development Authority went missing. The administration of the very agency, in accordance with FCR Law clause 21 of territorial responsibility, detained sixty people of the

same tribe and sealed their assets.³⁷ Moreover, there was no such transparent mechanism of utilizing fine imposed on the people by PAs on account of crime or quarrel, as record was not submitted to the secretariat. The lack of accountability in the FATA administrative system has been a source of corruption; local tribal members and journalists report widespread kickbacks, bribes, and commissions.³⁸ Events and approaches like these created trust deficit between public and PAs.³⁹

Women play an important role in any society. However, in FATA under FCR, only clause 30 deals with women. Despite being deprived of any legal rights, the only clause dealing with women too had an explanation of execution in certain context. According to this clause, if a married woman was accused by her husband or in his absence, by a guardian on behalf of her husband, of being involved in adultery without any investigation or other legal rights, she would be fined and detained for five years. On a legal account, the FCR law related to adultery was gender-specific which was not applied similarly to men.⁴⁰ Alongside, there was no clause in FCR for defending women rights against domestic violence including child marriages. Property rights and right to choose the life partner were not granted in the FCR. These laws and practices were gradually enfolded within the ambit of culture and were considered legitimate at cultural level.

Impacts of FATA Merger with Khyber Pakhtunkhwa

The merger of FATA with KPK is dawn of a new era in the region with high hopes and expectations of heralding opportunities for the under privileged masses in the form of political, economic and social changes in FATA.⁴¹ However, for successful post-conflict rehabilitation efforts to deal with structural and cultural factors of the conflict, it would be more appropriate for the state to work on two dimensions simultaneously. The first is the development of infrastructure and the second is reintegration of the disturbed or displaced segments of the society.⁴² In this regard, FATA merger with KPK is a praiseworthy decision that will not only bring infrastructural development in the region but also enhance association between population of FATA and KPK with greater prospects for development.⁴³ Merger is the most viable and practical option for the governance reforms in FATA which may not only be acceptable to the locals but also the most preferred option for the native population of both FATA and KPK.⁴⁴

Political and Constitutional Impact and Challenges

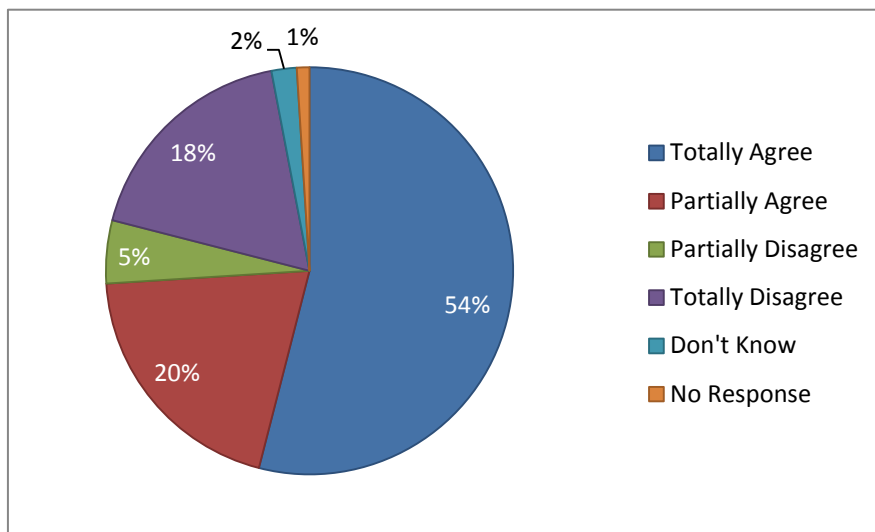
It has been noted that in decades-long conflict situation in the FATA region, the social fabric of its society had considerably weakened. The ensuing disillusionment and frustration among the masses created enough vacuum for radical and extremist ideologies to substantially grow up, resulting in diluting

the function and control of the government machinery. Emerging out of this chaos were the voices from all segments of society, including political parties, demanding the replacement of the existing political administration in FATA with a better and viable system. Majority of political parties are unanimous in their agreement on wiping out the draconian FCR and bringing FATA into the main stream of socio-economic development and extending same facilities of education, health, communication and judicial and administrative system to the residents of FATA that are available to people in the rest of Pakistan.”⁴⁵

In May 2018, FATA KPK merger bill was passed by the National Assembly with a two-third majority and with the passage from senate and KPK provincial assembly, the bill was finally assented by the President who also enacted Interim Regulation Act, replacing FCR until the transformation phase is completed. The FATA Interim Governance Regulation, 2018 is a set of interim rules, which are applicable in the FATA until it merges with KPK “within a timeframe of two years”. This act has been severely criticized by several factions since it appears to have established lawlessness and chaos. Peshawar High Court has also struck down the FATA Interim Governance Regulation on grounds that it's least at par with the modern concept of law.⁴⁶ However, the Government Task Force doesn't consider it as an impediment but a temporary structure which will fade away as soon as the complete transformation occurs.

One of the arguments often raised by some critics of the old system was issue of representation. Under the previous arrangements, the Governor of KPK, being a representative of the President of Pakistan, administered FATA region through PAs. The PAs imposed decisions on the people of FATA without understanding the locals' demands and needs and deprived them of their political rights.⁴⁷ The FATA merger with KPK will provide opportunities to the locals to directly approach the government authorities to solve their issues bypassing any need of involving PAs or *Maliks* and *Masharans*.⁴⁸ The notorious FCR law did not allow the natives of FATA the right to “*wakeel, appeal and daleel*.” Under the system the locals couldn't appeal before a competent court; their fate was decided by the sole executive authority of PAs. Merger of FATA with KPK, has paved the way for the people of FATA to appeal before the superior judiciary and Peshawar High Court for their fundamental rights guaranteed to them under the constitution.⁴⁹ Majority of the people of FATA are now more cognizant of their legal and political rights, thanks to the awareness brought about by media and education, though on a much slower pace. Paradoxical though it may appear, this political awakening among the FATA population is also partly a ‘collateral benefit’ of their troublesome migration when they were trying to evade the ‘collateral damage’ of the war on terror in their native areas. Closer interaction of the tribesmen with people in other parts of the country, when they were migrating as Internally Displaced Persons (IDPs), significantly changed their governance perspective, prompting them to

ask for extensive reforms in FATA. They readily supported the saner voices of major political parties and other social activists asking merger of FATA with KPK.⁵⁰ This point of view is substantiated by results of a survey based report, "Governance Reforms in FATA: A Peoples Perspective", where a significant majority of the respondents opted for merger option.⁵¹



Source: The FATA Research Centre "Governance Reforms in FATA: A Peoples Perspective," *FATA Research Centre*, (Islamabad: December 2016) page 37

This merger will certainly usher in a series of political and constitutional reforms in FATA. At political level, the dynamics of political representation of the people of FATA have already changed. Initially FATA was under the executive authority of the President of Pakistan; therefore, the region was politically represented in the National Assembly and the Senate on separate seats but now that separate representation has been abolished. As a result, the Senate seats have been reduced from 104 to 96 and the National Assembly (NA) seats reduced from 342 to 336. After the completion of tenures of incumbent senators from FATA, the FATA seats in senate will be abolished completely; however, the people of FATA have been granted political representation in the KPK provincial assembly and 21 seats have been added though, the allocation of seats in National Assembly is still an issue for the natives of FATA.⁵² Recently, each agency has been allocated 3 seats in National Assembly but locals are demanding allocation of seats on the basis of census. Recently, a delegation of MNAs from FATA met PM Imran Khan and demanded that the number of seats from tribal areas in the National Assembly and KPK Assembly should be increased to 12 and 24, respectively.⁵³ If this issue of political participation and seats allocation in National Assembly is not addressed properly, there are

chances that the opposition forces against the merger may use this situation to exploit the locals.⁵⁴ It has been noted that various political movements are already emerging in the region and looking for loopholes in the merger process. Therefore, it is pertinent to expedite the merger process by addressing the issues of the locals as per their aspirations.⁵⁵

Political representation is always fruitful and productive for people but the rights of people is the highest priority under the law. This principle is being respected by merger as Pakistan, being signatory of international law and international human right treaties and charters, is under an obligation to ensure that people from all regions of the country get their fundamental rights not only as an international law obligation but also because Constitution of Pakistan guarantees it. So, fundamental rights have been given due consideration in the aftermath of this merger and an attempt has been made to address the structural and cultural reasons of political disturbance.⁵⁶

Since the day reform process started, there has been a heated debate on the issue of future political status of FATA. The passage of 31st amendment bill (FATA reforms bill) in May 2018 is in itself considered by anti-merger faction as the violation of democratic principles. The opposing factions are continuously referring to the democratic spirit of Jinnah's fourteen points whereby one of those states that "No bill or resolution or any part thereof shall be passed in any legislature or any other elected body if three fourths of the members of any community in that particular body oppose it as being injurious to the interests of that community."⁵⁷ Concerns have been raised in this regard that only two FATA MNAs out of a total of nine voted in favour of the bill and the other 7 chose to abstain.⁵⁸

There have been arguments by the opponents of the FATA merger stating that FCR will remain there with new name, and its implications will continue in practice. This, however, is wrongly assumed at constitutional level since there are two major constitutional implications of this merger. Firstly, the Constitution of Pakistan, in Article 1, had earlier mentioned the territories of the entire federation and a separate arrangement for FATA region; which has been abolished by 25th Amendment. Secondly, the Supreme Court and High Court Jurisdiction Act, 2018, was promulgated, which extends the jurisdiction of the superior judiciary to FATA region. It is a major step towards protecting fundamental rights of the citizens as per Article 184 (3) and Article 199 of the Constitution. The superior judiciary can now protect the rights of people of FATA enshrined in Articles 8 to 28 of the Constitution.⁵⁹ In this regard, the establishment of courts within the tribal areas must be expedited.⁶⁰ However, on March 4, 2019, regular courts have started functioning in tribal districts of the erstwhile FATA whereby twenty-eight judicial officers and eighteen prosecutors have been posted in the tribal districts.⁶¹

The stance and stake of military establishment is obviously of great significance in this regard as they have been directly involved in the whole peace building efforts since the start of war on terror and even earlier. It is indeed significant that civil-military officials are on the same page in this regard. In a meeting with a group of tribal elders of the region in March 2018, the Chief of Army Staff had assured that he favoured the merger of FATA with KPK but that a final decision would be made with the consent of all stakeholders.⁶² For the Pakistani military, there is an obvious reason to support the extension of Pakistan's constitution to the region in its entirety. The military understands that if Pakistan is to consolidate on the counterterrorism gains that it has made over the last few years, FATA should become a region that is fully regulated. The presence of local governance mechanisms only can ensure that militants remain isolated and their ability to penetrate the region is constantly challenged. Weighing all the pros and cons in detail, the National Security Committee endorsed the merger of FATA with KPK along with the introduction of the administrative and judicial institutional structures and laws of KPK.⁶³

From the opposition forces, Jamiat Ulma-e-Islam (Fazl-ur-Rehman) has been a stumbling block in the merger process since the day the merger was proposed. An argument voiced by them is that the people of FATA should in the first phase be extended political rights, and be provided with education and other basic facilities. After that, a referendum be held in the next five to ten years with a politically aware population that would result in a more representative opinion of the people of FATA.⁶⁴ JUI-F leaders opposed the merger bill on grounds that merger of FATA with KPK would affect the country's internal and external situation. While holding his stance rigidly, Maulana Fazlur-Rehman said that "No legislation could be carried out under Article 247 of the Constitution regarding changing status of the tribal areas."⁶⁵

The problem with this argument however is that it assumes that education will bring political awareness and that it does not exist already. These tactics have been earlier exercised by the dictatorial regimes to induce distraction, and set a discourse for affixing political intellect with Education, as part of the hegemonic plan. The argument is self-contradictory, the reason people did not have political awareness and education was due to the fact that it had not been part of the mainstream political system. The mainstreaming will pave the way for education facilities and political participation as available to other parts of the country, thus making it even more essential to have the merger.

The stance of JUI-F is joined by tribal elders in few parts of the FATA who insist that instead of a merger with the already under-developed KPK, they wish to have a separate province of their own. They equally support the abolishment of FCR but consider the merger process as a foreign agenda, which according to them must be stopped at any cost.⁶⁶ The political movement of these elders,

who profess anti-merger, is led by few of the members of Pakistan Justice and Democratic Party.⁶⁷ On a factual account, those joining the anti-merger faction from the tribesmen are the ones whose interests are at stakes, particularly the *Maliks* who were privileged with their special status in the old system. The point here is that these anti-merger forces don't actually represent the net popular will of the residents of FATA since a survey by an Islamabad-based independent research center in December 2016, showed that 74 percent of tribesmen broadly support FATA's merger with KPK, while a clear majority of 54 percent support that objective unequivocally.⁶⁸ The merger is highly desirable for the inhabitants of FATA and that they have demanded the concerned task force to speed up the merger process.⁶⁹

Although the factions in support of FATA-KPK merger have a greater majority but various voices have been raised even from these groups to speed up the transformation process, otherwise any attempt to convert FATA into a Provincially Administered Tribal Areas (PATA) would be risky given KPK's history of struggling to mainstream its own PATA.⁷⁰

Mehmood Khan Achakzai, leader of *Pukhtunkhwa Milli Awami Party (PKMAP)* continued to oppose the merger, without clearly stating the argument. His opposition is merely an opposition without any serious stakes or concerns. This naturally leads to the opinion generally associated with him about the Durand line. In his many statements, he considered the region as disputed and called for keeping the borders open for the Afghans on the other side of the border. This reason itself calls for the immediate merger, given the security problems linked with cross border terrorism from Afghanistan and hideouts of TTP on the other side of the border.

The merger of FATA with KPK is also a response to the narrative of Pushtun Tahafuz Movement (PTM) that Pashtuns have been marginalized and not given due share. The argument becomes irrelevant as the purpose of political and constitutional mainstreaming is to remove any hurdle for connecting the region to the rest of the country in political and social terms. Political participation through local bodies and national political parties will provide greater opportunity to the people of FATA to voice their concerns in a constitutional framework through political platforms.

FATA merger will also eliminate the brutal principle of collective punishments under FCR as, from now on, an individual will be held accountable for his/her actions, not the whole family or tribe.⁷¹ Such legal and institutional changes are required for the successful implementation of FATA merger with KPK. It will help political, economic, social, technical, environmental and legal mainstreaming of FATA. People of FATA will also enjoy rights as enjoyed by citizens in other parts of state. They will be provided with all the basic facilities

including health, education, infrastructure, water and power supply and job opportunities.⁷²

Socio-Economic Impacts and Challenges

The region of FATA has been one of the poorest regions of Pakistan with very little economic opportunities available for the tribal people. The decade-long war on terror and the subsequent forced displacement of these people from their regions has added to their economic woes. Historically, the people of FATA have always been dependent on the adjacent regions in the settled areas and other big cities of the country for business, health, education, jobs and other amenities. Due to discouraging literacy figures, unsubstantial agricultural activities and absence of any worth-mentioning industrial units, unemployment ratio is very high in the region. The picture of socio-economic development is much bleaker for the women in FATA. A survey was conducted by FATA Research Centre (FRC) to evaluate the response of people on FATA merger with KPK in various agencies of FATA. This survey indicated that a significant majority of respondents in the region are in the favor of merger due to several reasons in which socio-economic reasons are most significant. The findings of the report explained that the merger was a better option because both KPK and FATA were ethnically Pakhtun majority areas and shared common language and cultural traits.⁷³ The geographical linkages further enhance the importance of the merger on the basis of geographical contiguity, whereby people in FATA consider themselves as a part of KPK. The Bannu District provides gateway to South Waziristan Agency and the D.I. Khan District is a gateway for North Waziristan Agency. However, the land linkages between South Waziristan and North Waziristan are underdeveloped and impoverished.⁷⁴ Travelling between FATA and KPK is more convenient for the people rather than moving within FATA. Therefore, it is expected that the merger on the basis of geographical connections will open up avenue of new opportunities for the local businesses.⁷⁵

FATA merger with KPK will be helpful in ending structural violence by making FCR null and void. The Judicial system will be revised; whereby draconian FCR Law will be replaced with “*Riwaj* Act” according to which the tribunal of judges or *Jirga* will be selected by the local people instead of the PAs.⁷⁶ The rights enjoyed by the Pakistani citizens will be granted to the people of FATA. Their fundamental human rights will also be protected. Women-specific laws will also be implemented in FATA. This merger will introduce changes in the system and improve the law and order situation in the region.⁷⁷ In this process, the two essential steps are law-making and its effective implementation. It is expected that FATA merger with KPK will generate a number of opportunities for the locals and will put an end to structural and cultural factors of violence.⁷⁸

Under the merger arrangements, development projects are planned for erstwhile FATA. These projects include construction of small dams, water and power supply schemes, mineral development and construction of infrastructure. The compensation programs for the citizens' losses in the war against terror, improving education and health facilities, technical education for youth and industrialization are also intended. Power projects have been launched in FATA worth two billion rupee.⁷⁹

The region of FATA is rich in minerals, precious metals and natural resources. A few of the tribesmen and JUI-F activists claim that KPK government along with the federal government wanted to unlawfully take control of unexplored natural resources of tribal areas. Therefore, they insisted, that they wanted either an independent legislative council or a separate province.⁸⁰ As a matter of fact, they are reluctant to acknowledge that the natural resources have not been utilized till now, even by the inhabitants of FATA. This sector of natural reserves has remained untapped due to several reasons, including lack of policy framework, financial constraints, underdevelopment, security situation and institutional flaws. There are fair chances that this merger will assist to utilize these resources and uplift the economy of the region by addressing all these issues.⁸¹ Further, it is hoped that due to the merger cross border trade will also enhance in the FATA region. Economic Coordination Committee (ECC) decided to exempt erstwhile FATA from taxes for five years, while the members from ruling government have stressed to exempt FATA and the Provincially Administered Tribal Areas (PATA) from taxation for a decade.⁸² The step of ECC will attract the industrialists and businessmen to invest in FATA. This will help introduce more jobs for the locals, boosting the economy of the country in the long run. The youth of FATA considers this merger as a positive step and has pinned a lot of hopes to it. This economic development process will lead to improvement in the field of education and assurance of better future for the tribal youth.

It is also expected that the merger will impact social fabric of the tribal life positively. The social fabric of FATA was badly affected by terrorism and presence of religious militants and extremist groups.⁸³ In the absence of proper law enforcing mechanism, militants and extremist groups found enough vacuum to present their own radical concept of Islam and impose their extremist ideas over the people using brutal force.⁸⁴ They deliberately targeted educational institutions in the region and asked parents to stop sending their children to government and private schools by propagating against the schools on the grounds that they were teaching anti-Islamic contents and misguiding Muslim youth. In addition, other extremist measure were imposed including restrictions on mobility of women in public places such as markets, shopping malls and restaurants and punishing men for shaving their beards and wearing any western attire. Women were asked to observe veil and stay within the house

and men were told to stop working in any government position. The prohibitions from such extremist groups practically confined FATA population to their houses. It has been after a period of more than a decade that people of FATA region are coming out of this chaos and suppression towards normalization owing to the successful war against terror and the recent announcement of FATA merger with KPK. This normalization is incomplete without focusing on the structural and cultural issues of the disturbance in tribal society. In this regards, maximum attention should be given to the gender equality.

Security is of prime importance keeping in mind the volatile nature and the long history of militancy of the region. It is also believed that the mode of governance that was prevailing in the area under FATA mechanism favoured the rise and mushrooming growth of extremist elements. In the new set up, twenty thousand levies force posts will be created to serve as police force in former FATA to maintain security and law and order in the region. These levies force will be imparted police training in order to enable them to cope with post-military operations scenario and relieve the army from dealing with routine security issues.⁸⁵

Technical and Environmental Impact

Industrial development and enhanced economic activities in the region will bring about normalcy and prosperity. In this regard, it has been decided that Industrial zones will be established and incentivized to not only attract investors from all over the world but also create technical and managerial jobs for the locals. To benefit from these opportunities, technical education will be imparted to the people to make them skilled and trained. Road linkages to connect with China Pakistan Economic Corridor (CPEC) will bring the investors from China, Russia and Central Asia.⁸⁶

In rural economy, forests play an essential role; it generates livelihood for the inhabitants, provides food, fuel and fulfills timber requirements. Forests also maintain ecological balance. But the rapid deforestation in FATA is disturbing the environment with detrimental effect on the ecological system. The sale of timber, wild grazing in the green fields and using wood for fuel purpose has resulted in a drastic decline in forestation. The soil's capacity to preserve water has fallen, resulting into unexpected floods. It has affected the quality as well as quantity of food. The green fields are depleting due to overgrazing and prolonged famine.⁸⁷ The prospects of the merger in this regard would be beneficial as projects like "Billion Tree Tsunami" in KPK would be extended to FATA to prevent soil erosion, control flood and bring an improvement in forestation. FATA merger with KPK will introduce laws for forestation as well which will control the issue of deforestation.

Conclusion

The effort of the Pakistan Government to merge FATA with KPK is a momentous effort to bring peace, stability and prosperity in the FATA region with efficient governance and rule of law. The mainstreaming of FATA aims to bring the tribal region at parity with the rest of the country constitutionally, politically, administratively and economically. FATA is already heavily dependent on KPK province for administrative workforce and facilities as well as social services such as education and health. It is hoped that the consolidation of this ethnic, cultural and social cohesion with KPK will not only bring administrative and infrastructural development in FATA, but will also open up the region to new businesses, better communication, greater development, and positive social change. On the external front, the progress towards mainstreaming will reduce the vulnerability of the border areas with Afghanistan ensuring stability and security along the Durand Line which is essential for both internal stability in Pakistan and for the region in general.

However, it is equally important that all reform efforts should be introduced keeping in view the needs, demands and wishes of the people of FATA region. The status of FATA as a separate tribal region not only affected the functioning and legitimacy of the governance system but also resulted in militancy, illegal trade and corruption. The reforms in economic, governance and legal system will definitely change the dynamics of the region. Implementation is a difficult task; government alone cannot do it, hence, support from civil society is crucial. Especially, the youth from FATA with potential and motivation can play a significant role in uplifting the region. Success requires the effective implementation of peace and security measures as well as participation of the people to make it work.

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PUNJAB LOCAL GOVERNMENT ACT 2013: ANNULLING GOOD GOVERNANCE UNDER DEVOLUTION PLAN 2000

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Abstract

The concept of good governance seeks to establish a representative, accountable, transparent and participatory system of institutions and procedures for public decision-making. This necessitates devolution of authority and responsibility to the local level with the purpose to improve governance and ease the burden on the federal or provincial authorities. The Local Government Ordinance 2001 devolved certain powers and responsibilities to the lower tiers of government. Several evaluative studies reported Pakistan's devolution experience a success but findings and recommendations of such studies were ignored altogether and Punjab Local Government Act 2013 (PLGA 2013) was passed on 21 August 2015 which struck down the LGO 2001.

Based on the existing literature on the subject plus material gained from informal verbal intercourse with local councilors belonging to four districts of Rawalpindi Division, this study argues that the Punjab Local Government Act 2013 is an unjustified annulment of the LGO 2001. Three reasons have been elaborated. First, a number of studies conducted on the functioning of the LGO 2001 in Pakistan during 2001-2008 indicated improvement in social service delivery. Secondly, where some studies are critical of the functioning of the LGO 2001, their criticism is constructive; they find space for criticism because robust relevant provisions of the LGO 2001 had not been implemented in the first place. Thirdly, and most importantly, the provisions of the PLGA 2013 have minimized the participation of people in decision-making. Instead, it has reintroduced bureaucratic supervision, minimizing the desirable features of good governance in local affairs.

Key Words: Governance, Devolution Plan, Local Government Ordinance 2001, Punjab Local Government act 2013

Introduction

The concept of government has radically changed during the last half a century. Till the early nineteen eighties, government was the dominant source of political and legal decision-making. With the emergence of the concept of governance, the government came to be seen as only one but critically important institution and governance began to be seen as representative, accountable, transparent and participatory system of institutions and procedures for public decision-making.¹ The new good governance paradigm suggested that in the aid-recipient countries, development plans

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failed mainly due to institutional failure or poor governance rather than other factors. The paradigm considers devolution as an imperative for good governance and international donor agencies have made it an aid-conditionality for the developing world since 1990s.² The donors have been promoting decentralization as an essential part of an approach to development which depends on self-help by local governments and local communities.³

The devolution of authority and responsibility to the local level is based on the assumption that it would bring decision making down to grassroots levels through effective electoral institutions, and make service delivery more accessible and accountable. Its purpose is to improve governance and ease the pressure on the central or provincial authorities who are far away from the people, and thus unable to deliver on simple basic needs such as healthcare, education etc.⁴ International literature provides evidence that whenever and wherever power was brought closer to citizens, it improved the quality of services, enhanced equity, and promoted economic development.⁵ In institutional terms, devolution means bringing power down to the local authorities that are close to the people and deal with the delivery of essential public services. Such governance at local level is need of the time and is strongly advocated world over. Representative of peoples' needs and aspirations are truly represented by local government, the third and lowest tier of governance. Local government really holds great potential for improved civic comforts, social justice and economic development.

Statement of the Problem

The concept of the governance reached its peak by the end of twentieth century. Around this time, Pakistan presented a bleak picture in terms of governance. A World Bank sponsored study that reviewed the decentralization experiences of the developing countries truly reflected Pakistan's experience. The authors were of the view that the local governments were functioning as bureaucratic apparatuses which impeded political development. Such arrangements denied local leaders opportunities for nurturing their leadership faculties and skills and did not utilize their faculties for assessing the needs of the local communities and mobilizing local resources.⁶ The local government officials were being used as a "transmission belt" and they looked towards central or provincial government officials for decisions even in routine matters.⁷ Centralized control over financial resources continued and local organizations were facing severe shortages of qualified personnel; they lacked the capacity to carry out the assigned responsibilities.⁸ Political commitment and bureaucratic support required for proper functioning of local government were missing. Local officials need adequate control over their own field staff but the provincial authorities were not willing to accept any reduction in their powers.⁹ There

were increased corruption, poor service delivery and elite capture at the local level.

Pakistan suffered from such situation because in spite of a large number of commissions on administrative reforms, it did not remove the colonial imprint on its local governance system. Under colonial rule, loyalty to the British was rewarded with land grants, leading to landed aristocracy that dominated the local political scene on behalf of the colonial government. Probably, the most important effort, regarded to be an indigenous one, was in the area of local government. This was Ayub Khan's conception of 'Basic Democracy' that local government was to function under bureaucratic tutelage. But the idea of Basic Democracy died a natural death by the end of the 1960s with the exit of Ayub Khan. After Ayub Khan, the elected government under Bhutto, legislated for local government. However, that legislation remained on paper. Bhutto's civilian government was followed by another military takeover in July 1977. In 1979, Zia promulgated the Local Government Ordinances (LGOs). The new legislation removed the bureaucracy's role in local bodies, making all members elected, either directly or indirectly. After Zia's demise in 1988, though the local bodies were not dissolved, the system became defunct as the elected provincial governments did not own the local government system. This eventually "led to the suspension of local bodies between 1993 and 1998." Coinciding with such decline of local government in the country and multilateral pressures for introducing good governance at local level, General Musharraf came into power in October 1999.¹⁰

Musharraf introduced devolution plan through promulgation of local government ordinances in all four provinces in 2001, and devolved power and responsibilities of several provincial departments to the districts. The Local Government Ordinance 2001 (LGO 2001) established a strong local government system and put in place a mechanism for public participation in designing, controlling and monitoring of service delivery. The LGO 2001 was provided a constitutional protection for six years.¹¹ Two rounds of local government elections were held under the LGO 2001 (in 2001 and in 2005). The third round of the local government elections was to be held in 2009, but following the general election of 2008, the mainstream political parties decided to postpone it until the local government system could be amended. Several studies and surveys were conducted on Pakistan's devolution experience and, by and large, all reported public satisfaction with the plan and recommended further devolution to local governments. But with the end of Musharraf regime in 2008, a floodgate of criticism opened. Some were happy with the current state, some sought changes, while some demanded immediate and complete repeal of the LGO2001. For a formal policy review, Government of Punjab commissioned a study to the Institute of Policy Studies, Beacon house University, Lahore. The study emphasized deepening of the local government structures, uninterrupted

continuity of their operation and explicit provision of their role in the constitution.¹² Yet, local governments were dissolved in July 2009 and the bureaucracy took over the control of the local governments until new system of local governments could be constituted. Findings and recommendations of the study were ignored altogether and, in Punjab, as in other provinces, Local Government Act 2013 (PLGA 2013) was passed on 21 August 2013. This act struck down the LGO 2001. The question arises whether the PLGA 2013 passed by the Punjab Assembly was justified.

Line of Argument

This study argues that the Punjab Local Government Act 2013 is an unjustified annulment of the LGO 2001 owing to several reasons. First, a number of studies conducted on the functioning of the LGO 2001 in Pakistan during 2001-2008 indicated improvement in social service delivery. Secondly, where some studies are critical of the functioning of the LGO 2001, their criticism is constructive; they find space for criticism because robust relevant provisions of the LGO 2001 had not been implemented in the first place. Thirdly, and most importantly, the provisions of the PLGA 2013 have minimized the participation of people in decision-making affecting at the local level. Instead, it has reintroduced bureaucratic supervision, again minimizing the desirable features of good governance in local affairs.

The following pages discuss the three points of the study's argument. The discussion is based on existing literature on the subject plus material gained from informal verbal intercourse with incumbent chairmen, vice chairmen and local councilors belonging to four districts of Rawalpindi Division, namely, Attock, Chakwal, Jhelum and Rawalpindi. But, first the LGO 2001 itself under the Devolution Plan 2000.

Devolution Plan

Devolution Plan itself was announced in the year 2000. Under the devolution plan, the Local Government Ordinances (LGOs) were promulgated in 2001 which provided a three-tier local government system (LGS) consisting of District Government, Tehsil/Town Municipal Administration and Union Administration in all the four provinces. The plan attempted to provide mechanism for public participation in design, control and monitoring of social service delivery and development activities. Management control and functional responsibility of 31 provincial departments were decentralized and transferred to district governments under Part A of the First Schedule to LGOs, 2001. Several functions which were previously performed by the local offices of provincial departments fell within the domain of district/tehsil. Provincial governments were made responsible mainly for giving broad policies, setting

and monitoring performance standards, and providing guidelines and resources to meet the service delivery targets.¹³

General Musharaf claimed that devolution of authority to the local tiers of governance would empower the impoverished and make people master of their own destiny. It would bring far-reaching consequences and change the fate of the country. Moreover, it would introduce essence of democracy and not sham democracy, which promoted the privileged.¹⁴

Goals of the Devolution Plan

In order to address the inbuilt disjoints in the 1979 LGS, the National Reconstruction Bureau (NRB) put forward following five official goals, also known as Five Ds, for envisaged devolution to the local government:¹⁵

- a. Devolution of political power, which would empower elected politicians to articulate their communities goals
- b. Decentralization of authority to districts, giving administrative autonomy to departments at district level
- c. Distribution of assets/resources to municipalities and districts, both through transfers and powers of taxation
- d. Deconcentration of managerial functions, underpinning specialization and performance-based assessment
- e. Diffusion of the nexus of power-authority by instituting a mechanism for monitoring by citizens for checks and balances

Impact of the Devolution

Studies on impact of decentralization on service delivery in Pakistan have recognized two major advantages of a decentralized system; allocative efficiency and participation of the people at the grassroots levels. However, there have been serious concerns about corruption and elite capture. Studies analyzing political aspects of decentralization, have supported the decentralization under LGO 2001 and propounded that the state apparatus could be further democratized by; (1) initiating an administrative reform and devolving powers to the lower levels of government, thus making the local governments more accountable and responsive to the needs of the local population, and (2) creating new space for direct participation of the people at the grassroots level, which would provide a training ground for democratic practices and thus strengthen democracy.¹⁶

There are a few major analytical studies and diagnostic surveys undertaken / funded by international aid agencies/institutions that assessed the impact of the devolution on service delivery in Pakistan. Two studies commissioned by

the Federal Government, namely 'Devolved Social Service Delivery in Pakistan' and 'Assessing the Impact of Devolution on Healthcare and Education in Pakistan' were undertaken to analyze progress of the devolution and provide advice on ways for improving service delivery through decentralization. These studies provided an evidence that for an ordinary citizen, 'devolution had started yielding positive outcomes in courts, schools and clinics and, most evidently, in the political life of the country.'¹⁷ Devolution had strengthened citizen voice and power of the citizen on their representatives was visible. Improvement in the attendance of teachers and doctors and availability of drugs in hospitals showed that devolution was promoting the accountability.¹⁸ The studies listed common problems faced by the district nazims such as insufficient resources, lack of supervisory control over district civil servants and too much interference by provincial governments. The studies also proffered certain recommendations for making the service delivery more effective.

Asian Development Bank's report in 2004 suggested full implementation of devolution and empowerment of local governments to hire and fire, creation of district cadres and local government service, gradual elimination of vertical programmes, greater assignment of revenues from provinces, and better tax base. It recommended more functional autonomy including further transfer of provincial functions to local governments. The report also urged local governments to show more meaningful progress at the earliest.¹⁹

'Social Audit of Governance and Delivery of Public Services (2005)'²⁰ and 'Selected Services in Faisalabad: Perceptions and Realities (2007)'²¹ were results of the perception surveys conducted to measure citizen satisfaction with service delivery. These surveys provided empirical evidence about the working of devolution, and recommended pointers for issues that needed attention in order to reach maximum benefits.

Most interesting are the findings of the study commissioned by the Government of the Punjab. The study found that the devolution plan could not bring the desired improvement in quality of services due to disjoints and incoherencies in the decentralization policies. The disjoints, pointed out were:²²

- a. Limited managerial or financial autonomy vis-à-vis the province
- b. Local governments with no tax base or the capacity to raise revenues on their own
- c. Vertical programmes of federal/provincial governments undermining autonomy of district governments to set their development priorities.
- d. Provincial government slowly encroaching upon the functions of local governments.
- e. Failure of devolution plan to take into account the political

environment, including the possible resistance, for reasons legitimate and illegitimate, that this reform was bound to encounter.

The study recommended certain political, institutional, legal, fiscal and administrative reforms in the context of Punjab and the authors of the study believed that these reforms would genuinely empower the people, deepen the democracy and strengthen the process of devolution to local governments in Pakistan. The study also found that the structure emerged through LGO 2001 was radically different from that envisaged in the Devolution Plan. The study reported improved public perception about service delivery in the education and health sectors but widespread corruption, mismanagement and local power struggles in some sectors. The study concluded that though devolution reform could not fully achieve its objectives during 2002-08 but it could not be condemned as failure.²³

As regards devolution experience in Pakistan, almost all studies and surveys supported the idea and argued for more devolution for solving the ills. Some focused on curing the political architecture, others on technical details but no one denied its essentiality. Everyone acknowledged the need for reform but none suggested the reversal of the LGO 2001.

Report of the survey conducted by Urban Institute /AC Nielsen in 2008 presented the view point of the citizens, according to which there was no case for taking back control of local affairs to the provinces. In fact, on questions of access, provincial government fared much worse than local governments. In addition, citizens wanted to depend on their elected councilors for interacting with their elected local governments and their specific complaints or problems were resolved through their elected councilors. The survey showed that there was no public support for increasing bureaucratic control over local affairs; rather, majority of the citizens were critical of bureaucrats, generally due to lack of responsiveness.²⁴ The most significant finding of the survey was that an overwhelming majority of the survey participants was in favour of maintaining service delivery control by local governments.²⁵ This evidence rejects the assertion of certain authorities that the “general public” wants a complete roll back of the local government system.

A few development practitioners did criticize the devolution experience in Pakistan. However, such critics did not disapprove the devolution plan rather they criticized divergence from the originally envisioned plan. They appreciated the system established under the plan and recommended measures for strengthening it further. Four major studies generally quoted for skepticism about the success and impacts of the devolution are:

- a. Devolution in Pakistan: Reform or Regression, by International Crisis Group in 2004

- b. Political Economy of Decentralization in Pakistan' by Akbar Zaidi, in collaboration with Sustainable Development Policy Institute (SDPI) and University of Zurich in 2005
- c. Initiating Devolution for Service Delivery in Pakistan: Ignoring the Power Structure' by Shah Rukh Rafi Khan and co-authors, published by Oxford University Press in 2007
- d. Social Development in Pakistan, Annual Review 2006-07, by Social Policy and Development Centre Karachi, 2007

A detailed examination of these studies reveals that the authors of the studies did criticize the intentions of the three military regimes who introduced local government systems but they appreciated the mechanism provided for popular participation in decision-making, especially by the LGO 2001. According to International Crisis Group report, local governments were primarily instituted to create pliant political elite that could help root the military's power in local politics.²⁶ The report compiled all shortcomings in the plan and the problems faced during implementation but it acknowledged that the plan devolved unprecedented administrative and developmental functions to elected officials. It found provision of significant fiscal resources and subordination of bureaucracy to the local government as the most radical measures taken under devolution. The report stressed the need for devolution of provincial line departments especially health and education and creation of new ones at the district level. It criticized the go-slow approach adopted by the provincial governments in devolving and relinquishing administrative control over the districts staff.²⁷ The report also provided an evidence of the frustration of the district nazims due to the interference of the provincial government in the delivery of services in the districts. "So long as the provincial government retains control, there will only be surface devolution."²⁸

The study titled: "Political Economy of Decentralization in Pakistan" appreciated LGO, 2001 saying that it had made some bold changes into the earlier decentralized local government system with, perhaps, the biggest change and innovation in the case of fiscal decentralization. In the study's view, the LGO empowered local governments to decide their budgets and expenditures for public services, and the roles of provincial or federal governments were limited to issuance of policy guidelines and monitoring.²⁹ Ten years later, in the revised edition, the study noted:³⁰

Under Musharraf, for the first time in the history of Pakistan, the third tier of government was granted much importance, as well as financial, administrative, and governance powers. The local governments even in rural areas of the country managed to perform exceptionally well and showed fiscal responsibility by delivering effective and efficient public goods. With the fall of the Musharraf system, the local government system has been in complete abeyance, which does not bode well for devolution in Pakistan.

Khan and co-authors demanded more diffusion of power in rural areas aimed at truly empowering the grassroots level and improving service delivery for the poor. They particularly stressed the need for land reforms which would diffuse power in rural Pakistan, thus empowering the poor and making them capable of ensuring that the service delivery is not hijacked.³¹

Social Policy and Development Centre, in its report, *Social Development in Pakistan, Annual Review 2006-07*, pointed out various problems that emerged in the initial period of implementation such as lack of coordination among different tiers of the government; strained relations between elected local representatives and the local bureaucracy; limitation/lack of governing capacity at the lower level; malpractices in the conduct of local elections; lack of incentives for mobilizing local resources, no formula for sharing of resources and local elite capture.³² The report recommended a 'second generation' of reforms in order to fully benefit from the potential of devolution and address the problems that emerged during the implementation. The report provided evidence of certain visible successes of the new LGS like increased number of representatives, enhanced women participation, innovations and novelty in service delivery and increased spending on certain services, and subsequent improvement in various social indicators. The report explicitly noted that devolution was a long-term process, it was too early to judge its success or failure just after six years.³³ The report quoted Dr Bakhteari who felt that with devolution, people had got a role in decision-making. In her view, bureaucratic and procedural impediments still existed but devolution had simplified procedures; responsiveness had increased; and there was an element of accountability.³⁴

In spite of the largely positive contribution of the devolution under LGO 2001, provincial government insisted on bringing a new system of local government and indeed, dissolved the institutions created under LGO 2001. The 18th Amendment to the Constitution of Pakistan affirmed local government as the third tier of the governmental system. However, provincial governments remained reluctant to legislate on the subject and hold local elections, debarring people from participation in local affairs. The Supreme Court, in its capacity as guardian of the Constitution, pushed the provincial governments to undertake legislation on local government. But most of such legislation was done as eyewash and in disregard to the well-known principles of devolution of power.

Promulgation of PLGA 2013

While reassessing the decentralization experience of developing countries, Cheema and Rodinelli find that decentralization meets resistance from those whose interests are served by the concentration of power and resources in a

centralized arrangement.³⁵ Conflicts between the national and provincial legislators and local governments had emerged in 2003 and these legislators had started opposing the plan as it had devolved powers to the local governments, particularly in development work.³⁶ A study in 2003 concluded with the remarks:³⁷

While these local governments' future is still uncertain given the lack of constitutional support and conflict with the provincial governments, what is clear is that if they remain, we are likely to see an impact on the delivery of public services. Whether this will be for the better, as local governments may become more accountable to the general public, or for the worse, if local governments fall into patronage and "biraderi" politics, remains to be seen.

ICG report also predicted in 2004 about the short life of the devolution plan due to low acceptance among patrimonialist politicians and highlighted the concerns of the members of provincial and national assemblies (MPAs/MNAs) who felt that nazims had usurped their 'right' to oversee development projects in their constituencies.³⁸ Similarly, Pakistan's higher bureaucracy did not like divesting its powers to the elected representatives. They not only opposed the devolution of powers under LGO 2001, but openly propagated and depicted the system to be the main cause for corruption and rapid detonation of the society's social norms and values! A parliamentarian from treasury benches, addressing a conference in 2015, said that democracy was incomplete without local governments and he considered bureaucracy as the main hurdle in empowering local governments. In his view, the bureaucracy's desire to control everything was the problem.³⁹

The government elected to power in 2008, ignored highly supportive evidences about the success of the devolution plan and dumped it as failure. The local governments were accused of widespread corruption and lacking technical and administrative capacity. As regards the charges of corruption, the Punjab government, despite being in power for 10 years, has not presented single evidence against any nazim. As regards the lack of capacity in the local government, it exists world over and the capacity of the local institutions is enhanced through more devolution of power and responsibilities and not through a yo-yo process of delegation and withdrawal of authority.

Expectedly, when the local governments completed their term in December, 2009, Government of the Punjab openly expressed its intentions to repeal the LGO 2001 and introduce new legislation on the subject. Local government elections were postponed on one pretext or other. Several individuals and organizations moved to the superior courts seeking issuance of appropriate directions to the Federal and Provincial Governments for holding local government elections forthwith. The Courts repeatedly reminded the concerned Governments about their Constitutional obligation to make

arrangements for holding local government elections and devolve administrative, financial and political responsibilities to the elected representatives. Reluctantly, a bill was moved in the Punjab Assembly but aimed at centralizing whatever little had been devolved to the local governments under the LGO 2001.

When the debate on the bill was being pushed through, the opposition urged the Speaker to put off the passage of the bill and adjourn the session for one day so that they could attend a conference on proposed bill to be held in that afternoon, but their request was rejected. 17 proposed amendments to the bill proposed by the opposition members were not taken up. Opposition members boycotted the session but in their absence, a group of legislators from treasury benches emerged and proposed 13 amendments to the bill. However, the government easily defeated all the amendments and passed the Punjab Local Government Act 2013 on the same day i.e. 21 August, 2013. According to a study carried out by IDRAC in September, 2013, the manner in which the Bill was framed and approved was a disservice to the very spirits of democracy by the democratically elected parliamentarians. Rather than welcoming a debate and drawing a broad-based consensus, the ruling political party rushed to unilaterally approve the bill.⁴⁰ Nevertheless, the passage of Punjab Local Government Act 2013, in fact, revived PLGA1979 and rolled back LGO 2001.

What PLGA 2013 has taken Away?

The Punjab Local Government Act 2013 was enacted to meet requirements of a Supreme Court's decision directing provincial governments to institute local self-government but the provincial legislation did not fulfill the obligation under Article 140-A of the Constitution which required devolution of administrative, financial and political responsibilities to the elected representatives in the local government setup. The new law neither empowers the local representatives nor devolves administrative and financial responsibility and authority to them. It has insulated the district-level bureaucracy from the local representatives, has restored the urban-rural divide and facilitated the elite capture. The law has provided for creation of district health and education authorities to function outside the control of the local governments.⁴¹ It has assigned several functions to local councils but without control over the relevant line departments. It merits a mention that the law makes Metropolitan Corporation Lahore responsible for provision of municipal infrastructure and services but relevant authorities, Lahore Development Authority and Water and Sanitation Authority, have been kept out of its control; the two have been given independent status with Punjab government control over their personnel. Such arrangements will certainly result in rifts and confusion.⁴²

The Act provides for creation a local government cadre but that will be managed by the provincial government through the Department of Local Government and Community Development.⁴³ The Act authorizes provincial government to review the budget approved by any local government. The Act provides for creation of the Punjab Finance Commission for distribution / provision of resources to the districts from the Provincial Allocable Fund but empowers government to review the commission's decisions. More importantly, there is no representation of the elected local governments in the commission, which is against the spirit of representative and transparent decision-making.⁴⁴ The preamble of the Act claims to establish an elected local government system to devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments, promote good governance for effective delivery of services and transparent decision making through institutionalized participation of the people at local level.⁴⁵ But such devolution of powers and resources is difficult to achieve under the mechanisms provided by the PLGA 2013.

Way Forward

Quite a large number of studies have been conducted on devolution experience of Pakistan and these studies have highlighted the shortcomings in the LGO 2001 and suggested remedial measures. But it is an international practice and national consensus that authority and responsibility must be devolved to local level and facilitate the people to improve service delivery for themselves. Specific recommendations for each dimension of the decentralization have been proffered by prolific writers and international and national organizations. Punjab Government, rather all provincial governments should draft a new bill addressing all the shortcomings in PLGA 2013, organize a threadbare discussion on such draft and incorporate recommendations made by various experts and scholars. The government must 'demonstrate more vision and wisdom and let the process of decentralization of governance flourish in an effort to genuinely bring government closer to the doorstep of the people.'⁴⁶

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KASHMIR ISSUE AND PAK-INDIAN PRESS: CONTENT ANALYSIS OF LEADING NEWSPAPERS

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Abstract

Kashmir issue has been a major conflict between Pakistan and India for the last seven decades. It has been taken up by Media groups in both countries with their respective portrayals and defined frameworks. Out of these media sources, print media have played a major role in building a narrative and adding to public perception-making. This study explored the portrayal of Kashmir issue by the print media in Pakistan and India. The study examined the dominant frames for the Kashmir conflict, used by the leading Pakistani and Indian press– Dawn, The News, The Hindu and The Tribune– in their coverage during the year 2013 and 2018. Also, the study created an understanding of the patterns according to which the aforementioned press groups gave coverage to Kashmir issue, enhancing their respective stances on the issue. The study found that the Pakistani print media gave more coverage to the issue, used favorable frames for Kashmir issue and freedom movement, and neutral frames for freedom fighters, whereas, negative or unfavorable frames for all three subjects were used in Indian print media. Pakistani media highlighted the complex situation of the Kashmir issue – the reasons for the conflict and the will of Kashmiri people regarding the settlement of dispute between India and Pakistan. Within the selected time, the study found that the Pakistani media legitimized the freedom movement and framed it as ‘Kashmiri Freedom struggle’, ‘Kashmiri Freedom Movement’, and ‘Jihad’, whereas, in Indian print Media, Kashmiri freedom fighters were depicted as armed groups of militants fighting for secession of Kashmir from India.

Key Words: Kashmir issue, Plebiscite, Print Media, Content Analysis, Public opinion

Introduction

In today's global world, media has vital role in reporting the conflict of every nature and intensity. The public is often left with little or no choice but to rely on its accounts which may prove fatally misleading because the public has limited knowledge about the conflicts that are unfolding through media and press. Having said that, world is increasingly dominated by media, moving the world away from acceptance of objective reality to agenda-driven truth. Ideally, media's role is to provide a conflict coverage which could attract serious concern from the international community. Reporting the conflict objectively as

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humanly possible may appear challenging in the context of ongoing conflict because of political or other influences that frames the rhetoric of the message and people may not feel obliged to question these constructed messages which not only generate but nurtures the logic of violence and war. Moreover, power of the media's coverage may prove stronger than the will of people and government, consequently, making the media and press as an actor which might complicate the attempts to resolve the conflict. This aspect also has generated considerable debates that should media stay detached from the horrific events unfolding or should it take up the stance and attach to the cause – even that of peace. The problem with practice of peace journalism within media is that it may involve in taking sides of the conflict, and the media becomes partial actor in conflict, consequently, its behavior has an effect on the way the conflict develops. Therefore, it is important to create queries on media's role in constituting the public sphere of the society – how that can be nurtured in such a way as to allow non-violent resolution of conflict. A conflict coverage that is destructive, leading to no effective resolution and doesn't allow any query about what conditions does news media on conflict coverage lead to destructive outcomes, is an implication of failure to facilitate the process of conflict management. Such aspect is present in various media coverage of conflicts in the contemporary world that are intractable and protracted in nature. And amongst all, it can be found in South Asia's decades old 'Kashmir conflict' which originated with the exit of British from subcontinent in 1947. The conflict of Kashmir simmers between two neighbors, India and Pakistan, both the countries have fought wars where the Kashmir issue has been igniting factor and thus, keeping both the states in a constant state of enmity.

South Asian media and press on Kashmir conflict is based on different agenda settings that are void of objective representation of conflict, thus inviting for political narratives. Indians and Pakistanis tend to structure their pattern of thinking about each other through the narrative endorsed by media and press. Most importantly, media reports of both countries on Kashmir conflict significantly shape the perception of common people in both countries by providing the coverage from different angles. Pakistani media, with the help of local press and media of Kashmir, presents killings and sufferings of Kashmiri people such as human rights abuses, casualties and migrations within and beyond the valley. Most importantly, Pakistani media precisely calls the attention of international community. Whereas, Indian media reports and narrates the situation with partial approach, consequently, true picture of Kashmir is largely untold thus creating the ideological divide between Kashmir and India. Such practices in conflict coverage have contributed to the growing sense of alienation among Kashmiris. Instead of questioning militarization, extremism and pro-freedom sentiments, Indian national media covers Kashmir issue purely as security issue, by following government's security-centric line

that Kashmir is an integral part of India; the unrest is caused by so-called Pakistani sponsored militants. All in all, the biases and prejudices in Indian media and press are the root cause of being the biggest escalator in Kashmir conflict.

It is also pertinent to note here that Kashmir conflict and other issues are not only dealt through diplomatic talks, but also contested by communicating in a particular manner to strengthen the respective stance. Mass media significantly affects the public opinion as well as the patterns of thinking with the help of dominant frames which covers the ongoing conflicts and events. Theories of agenda setting and framing, embody these effects of mass media.¹ The theory of framing applies to different stages of the mass communication process.² Keeping in view the past research in communication studies, it can be inferred that media may set the public agenda about certain issues, by influencing public opinion.³ Since media communicates specific information in its frame, the perception of the audience is developed accordingly. Likewise, the readers develop their perception about Kashmir in the light of media frames through which they have been communicated. Frames are of vital importance in shaping public opinion in desired direction.

Framing of Kashmir Issue

Framing by media has a pivotal role in changing the minds of people. Ray Durga has conducted research on *Frames in the US print media coverage of the Kashmir conflict*. The study conducted by him focuses on coverage of the issue by the US media. The study concludes that all the dominant frames in the study elaborate the conflict in terms of war; which might provoke potentially nuclear war. The study reveals that Indians, Pakistanis and Kashmiris are mostly characterized with their religious identities – Indians as Hindus, and Pakistanis and Kashmiris as Muslims, which is a potential source of identity politics and the resulting crisis.⁴

The case of Kashmir has been poorly presented by Indian Media, which in other terms, is the distortion of realities to preserve their national interests. Hackett is of the view that the State exerts a field force over media representations of public affairs.⁵ This statement by Hackett is true and it supports the research, which implies Indian media has supported the narrative of Indian State.

This study has attempted to identify and analyze the terms that have been used by the Pakistani and Indian print media to describe the conflict and subsequently the frames and slants used for the actors involved in Kashmir issue.

Keeping in view the current situation of Kashmir issue, bilateral peace talks, back-door diplomacy, the importance of the media in highlighting Kashmir issue and also formulating public opinion on the said issue, the present study is designed to explore the extent to which Pakistani and Indian print media have been framing and highlighting Kashmir issue. In modern sense of Political diplomacy, the issues are contested through a propagation of particular narrative - the information warfare. In this context, it is the need of the hour to identify how Indian and Pakistani press groups present the case of Kashmir with all its originality, with the intentions to bring a peaceful resolution. How does the genuine Humanitarian crisis in Kashmir get coverage from Pakistani and Indian Print Media and what differences lie if comparative analysis of the said Press groups is considered?

By analyzing the content usage of Kashmir conflict in the print media of both the countries, and the study of frames over a period of two different years, this study helps in promoting a deeper understanding of how the Kashmir problem is portrayed in the English press. The study also unveils the journalistic approaches in which Print Media of these two countries cover Kashmir issue and identify their seriousness about the cause. The functional hypothesis of the study is that Pakistani print media gives more coverage to Kashmir issue, as compared to Indian media, and portrays Kashmir issue with a sense of positivity, for a just and lasting resolution of the Kashmir issue.

Since this study elaborates the positive and negative frames given by the newspapers of the study to the struggle of the people of Kashmir, therefore, it is important to operationally define the terms of positive and negative frames. In this study 'positive' frame refers to news stories and other media content giving a positive image of the freedom struggle and the people of Kashmir, who have continuously faced the Indian atrocities. All news stories, features, columns and editorials published in favor of Kashmiri people and their struggle were considered as *positive frame*. The statements of the leaders of Kashmir movement, including Syed Ali Gillani, Mir Waiz Umar Farroq, Yasin Malik etc. were included in this category. On the other hand, all of the news stories showing a *negative image* of the people of Indian held Kashmir were included in the *negative frames*, including the news calling freedom fighters as militants or terrorists (Atankwad etc). The statements of the Indian government officials against the people of Kashmir and their struggle for independence were included in this category. The rationale for categorization of this positive and negative frames is substantiated by numerous UNSC resolutions, which recognize the right of the people of Kashmir to free and fair plebiscite, in order to determine their future and, thereby, the legitimacy of freedom struggle by the people of Kashmir.

Kashmir Issue in the Press of Indian Held Kashmir (IHK)

There are draconian laws in Indian Held Kashmir (IHK), which forbid press to portray actual picture of Indian atrocities in Kashmir. These laws are:

- Jammu and Kashmir Public Safety Act of 1987
- Jammu and Kashmir Distributed Areas Act of 1990
- Armed Forces Special Powers Act of 1990
- Terrorist and Disruptive Activities Act of 1990
- Prevention of Terrorism Act of 2002

A cursory contextual analysis (one month analysis, December 2013) of three leading newspapers of Occupied Kashmir, namely Greater Kashmir, Rising Kashmir and Kashmir Times reveals that Kashmiri press overall is unable to portray actual situation in Kashmir. It is revealed that the aforementioned newspapers have published only the reports and official statements of political leaders. It is also found that a significant number of official news stories originated from official sources in the newspapers are there, but critical analyses are scarce. Table 1 below elaborates the situation. There seldom appears a news story showing atrocities of the Indian army in Kashmir.

Table 1: Reporting of Kashmir Issue in Occupied Kashmir

Newspapers	Official News Reports	In-depth Analyses	Total
Greater Kashmir	15 (88%)	2 (12%)	17
Rising Kashmir	10 (72%)	4 (28%)	14
Kashmir Times	25 (96%)	1 (4%)	26

Theoretical Framework

Mass communication scholars emphasize that the field of mass media research passed through a series of paradigms in the 20th Century.⁶ Lazarsfeld and his colleagues in Columbia University’s Bureau of Applied Social Research in *The People’s Choice* and subsequent studies put forth hypodermic needle and magic-bullet models of 1920 and 1930. The Hypodermic model suggested that an intended message within the media frame is received directly and accepted completely, as it is presented. Although media effects were earlier considered simple, later it was found that those effects were much more complex in nature than previously assumed and depended heavily on people’s homogenous networks, which reinforced existing attitudes rather than changing them.⁷

The year 1970 marked the second major paradigm shift in research on political communication, when Noelle-Neumann’s⁸ proclamation about the

return of powerful mass media, coincided with George Gerbner's development of the theory of cultivation.⁹ Neumann's theory emphasized that the effect of powerful mass media is huge, since *consonance* works, by which he meant that if all media portray a particular case with various similarities, the information is perceived according to that pattern, resultantly, making public perception. Theory of Cultivation emphasizes the long term effects of being exposed to the media sources, which ultimately alienates one from realities and instead the media messages are perceived as real. Ironically, the two researchers had diametrically opposed political agendas, but came to similar conclusions.¹⁰

Agenda setting strongly correlates the emphasis that mass media place on certain issues (e.g. based on relative placement or amount of coverage) and the way in which the mass audiences attribute importance to same issues. Priming, in this regard, is a term that refers to "change in the standards that people use to make political evaluations." The concept of framing is based on the assumption that how an issue is portrayed in media reports and can have an influence on audience, by the way they understand the issue.¹¹ This research also focuses on frames regarding Kashmir issue in the context of framing theory. Frames will elaborate how Indian and Pakistani media covered Kashmir issue. Frames will be constructed in the light of literature cited and contextual analysis of the newspapers' contents.

Research Questions

The study was conducted to investigate the following research questions:-

1. How and to what extent the Kashmir issue is portrayed in the print media of Pakistan and India?
2. What are the dominant frames in the coverage of Kashmir issue in Pakistani Press and Indian Press?

Methodology

'Content analysis method' was used to measure the portrayal of Kashmir issue in four newspapers, two from each country, Pakistan and India. The method is popular with mass media researchers because it provides an efficient way to investigate the content of the media, such as the number and types of commercials, the emphasis on a particular subject in the column or news sections and advertisements in broadcasting or in the Print Media.¹²

Since the study aims at exploring frames regarding Kashmir issue in Pakistani and Indian press, contents of the leading English newspapers of Pakistan and India have been compiled and analyzed for the current study. While analyzing content categories, the researchers focused on overall text and context of the news contents, in order to draw inferences about content

categories. As op-ed pages play an important role in opinion building, the researchers analyzed only columns and editorials that appeared in these pages.

- a. **Sample Size.** All online editions of selected English newspapers for a specific period have been taken for content analysis. Contents of the editorial page pertaining to one year period i.e. 2013 were retrieved from the archives of these newspapers using the internet. However, to cross check the inferences, the newspapers of 2018 were also analyzed.
- b. **Period of Study.** The period of study was calendar years 2013 and 2018. The study period is significant for following reasons:
 - (1) The five year tenure of Pakistan People's Party (PPP) government completed in the mid of 2013. Pakistan Muslim League (PML) government started after PPP regime. Period of study having an end and a start of two governments indicates whether or not there is continuance of press policy regarding Kashmir issue. The year 2018 was significant because there was another change in political power in Pakistan. The new government of Pakistan Tehrik-e-Insaf (PTI) took over the charge by defeating the former government of Muslim League Nawaz (PMLN) in the national elections of 2018. Therefore it was significant to measure the extent and tone of media towards Kashmir issue.
 - (2) Nawaz Sharif led government in Pakistan had nuclear tests in 1998 in response to Indian tests by the BJP led government in India. During this period, the two countries came to the brink of war in subsequent months. The period of study is quite significant, for there was again Nawaz led government in Pakistan and BJP in India. The period of Nawaz led government ended in 2018, while the BJP, seemingly, is going through the last days of its rule over India in 2019.
 - (3) After 1999 Kargil war, General Musharraf took over the Government in Pakistan. During his nine years era, he promulgated many changes, introduced many new terms, faced extreme international political pressure and reviewed relations with India and other neighboring countries. Musharraf holding his own perspective of Kashmir issue, devised certain formulas for the solution of Kashmir problem. Musharraf policy is no longer in use and there are rival governments in Pakistan and India again.
 - (4) PPP government, the successor of Musharraf regime, remained inactive regarding Kashmir issue during their five-year period from 2008 to 2013. But the change of government in 2013 in

Pakistan had great impact on the politics of both the countries. Also an extremist political party is ruling in India, with an extreme Hindu fundamentalist agenda in her hands, which has put the stability and peace of the entire region in jeopardy. The year 2018 was important because several significant developments took place in both countries during this year.

- c. **Content Categorization Scheme.** It is necessary to devise a particular strategy and a standard to analyze the contents that we have extracted from the newspaper columns and editorial pages. Before analyzing the contents of all newspapers, the researchers conducted a pilot study regarding content analysis and contents formulation, where context was identified and units were coded. The articles were coded for keywords, expressions, phrases, and other framing devices that have been used to describe each “subject”. After identifying the frames on the basis of the keywords found and coded in the 414 articles under study, the researchers made a list of the frames evident for each subject and then compared the frames. In order to establish the reliability of the coding decisions, a random sample of articles was chosen and coded by the authors. In the pilot study, the total number of articles coded was forty one – ten from *Dawn*, fourteen from *The News*, seven from *The Hindu* and ten from *The Tribune*. The inter-coder reliability among the coders was computed with the help of Holsti’s formula.¹³ After establishing the inter-coder reliability, the authors proceeded to code all the 414 articles with the help of a coding sheet, categorizing the words in the articles according to the “subject” they described. This comprised of following three frames: 1. Friend/ Positive Frames. 2. Foe/ Negative Frames. 3. Neutral/ Impartial frames. A positive frame is one that portrays Kashmir issue as genuine issue and supports freedom movement and right of self-determination of Kashmiris, while negative frame is contrary to this image. The neutral frame means that news neither supports nor refutes Kashmir issue with reference to the people of Kashmir. All these frames were constructed and analyzed through contextual analysis of news contents.
- d. **Rationale for Selection of Newspapers.** The following newspapers have been selected for content analysis of this research:
 - (i) **Daily Dawn.** *Dawn* is an influential newspaper of Pakistan with good track record, impartial news and comments. Dawn not only enjoys large circulation, but also a reputation for being an independent newspaper.
 - (ii) **The News.** *The News* is owned by Jang Group, which also owns Daily Jang and Geo News etc. It is published from Karachi,

Lahore and Rawalpindi simultaneously. News has clear inclination towards Pakistan – India rapprochement and sponsored the famous TV program ‘Aman Ki Asha’, broadcast both from India and Pakistan.

(iii) **The Hindu.** *The Hindu* is an English-language Indian daily. It has its largest base of circulation in southern India, and is the most widely read English daily newspaper in Andhra Pradesh, Tamil Nadu, Kerala and Telangana.

(iv) **The Tribune.** *The Tribune* is an Indian English language daily newspaper, which is published from Chandigarh, New Delhi, Jalandhar, Dehradun and Bathinda. Owing to its popularity and a huge reader-base, the newspaper is taken for the study.

Data Analysis and Interpretations

Coverage of Kashmir Issue

Numbers of columns and editorials published in Pakistani and Indian Newspapers covering Kashmir issue have been tabulated as under:-

a. Pakistani Newspapers

Table 2: Comparison of ‘Dawn’ and ‘The News’ in 2013 & 2018

Newspaper	Columns 2013	Columns 2018	Editorials 2013	Editorials 2018	Total
Dawn	80	98	17	18	213
The News	123	110	19	13	265
Total	203	208	36	31	478

According to Table 2, it is clearly understood that proportion of *The News* regarding number of columns and editorials both is higher than *Daily Dawn*, with *the News* having 265 column and editorials published and *Dawn* published overall 213 columns and editorials.

b. Indian Newspapers

Table 3: Comparison of ‘The Hindu’ and ‘The Tribune’ in 2013 & 2018

Newspaper	Columns 2013	Columns 2018	Editorials 2013	Editorials 2018	Total
The Hindu	63	55	10	16	144
The Tribune	76	74	26	32	208
Total	139	129	36	48	352

Table 3 shows that during the period of study, *The Hindu* and *The Tribune* published 352 columns and editorials that had the portrayal of the Kashmir issue and/or Kashmiri Separatist Movement and/or Kashmiri Freedom Fighters at least once. The Hindu published 63 columns in 2013 and 55 in 2018 and 10 editorials in 2013 and 16 in 2018. *The Tribune* published 76 columns in 2013 and 74 columns in 2018, while 26 editorials in 2013 and 32 in 2018. The above table indicates that the share of *The Tribune* regarding portrayal of Kashmir issue remained higher than that of *The Hindu* as the number of columns and editorials published by *The Tribune* was 208 (58.29 %), as compared to the number of columns and editorials published by *The Hindu* that was 144 (41.71 %) out of 352.

c. **Comparison between Coverages by Pakistani and Indian Newspapers**

Table 4: Comparison of Pakistani and Indian Newspapers

Country	Columns	Editorials	Total
Pakistan	411	67	478
India	268	84	352
Total	679	151	830

Table 4 indicates that the share of Pakistani press regarding portrayal of Kashmir issue remained higher than that of Indian press, which means, the number of columns and editorials published by Pakistani newspapers was 478, as compared to the number of columns and editorials published by Indian newspapers that was 352. It indicates that *the Pakistani print media give more coverage to Kashmir issue as compared to Indian media*.

Portrayal of Kashmir issue in Terms of Dominant Frames

The succeeding paragraphs bring out how Pakistani and Indian print media have been portraying Kashmir issue. The following key letters / symbols have been used in the tables as mentioned against each:-

N= Number of Content

A = Foe/Negative Frames

B= Friend/Positive Frames

C = Neutral / Impartial Frames

a. **Pakistani Newspapers**

Table 5: 'Portrayal in Dawn' 2013 & 2018

Newspaper	Nature of Content	N	A	B	C
Dawn	Columns	178	10	138	30
	Editorials	35	01	24	10
	Total	213	11	162	40

Table 5 elaborates that only 10 (03.43%) columns were having frame foe, 138 (66.10%) friend and 30 (30.47%) neutral frames for Kashmir issue were used in *Dawn* columns, whereas, 01 (03.70%) foe, 24 (66.66%) friend and 10 (29.62%) neutral frames were used in *Dawn* editorials.

As a whole, Table-5 shows that *Dawn* used 11 (03.46%) foe, 162 (66.15%) friend and 40 (30.38%) neutral frames for Kashmir issue out of its total 213 frames.

Table 6: 'Portrayal in The News' 2013 & 2018

Newspaper	Nature of Content	N	A	B	C
The News	Columns	233	08	154	71
	Editorials	32	00	21	11
	Total	265	08	175	82

Table 6 shows that 08 foe, 154 friend and 71 neutral frames for Kashmir issue were used in *The News* columns, whereas, 00 foe, 21 friend and 11 neutral frames were used in *The News* editorials. *The News* used 08 (01.11%) foe, 175 (70.38%) friend and 82 (28.51%) neutral frames for Kashmir issue out of its total 265 frames.

b. Indian Newspapers

Table 7: 'Portrayal in The Hindu' 2013 & 2018

Newspaper	Nature of Content	N	A	B	C
The Hindu	Columns	118	75	20	23
	Editorials	26	17	05	04
	Total	144	92	25	27

Table 7 elaborates that 75 foe, 20 friend and 23 neutral frames for Kashmir issue were used in *The Hindu* columns, whereas, 17 foe, 05 friend and 04 neutral frames were used in *The Hindu* editorials. The above table further indicates that *The Hindu* used 92 foe, 25 friend and 27 neutral frames for Kashmir issue out of its total 144 frames. It is clearly evident from the above table that the coverage of *The Hindu* is more inclined towards negative frames.

Table 8: 'Portrayal in 'The Tribune' 2013 & 2018

Newspaper	Nature of Content	N	A	B	C
The Tribune	Columns	150	117	20	13
	Editorials	58	37	05	16
	Total	208	154	25	29

Table 8 elaborates that 117 foe, 20 friend and 13 neutral frames for Kashmir issue were used in *The Tribune* columns, whereas, 37 foe, 05 friend and 16 neutral frames were used in *The Tribune* editorials. This table further indicates that The Tribune used 154 foe, 25 friend and 29 neutral frames for Kashmir issue out of its total 208 frames. From the above results, it can be inferred that the coverage of *The Tribune* is inclined towards unfavorable and negative frames for the struggle of Kashmiri people.

c. Comparative Analysis of Indian and Pakistani Newspapers

Table 9: Comparison of Pakistani and Indian Press for the Issue

Country	Nature of Content	N	A	B	C
Pakistan	Columns & Editorial	478	19	337	122
India	Columns & Editorial	352	246	50	56
Total		830	265	387	178

Table 9 shows that the Pakistani press used 19 and Indian press used 246 foe frames out of total 265 foe frames for Kashmir issue meaning, thereby, the share of Indian newspapers remained quite higher in foe frames. Table -9 also shows that Pakistani newspapers used 337 and Indian newspapers used 50 out of 387 friend frames meaning, thereby, the share of Pakistani newspapers remained significantly higher in friend frames. This table further elaborates that Pakistani newspapers used 122 and Indian newspapers used 56 out of total 178 neutral frames, meaning thereby, that the share of Pakistani newspapers remained higher in neutral frames too.

Above table also indicates that the overall portrayal of Pakistani newspapers regarding Kashmir issue is inclined towards favorable frames and Indian newspapers towards unfavorable frames. It can be inferred from above analysis that 'the Pakistani print media cover Kashmir issue in positive frames'.

Overall results of Table-9 clearly indicate that Pakistani press used 78.21% positive frames in the coverage of Kashmir issue, while Indian Press used only 21.79% positive frames in the coverage of Kashmir issue. Hence, hypothesis is accepted that Indian press is portraying Kashmir issue through negative frames, whereas, Pakistani press is portraying it through positive frames.

Table 10: Brief Summary of Findings

Newspaper	Total Articles	Kashmir Issue	Kashmir Separatist Movement	Kashmir Freedom Fighters
Dawn	97	86	36	27
The News	142	137	30	18
Sub Total	239	223	66	45
The Hindu	73	60	23	33
The Tribune	102	90	39	50
Sub Total	175	150	62	83
Total	414	373	128	128

A careful examination of Table-10 reveals that in Dawn out of total 97 articles, 86 portrayed Kashmir Issue, 36 portrayed Kashmiri Separatist Movement and 27 portrayed Kashmiri Freedom Fighters at least once. In The News out of total 142 articles, 137 portrayed Kashmir Issue, 30 portrayed Kashmiri Separatist Movement and 18 portrayed Kashmiri Freedom Fighters at least once. Out of total 239 articles, in these two Pakistani newspapers, 223 portrayed Kashmir Issue, 66 portrayed Kashmiri Separatist Movement and 45 portrayed Kashmiri Freedom Fighters at least once.

This table also shows that in The Hindu out of total 73 articles, 60 portrayed Kashmir Issue, 23 portrayed Kashmiri Separatist Movement and 33 portrayed Kashmiri Freedom Fighters at least once. In The Tribune out of total 102 articles, 90 portrayed Kashmir Issue, 39 portrayed Kashmiri Separatist Movement and 50 portrayed Kashmiri Freedom Fighters at least once. Out of total 175 articles, in these two Indian newspapers, 150 portrayed Kashmir Issue, 62 portrayed Kashmiri Separatist Movement and 83 portrayed Kashmiri Freedom Fighters at least once.

All four newspapers of Pakistan and India had a total number of 414 articles which contained Kashmir related frames. Out of these 414 articles, 373 portrayed Kashmir issue and 128 each portrayed Kashmiri Separatist Movement and Kashmiri Freedom Fighters at least once. The articles in print media from either side might have the portrayal of only one subject, any two subjects or simultaneously all three subjects.

In summary, Pakistani press has portrayed more often the Kashmir issue as Pakistani newspapers published a greater number of news stories, columns and editorials about the issue of Kashmir.

Findings

The study provides a valid data that documents the nature and treatment of Kashmir issue portrayed by the leading newspapers of Pakistan and India. It has been found by the current research study that Pakistani newspapers give more coverage to the issue of Kashmir than the newspapers of India. It appears that because of suppression of speech in IHK, draconian laws and non-accessibility of free media to the people of Indian Held Kashmir, true picture of atrocities being committed in the occupied state are yet hidden from the people of the world at large. Even coverage by Pakistani press is through secondary sources, telephone calls, social media or Western press, due to lack of access to the people of IHK. The most significant finding of the study is that the leading newspapers of Pakistan published most of news stories, columns, editorials and articles with a significantly greater number of positive frames for the struggle of Kashmir movement and the activities and events happening in the Occupied Kashmir. The number of news stories, columns and editorials with negative frames for Kashmir issue was very little or ignorable in the newspapers of Pakistan. On the other side, Indian newspapers published most of the news stories, columns and editorials with negative frames for the Kashmir issue, including the events happening in Indian held Kashmir. The Indian newspapers, most of the times called the movement of Kashmiri people as insurgency and militancy. They also blamed the intelligence agencies of Pakistan for the support of freedom fighters of occupied Kashmir. The data of 2013 and 2018 shows that there is a shift in the paradigm of media coverage between the two years of the study, as it was found that the newspapers published a greater number of news stories and other media content in 2018, as compared to the year 2013, which indicates that Kashmir issue has received tremendous importance during the last few years. The findings also support the idea that the mainstream media follow the official policy line of the respective governments. It has further transpired through this study that Indian media is promoting jingoism and religious hatred in South Asia, whereas, Pakistani media overwhelming advocates for peaceful resolution of Kashmir issue.

Conclusion

This study was aimed at investigating how the print media of Pakistan and India portrayed the Kashmir issue. It examined the dominant frames for the Kashmir conflict used by the Pakistani and Indian press– Dawn, The News, The Hindu and The Tribune– in their coverage during the year 2013 and 2018. The study also focused on the frames used for Kashmiri Separatist Movement and Kashmiri Freedom Fighters in Pakistani and Indian newspapers. The coverage in all newspapers indicated that newspapers on both sides was driven by national narratives, rather than objectivity, neutrality and promotion of the causes of justice and freedom in the state of Kashmir. The portrayal of Kashmir issue was vigorously state-led, promoting their respective governments' official perspective. Pakistani and Indian media have constructed the reality of the Kashmir issue, by making selected attributes of the conflict. The study found that the Pakistani print media gave more coverage to Kashmir issue as compared to Indian media. Pakistani newspapers, but generally used positive frames for Kashmir issue and neutral frames for freedom fighters, whereas, negative or unfavorable frames for all three subjects were used in Indian media. Indian press had causal interpretation of the issue. With overriding negative portrayal of Kashmir issue, the print media in India played rather an unsatisfactory role in the Kashmir conflict. Pakistani media vehemently highlighted the complex reality of the Kashmir issue – the desires of Kashmiri people and the reasons for the dispute between India and Pakistan. It is highly recommended, from ethical journalistic perspectives and for the sake of regional stability that the Kashmir issue must be portrayed with all the grave concerns and positive presentation, so that international peace-building actors may come up with an inclusive effort according to the true image of the depth of these crisis and resolve the issue for greater regional gains. It is also strongly pleaded that access to journalists from the Western and neutral press should be given by both India and Pakistan, so that true picture of situation in IHK should come to light, which may help UN and humanitarian organizations to provide much needed help to hundreds of thousands of widows, orphans, incapacitated and disabled persons in IHK in particular and on LOC in AJK in general.

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INSTRUCTIONAL SUPERVISION AS COMPONENT OF SCHOOL GOVERNANCE: ENHANCING ITS PRACTICE IN EDUCATIONAL INSTITUTIONS IN PAKISTAN'S CANTONMENT AREAS

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Abstract

Instructional supervision at school level has been a prominent feature in several countries in history. Two recent interrelated and interactive movements had a profound and worldwide effect on educational processes and institutions. With the application of principles of New Public Management, the school leader's job came to be to manage performance. Such application of business-like procedures was reinforced by the other related movement, namely, globalization.

Globalization introduced more frequent assessments and examinations to test students and teachers, allocated resources to teacher professional development, invested in technology-assisted teaching and learning, and devised more efficient ways to provide high quality teaching and learning. Consequently, there is emphasis on quality of teaching and learning and various strategies to enhance the teachers' capacity. One of the vital strategies is instructional supervision.

It is important to study the present status of instructional supervision in Pakistan, particularly, in educational institutions functioning in the Cantonment Areas of Pakistan. Pakistan Army as a dynamic institution has its own mechanisms for effective teaching/learning to happen in schools/colleges administered by it. Based on interviews of the knowledgeable key informants, and use of the books on the subject of instructional supervision, and a self-reporting survey of school principals this study finds that Army as a dynamic institution does cater to instructional supervision. However, research material in Annual School Evaluation reports is not available to researchers. With opening of such material, further and better picture is likely to come to view.

Key Words: Instructional Supervision, New Public Management, Globalization, Professional development

Introduction

Instructional supervision at school level has been a prominent feature in two seminal countries of Europe, namely France and Great Britain, for a long time. French and British central school agencies long included inspectorates, whose duties extended to checking on the topics that teachers covered, their pedagogy, and the materials they used. British inspectors visited schools to

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maintain standards of work and offer advice on content and pedagogy.¹ In most of the Asian and African countries instructional supervision came into being under the colonial rule. In such countries, inspectorial activities were carried out in one form or another.² In the United States of America, the practice came into being with school reform movement in the third quarter of the twentieth century and has been flourishing ever since. There, the first stir for educational excellence happened with John F Kennedy's resolve that the USA should be the first to put man on the moon. This was intimately connected with cold war pressures to lead the world in science and technology. Apart from cold war conditions that affected education in the USA, there were other circumstances as well. Two interrelated and interactive movements had a profound effect on educational processes and institutions, both in the USA and worldwide. One was the New Public Management (NPM) movement. NPM sought to promote a new approach to running public service organizations on 'businesslike' lines to improve their efficiency.

The salient features of application of new management to education were adoption of business principles in the administration of education, managerialism in educational institutions and 'performativity', which appears to be particularly salient in education.³ It was argued in the 1980s that education was not a public good but a commodity in the marketplace and that this commodity would be delivered more efficiently and effectively by market forces. According to Morris, "[a]ttainment targets were introduced and pupils were to be tested at various stages. There was thus a standard 'product' available in the education marketplace. A system of rating developed to guide the parent-consumer towards those schools which delivered a quality product."⁴ It meant, in effect: perform or disappear; performance became the *raison d'être* of educational institutions. Under the circumstance, the school leader's job was to manage performance.⁵ Such application of business-like procedures was reinforced by the other related movement, namely, globalization.⁶

Global reform efforts in education focus increasingly on developing new standards for schools, introducing more frequent assessments and examinations to test students and teachers, allocating resources to teachers professional development, investing in technology-assisted teaching and learning, and finding more efficient ways to provide high quality teaching and learning for all students. Sometimes these reforms are designed by applying solutions practiced in other countries (e.g. curriculum reforms in some parts of the Middle East) and occasionally by imitating foreign education policy principles found in books and journals (e.g. system-wide reforms in South-Eastern Europe). The transfer of education policies across country borders has become so common that it is called a Global Movement. Some of the consequences of this movement have not been beneficial for teacher's work and students' learning at schools; for example, narrowed forms of curriculum and overreliance on test scores as the

only criteria for quality of education. In this global educational reform movement, there is emphasis on quality of teaching and learning and various strategies to enhance the teachers' capacity. One of the strategies is instructional supervision.

Statement of the Problem

Presently, instructional supervision has attained vital importance both in research and teaching and learning domains. A cursory research at search engine, Google, for example, yields an astounding number of items on the subject of instructional supervision, namely, 24.7 Million entries!⁷ After attaining seminal importance in mainly Anglo-Saxon countries, the subject has taken on global dimensions. Indeed, it has come to form a crucial part in the endeavours for success of the globalist project. It is important to study its present status in Pakistan, particularly, in educational institutions functioning in Pakistan's Cantonment Areas. Pakistan Army as a dynamic institution has its own mechanisms for effective teaching/learning to happen in schools administered by it. Further, there is need to study the pros and cons of the practices which the institutions have by now come to adopt, and point to the importance of certain aspects that need more focusing in the case of Pakistan's cultural ethos.

Objectives of the Study

- a. Discuss the nature and functions of instructional supervision
- b. Highlight the various supervisory models
- c. Examine the state of instructional supervision in schools/educational institutions in Pakistan's Cantonment areas
- d. Discuss certain cultural aspects relevant to teacher development.

Methods and Sources

The study is based on both qualitative and quantitative methods. Qualitatively, use of books on the subject of instructional supervision and general history of educational supervision had been made. Some material regarding educational institutions is publically available on the internet. Such material was discussed with key informants for its accuracy or otherwise. The key informants comprised individuals who have served as members of school evaluation team at one or other times. Quantitatively, the authors conducted a survey of principals of educational institutions. It was a self-reporting survey on the status of instructional supervision in the institutions.

Instructional Supervision Defined

Instructional supervision embraces all activities directed specifically toward the establishment, maintenance, and improvement of the teaching-learning

process in schools. The need for instructional supervision in schools has been voiced by several writers. For example, Schain observes that:⁸

While colleges can do basic training in the arts and skills of teaching, the actual training of teachers must take place in schools where they teach. That's the real world and that's where teachers will spend most of their working lives. Accordingly, the question becomes, "Who will train our teachers in their schools?" The answer is quite clear—the school supervisors.

Drake and Roe defined supervision of instruction as the process through which the head teacher attempts to work with teachers and other staff members cooperatively to improve teaching and learning in the school. In this sense, supervision of instruction, by design strengthens a developmental process through which instructional leaders guide to improve student learning.⁹ The vital importance of instructional supervision is proved by the abundance of literature on the subject. Such literature lays a great emphasis on supervision which ensures to train all kinds of teachers in schools—the new, the inexperienced, and the able.¹⁰

Functions of Instructional Supervision

Functions of the instructional supervision include; (a) paying frequent visits to classrooms and observing and giving feedback to teachers on instructional methods and materials; (b) evaluating instructional goals; (c) promoting quality instruction by ensuring and coordinating instructional programmes and defining recommended methods of instruction; and (d) allocating instructional time to the teachers and ensuring the only recommended pedagogies are applied in the class rooms.

Focuses of Instructional Supervision

The literature suggests instructional supervisors may focus on a variety of issues and concerns during their supervision process. The focuses of the supervision process may vary from one supervisor to another, depending on varying purposes of supervision. In general, such focuses of instructional supervision work include (a) teachers' knowledge of the subject matter; (b) teaching techniques and instructional skills; (c) teachers' work habits, dependability, and record-keeping; (d) teachers' personal characteristics, such as personality, tact, voice, cooperation, sense of humor, initiatives, enthusiasm, and good grooming; (e) teachers' personal fitness; (f) teachers' human relationship with pupils, parents, and other members of the staff, administration, and the community; (g) teachers' professional conduct and ethics; (h) classroom environment; (i) teachers' involvement on non-instructional activities; (j) teachers' management of instructional time; and (k) teachers' management of student behaviour.¹¹

Theoretical Perspectives on Supervision Models

The literature on the subject of instructional supervision contains several models of supervision including developmental supervision, clinical supervision, self-supervision, and peer supervision. These supervision models “give supervisors options as they implement and apply specific skills when working with various constituencies in schools.”¹² Instructional supervisors could benefit from training in the use of the various supervisory models in order to use the most effective models for specific contexts. The following section examines developmental, clinical, self-, and peer supervision models and their associated practices.

Developmental Supervision

The developmental supervision model recognizes teachers as individuals who are at various stages of development. Glickman et al., assert that instructional supervisors must foster thinking skills in teachers to help them diagnose classroom instruction issues, become aware of the many options for change, and think in more abstract terms. The writers enumerate three factors underlying developmental position:¹³

- a. Teachers function at different levels of professional development
- b. Because teachers operate at different levels of abstract thinking, ability, and effectiveness, there is a need to supervise them in different ways
- c. The long-range goal of supervision should be to increase teachers’ abilities in higher stages of thought

Several practices may be associated with developmental supervision. Glickman et al., in describing the developmental process of supervision, identified three primary, interpersonal communication practices associated with developmental supervision that instructional supervisors may employ:¹⁴

- a. **Directive Supervision**, in which a supervisor engages primarily in the behaviours of clarifying the teacher’s problems and asking the teacher for confirmation, presenting his or her own ideas on what information should be collected and how it will be collected, directing the teacher after collecting and analyzing the actions that need to be taken, demonstrating for the teacher appropriate teaching behaviour, setting the standard for improvement based on the preliminary baseline information, and reinforcing by using materials or social incentives for carrying out the plan.
- b. **Collaborative Supervision**, which includes the behaviours of listening, presenting, problem solving, and negotiating and in which the supervisor and teacher propose alternative actions for improvement

(problem solving), and discuss and alter actions until a joint plan is agreed upon.

- c. **Nondirective Supervision**, in which the supervisor invites teachers of high abstraction to define instructional problems themselves, generate actions, think through consequences, and create their own action plans.

Several studies relating to teacher and supervisor preferences for developmental supervision practices have revealed interesting findings. For example, in a survey of teachers and supervisors in Catholic high schools, Rossicone examined teacher preferences for and perceptions of directive, nondirective and collaborative supervisory styles in Brooklyn Diocese, Jamaica, and New York. Seventy-six percent of the teachers preferred their supervisors to use a collaborative style, 20% preferred nondirective, and 4% preferred a directive style of supervision.¹⁵ In a similar study, Akinniyi sought to determine the relationship between a head teacher's perceptions of his/her supervisory behaviour and the teachers' actual perceptions and preferences for supervision in the state of Wisconsin, USA. Seventy-five percent preferred collaborative practices, 22% preferred the nondirective practice, and 3% preferred the directive approach. These studies indicate that, in general, teachers prefer a collaborative approach to supervision.¹⁶

Clinical Supervision

The term clinical supervision was coined by M. L. Cogan to resolve the problems in classroom teaching-learning process.¹⁷ Gold hammer elaborated clinical supervision as "that phase of instructional supervision which draws its data from first-hand observation of actual teaching events, and involves face-to-face interaction between the observer and the teacher in the analysis of teaching behaviours and activities for instructional improvement."¹⁸ Cogan more comprehensively defined clinical supervision as:¹⁹

The rationale and practice designed to improve teacher's classroom performance. It takes its principal data from the events of the classroom. The analysis of these data and the relationship between teacher and supervisor form the basis of the program, procedures, and strategies designed to improve students' learning by improving the teacher's classroom behaviour.

According to Cogan, the principal data of clinical supervision relate to classroom events, what the teacher and students do in the classroom during the teaching-learning process'. Also, Acheson and Gall explained that in a supervisory context, the term "clinical was meant to suggest a face-to-face relationship between teacher and supervisor and a focus on the teacher's actual behaviour in the classroom", that the primary emphasis of clinical supervision

was on professional development, and that the primary goal of this practice of supervision was to help the teacher improve instructional performance.²⁰

As to the practice of the clinical supervision model, it is seen to consist of certain stages or a cycle of phases. Writers have differed as to the number of phases of the model. For example, Cogan originally had eight stages in his cycle of supervision; Gold hammer, Anderson, and Krajewski, reduced the original phases into a more inclusive five-step model of clinical supervision: (a) pre-observation conference, (b) observation and collection of data, (c) analysis of data, (d) post-observation conference, and (e) post-observation analysis or evaluation. Whatever the number of phases, the model has, as its central goal, the improvement of instruction. This goal can be pursued through classroom observation, followed by analysis of classroom events and a teacher-supervisor conference.²¹

Self-Assessment Supervision

A model of instructional supervision that involves teachers in self-evaluation is also called self-assessment supervision, self-analysis, self-help explorative supervision, or self-directed supervision. Beach and Reinhartz defined self-assessment supervision as “the process of reflection that engages teachers in a variety of activities (e.g., inventories, reflective journals, and portfolios) for the purpose of instructional improvement by rethinking past instructional episodes and generating alternatives.”²² They further explained that this supervisory strategy shifts the responsibility for change from supervisors to teachers and that teachers themselves are expected to evaluate their own performance to identify strengths and weaknesses associated with classroom instruction. Several methods may be employed in self-assessment, each of which may be used alone or in combination with other methods: (a) videotaping, which may be done with the assistance of either an instructional supervisor or peers; (b) audio-taping; and (c) using live observers.

Peer Supervision

Peer supervision or peer coaching is a vital part of professional development that enables teachers to make changes in their instructional practices and procedures for the purpose of improving student performance. Other terms that have been used to refer to peer supervision include peer coaching, cooperative professional development, and peer assistance.²³ There are many definitions of the phrase peer supervision. The term refers to a process by which two or more teachers supervise each other for their own professional growth by observing each other's classes and by sharing feedback. Also, James, Heller, and Ellis regard peer supervision as “a process of professional guidance, help and growth.”²⁴ Peer supervision or peer coaching is a reciprocal partnership in which colleague teachers examine and analyze each other's instructional work, share

feedback about their teaching, and seek alternative solutions for their professional growth with the ultimate purpose of improving student learning.

Commenting on teacher involvement in peer supervision, Glickman et al. observed that, because teachers naturally turn to each other for help more often than to supervisors and because supervision is concerned primarily with instructional improvement;

- a. teachers helping teachers has become a formalised and well-received way of assuring direct assistance to teachers,
- b. teachers are arguably the best and most abundant source of instructional leadership available in the schools, and
- c. peer assistance and review have the potential to provide the alternative recognition of the expertise of teachers in critical areas of teaching and learning.²⁵

As teachers normally prefer to have their colleagues' advice and assist them with instructional work, peer supervision is a necessary vehicle for teachers to work jointly and to learn from one another toward a common goal: professional growth. Feedback from peer teachers, especially in a collegial model of assessment, can provide valuable and valid insights into teacher performance, professional growth opportunities, and encouragement for teachers.

Peer teachers may be engaged in a variety of practices toward their professional growth as follows:²⁶

- a. by forming teams of two or more colleagues that work jointly to improve performance;
- b. by using demonstration teaching by expert teachers as guest speakers, demonstrating new teaching models or methods for other teachers; and
- c. by co-teaching, in which an expert peer and the teacher seeking assistance together plan, teach, and evaluate a lesson.

Instructional Supervision Practices in Educational Institutions in Cantonment Areas

Educational institutions in Cantonment Areas are of two types: Army Public Schools and Colleges which work under a Secretariat and Federal Government Educational Institutions under an attached Directorate of Ministry of Defence. The two types of institutions function somewhat similarly, yet they need separate treatment. But, first to have a look on Pakistan's heritage of educational governance is essential.

Pakistan's Educational Governance Heritage

Pakistan inherited the school inspection system from British India, which was originated in 1854. Right from the beginning, inspection was an essential feature of education management. At the time of independence, there were divisional inspectors, district inspectors, and assistant district inspectors at sub district or tehsil level. Each position was occupied by both male and female inspectors, who were responsible for the general oversight of the schools for boys and girls in the division, district and sub-district, respectively. The inspection system emphasized financial and academic audits, the oversight role for conducting examinations in schools, and also “advice and support” to schools. Thus, on one hand the inspectors were friends and confidants of teachers in schools, by virtue of their role as advisors and supporters. On the other hand, they served as “eyes and ears of the ministry, and reported on the school’s performance to the department of education.”²⁷

The British established a teaching and learning system around textbooks, inspection and examinations. Under this teaching and learning system the teacher featured at the bottom of the educational hierarchy. He was under inspectorial control, under paid and unable to experiment with what was being taught. All of these problems were caused by controlling teaching and learning through impersonal examinations by the inspectors and also at central levels. Teachers were considered to be deliverers of prescribed texts and their performance was assessed by examining the students on learning from texts. Most of the texts had little relevance to local understanding or culture, and at secondary stages children not only had to learn the English language, but also the subject matter in that language. The easiest way to ensure successful examination performance was for the teachers to train students to pass the examination by memorizing the text, even though most of them could not understand it. Passing the examinations was the ultimate aim of both the teachers, to show their performance, and the students in order to get employment. Such narrow conception of education reduced the whole curricular experience to the teaching of textbooks. For colonialist objective of creating an English speaking class, positive results were achieved through this narrow teaching and learning process. As the role of the teacher was reduced, they were not allowed autonomy over the curricular experience, and their material conditions remained low. A system so established could not be easily discontinued after independence. Hence, it is not surprising to observe that teachers even today consider the curriculum as textbooks only, and they teach to examinations by training the memory, often without any understanding.²⁸ Keeping the general picture in view, we look at educational institutions in the country’s Cantonment Areas.

Army Public Schools and Colleges System (APSACS)

Since 1975, Pakistan Army has been running educational institutions now unified in what is called Army Public Schools and Colleges System (APSACS). The system caters for such certificates as Secondary School Certificate, Higher Secondary School Certificate and, for award of such certificates, the system is affiliated with the Federal Board of Intermediate and Secondary Education Islamabad. With more than 150 branches and enrolment more than 200,000, the system is divided into 11 regions with (Regional Offices) located in various parts of the country.

Army Public Schools and Colleges System Secretariat serves as a central unifying body. Its goal is “to develop Army Public Schools & Colleges into a leading education system.” A further claim is that the “system is completely standardized and capable of imparting child friendly futuristic learning and quality education at affordable costs.”²⁹

APSACS Secretariat acts as a central resource which provides guidance in all technical aspects of education to all schools throughout the year. It serves as a nerve centre of the system by regulating communication and coordination amongst schools. The Secretariat prepares all academic programmes related to educational planning, based on Curriculum, selection of textbooks to meet the learning outcomes, weekly syllabus breakups and examination papers are sent to each school through regional offices. Academic, training and evaluation calendars, all record keeping registers, student dairies and notebooks, etc, are designed and dispatched from the Secretariat. Weekly syllabus breakups with guidelines for lesson planning, assessment, projects, time and classroom management are provided to all schools.

APSACS Secretariat has an elaborate training programme, which schedules training workshops for teachers, middle and senior school leaders, school management and Regional Coordinators. Extensive training is being provided each year to train teachers about state-of-the-art teaching methodologies, and assessment policies and other curriculum based and book based training. APSACS Secretariat has a strong team of highly skilled educationists, with experience in teaching and school staff management, the three main work domains where the Secretariat is assisting the schools are Curriculum Planning & Development, Assessment & Examinations and Teachers Training. To meet the ever-increasing demand of constant research in educational planning, Computer Research and Resource Department has been set up in the Secretariat. To ensure quality and standardization, a Review and Quality Assurance Department has also been set up which reviews all publications and material being sent.³⁰

Evaluation of instructional methods at APSACS institutions are three pronged i.e. School Self-evaluation Framework (SEF), Regional Coordinator's Evaluation (RCE) of school and APSACS Secretariat Evaluation (ASE). All such evaluations are carried out by Evaluation Teams set up for the purpose. Evaluators receive training for the job. APSACS Secretariat arranges Evaluators' Training Courses (ETC). The course is conducted by APSACS Staff during the Evaluation Visits. Trainees exhibiting noticeable performance are added into APSACS Pool of School Evaluators. Their services are sought as and when the need arises.³¹

Evaluation Reports present findings of an evaluation of the administrative, academic and extra-curricular work of the school. The Evaluation Team conducts the evaluation over a period of two days, during which they hold meetings with the Principal, Section Heads, staff members, visit classrooms, observe teaching and learning, and interact with teachers. The team also reviews school-planning documentation, teachers' planning registers and syllabus documents. Following the evaluation visit, the team holds a Remedial Session with the Principal, Section Heads and teaching staff. The team discusses the findings based on the evaluation and makes recommendations for further development of the school's working.³²

An important feature of the evaluation is to identify the needs of APSACS Teachers in different areas and address them at their doorstep through School Based Training, or Remedial Sessions in each school after the evaluation visit. Planning of further training is based on need identification and need analysis through evaluation. According to informants, the standard of teaching and learning in the school is fairly sound. Teachers usually have good subject command and activity based learning in the classrooms is stimulated to a considerable extent. Group work and pair work are emphasized. In some institutions, the evaluators found that formal Classroom Observations were needs-based and Informal Classroom Observations had not been conducted. Notebooks are counter-checked but in-depth checking is missing and errors are overlooked. Almost all informants were of the view that individual guidance was provided and feedback was given to the staff through one-on-one meetings. Formal and Informal Classroom Observations are conducted twice in a term.

The principals appraise teachers' effectiveness in the classes by carrying out class observations followed by constructive feedback on class observation forms. Besides addressing the concerns with a reflective approach, they also conduct staff meetings to guide and encourage staff and convey the core issues to the concerned teachers. Teachers who exhibit best performance are conferred with appreciation letters.

Educational institutions affiliated with APSACS seem to have elaborate programme wherein institution supervision figures quite a lot. However, major

sources which contain information on the functioning supervision are the reports of evaluation carried out by the APSACS Secretariat at the central level, by Regional Coordinators at the regional level and by the schools themselves under School Self-Evaluation Framework. But such reports are not public and not available to researchers. What is available, are members of evaluation teams if and when they agree to talk about some of the general conditions under their experience. With this the present researchers looks at the other segment of educational institutions in Cantonment Areas.

Federal Government Educational Institutions (Cantts and Garrisons): FGEIs(C/G)

Ministry of Defence is the parent Ministry of such Institutions. An army Central Board exists at General Headquarters to oversee the working of Federal Government Educational Institutions Directorate (Cantts /Garrisons) and the institutions. The board formulates broad based policies to ensure better quality education and works to ensure the implementation of the National Policies on education in such schools and colleges. It makes suggestions for appropriate measures to improve the quality of life and education in these institutions. It approves and vets all development schemes. More vitally, it is claimed that it functions to maintain high academic standards in these institutions.³³

In 1996, comprehensive Standard Operating Procedures (SOPs) were approved by Chief of Army Staff (COAS), which cover working of the FGEIs. As per the SOP, Regional, Sub-Regional and Station Boards were constituted so as to help in the smooth functioning of the FGEIs. The Regional Boards function to supervise the implementation of policies / orders / instructions issued by General Headquarters (GHQ) from time to time. Inter alia, the Regional Boards assess the educational needs of various cantonments in their respective regions and help in the preparation of development plans for submission to GHQ for further processing. Importantly, they are to ensure quality of education.³⁴

FGEI Directorate manages 311 schools and 44 colleges spread all over the country. The Directorate has approximately 13,000 employees and over 200,000 students. It claims to have “highly educated, trained and motivated work force”. FGEIs claims to have created such an academic as well as co-curricular milieu which is conducive to learning, training and polishing of young minds.” In the words of a director of the FGEIs “Our objective is to not just provide the opportunities to students for achieving good academic results but actively promote the benefits of a wider curriculum. After all, educational institutions should be seen as a transformative experience through which students can prepare themselves to succeed in varied roles they will undertake in future life.”³⁵

To ensure quality of instruction the FGEIs setup has devised two mechanisms, namely, the Teacher Assessment Proforma and Institutional Assessment Performa. The latter is divided into three parts: (a) Academic indicators, (2) Infrastructure indicators and (3) Administration indicators. The first part, i.e., the Academic indicators is mostly concerned with the teaching / learning in the institution. Items on the proforma related to concern about teaching/learning include teacher's comprehension of assigned work, coverage of syllabus, student's performance in examinations, teacher's orientation (punctuality, commitment academic activities), teacher's attitude with students, and impact of training on teacher's methodologies, etc.³⁶

The Teacher's Assessment Proforma in the FGEIs setup is directly concerned with instructional supervision. Such supervision is likely to be carried out by an Academic Audit Team housed in the FGEIs Directorate. The team has a Convener, usually a senior educationist and other members called Auditors. A teacher is evaluated by observing him teach his/her students a particular topic. The teacher is ranked on items from zero (very poor) to 5 (excellent). Teacher's Evaluation is done in 10 areas, namely, Goals and Objectives, Preparation, Relevance to Subject-matter, Teaching Methodology, Responsiveness and Class Participation, Classroom Management, Organization of Contents, Clarity of Expression, Decorum and Self-discipline, and Checking Notebooks and Diaries.³⁷

Each area of evaluation is further divided into 3 items. For example, the area "Goals and Objectives" is divided into (a) teacher's knowledge about objectives of lesson, (b) presentation of objectives before lecture and (c) clarity and achievement level of objectives. Similarly, the area "Teaching Methodology" is divided into (a) teaching style, (b) use of AV Aids, etc, and (c) suitability of method for students. Ranking of each item, from zero to five, is done quantitatively. There is further space on the proforma to make additional comments on some relevant aspect not covered in the 30 items of the ten areas. A report is prepared by the Convener and shared with the teacher concerned.³⁸

Comparing Instructional Supervision between APSAC & FGEIs

A cursory comparison of the two types of educational institutions regarding instructional supervision indicates two things. First, APSAC system seems to have an elaborate system of teacher training, teacher evaluation including instructional supervision by the principal, the Regional Coordinators and the Central Secretariat. But reports of evaluation, counseling or principal-teacher development programme are not yet public for research. In the case of FGEI, procedures are more public but do not seem to be as elaborate as those of the APSAC system. This is borne out by the survey conducted by the authors

wherein principals of schools/colleges responded to a closed-ended questionnaire regarding the status of instructional supervision in their institutions. During self-reporting survey, it was found that the principals of APSAC institutions were frequently assessing the ability of their teachers regarding instruction, classroom management, lesson planning, and utilization of instructional resources, provide feedback and guide them to improve their teaching. On the other hand, the principals of FGEIs revealed that they occasionally practised supervision in their schools utilization of instructional resources. In addition, they rarely motivate the teachers and provide support and guidance to teachers regarding their instruction in class.

Role of the Principal / Head teacher in Instructional Supervision

Recent literature and practice emphasize the role of principal/head teacher in institutional supervision. As instructional leader the principal is envisaged to perform such roles as (a) orienting new teachers to the needed instructional skills; (b) observing instruction; (c) providing information about the instructional repertoire; (d) arranging opportunities to improve performance; and (e) evaluating teachers. However, numerous constraints exist relative to the principal's instructional leadership role. His / her role carries with it a lot of strain. The nature of his /her job requires that he / she interacts with people, big and small. He/she cannot avoid these constraints in their totality.

A successful instructional leader must: (a) not be interested or engaged in a turf battle with teachers over leadership; (b) have his or her instructional leadership providing for learning and working with others - teachers, students, and parents - to improve instructional quality; (c) know that it is his or her responsibility to create a strong school culture which enables teachers to collaborate with him or her in redesigning instructional programmes so that all students can learn; (d) know from his or her own on-the-job experience that instructional leadership must be a shared responsibility; and (e) constantly define himself or herself as an instructional leader.³⁹

Indeed, teachers want an instructional leader who will meet with them individually, discuss their concerns, help select appropriate ways to collect data from observation and other means, and consider alternatives. They want a colleague who is skilled at observation, knowledgeable about teaching, and supportive.⁴⁰

According to informant, most head teachers displayed the qualities relevant to the job. Most of them have army background with considerable experience of dealing with people at different levels. Relevant subject knowledge cannot always be expected. To overcome such problem, Glickman's suggestion may be usefully acted upon.

Conclusion

Instructional supervision at school level was practiced in Britain and France and later in their colonies in Asia and Africa. In the United States of America, it gained currency during pursuit of school reform with main emphasis on ideas of efficiency and effectiveness. The trend of business like procedures was reinforced by globalist trends resulting in the introduction of frequent assessments and examinations to test students and teachers aimed at enhancing teaching learning with the strategic measure of instructional supervision.

In studying instructional supervision in educational institutions located in the Cantonment areas, reference must be made to the British colonial heritage as instructional supervision was practiced during that period in the areas that now constitute Pakistan. The instructional supervision practiced then served dual purpose. It worked to assess the teacher's capacity and marginally contributed towards its enhancement. At the same time the supervision assessed the performance of the teacher for his/her suitability to continue his/her job or not. Such practice continued in Pakistan despite some modifications.

The two streams of educational institutions located in cantonment areas and functioning under Pakistan Army, APSACs and FGEIs, mainly inherited the same features. However, Pakistan Army has its own standard operating procedures and has worked to develop a comprehensive and apposite system whereby the principals / head teachers are meaningfully practising instructional supervision. Key informants and self-reporting surveys indicate the prevalence and effectiveness of the practice. Apart from the external supervisory measures to enhance teacher's motivation in the teaching / learning enterprise, the Islamic ethos of the society imparts inner motivation to the teaching profession: the Prophet of Islam declared himself to be a Teacher. With such milieu, instructional supervision in educational institutions located in Cantonment areas can hope for significant achievements.

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THE 1972 EDUCATIONAL POLICY OF PAKISTAN: AN HISTORICAL ACCOUNT OF ITS MARXIAN CONTENT

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Abstract

After the dismemberment of Pakistan in 1971, the Pakistan People's Party came into power and promulgated its education policy in 1972. The party was founded in 1967 and its Foundation Documents contained Marxian phrases like 'social change through inexorable process of history', etc. Though, the 1972 education policy did have some Marxian content, it was very much diluted. For example, the new policy contained the milder phrase 'comprehending nature of technical and social change'. This paper takes the view that Marxian ideas had to compete with existing more important modes of culture and politics in Pakistan, particularly the claim that the country had Islamic origin. The study traces the failure of early efforts at promoting communist ideas and espousal of such ideas by Pakistan People's Party in its Foundation Document in 1967. It then discusses dilution of such ideas by the time they were incorporated in the National Education Policy 1972-80, highly modified and made very much palatable to Pakistani population.

Key Words: Pakistan People's Party, Socialism, Marxian Ideas, Communist Party of Pakistan

Introduction

Results of the 1970 elections in Pakistan represented premonition of ominous events that were going to overtake the country within a period of one year. The results were that Awami League in the Eastern wing won all but one of 163 seats allotted to that province for representation in the National Assembly. The party did not have a single seat in the Western wing. Something similar took place in the Western wing where the newly formed Pakistan People's Party won 89 out of 137 seats allotted to that wing. The PPP as well did not field any candidate in the Eastern wing.¹

The results were an anathema for the Martial Law government under whose supervision the elections were conducted and who were to induct the incoming government into office.² The government represented the country's military that entertained some fears against the Awami League whose leadership had been implicated in a conspiracy against General Ayub Khan, was known to have connections with Indian intelligence apparatus and, above all, publicly expressed views considered inimical to the integrity of the country.³ The Western wing did not present any promising situation either. Here, Z. A.

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Bhutto, who led the PPP, did not want to remain behind in the race and advocated sharing of power in the federal government.⁴ Failure of the three stakeholders to come to an agreement resulted in civil war in which the Eastern wing, with the help of Indian Army, declared independence with the new country named Bangladesh. Pakistan retained the name with the reduction in its size to the area of the Western wing.⁵ Some military officials with clout invited Z. A. Bhutto to become president and civil Chief Martial Law Administrator.

Upon assuming office, Bhutto set himself to devise new policies and undertake reforms which he had promised during his campaign for the 1970 elections.⁶ Probably the first and the most important reforms were in the form of nationalization of schools and colleges announced at the same time as national education policy, 1972.

Research Problem

“Education and Culture” section of the Foundation Documents of Pakistan People’s Party in 1967 emphasised that the younger generation of the country had to be prepared not only to understand the universe but to alter the same. Such views of Marx were contained in his thesis on Feuerbach when he said: “The philosophers have only interpreted the world; the point is to change it.”⁷ Students were further envisaged, under Marxian terms, to have “deep comprehension of the nature of social change and of inexorable process of history.” This Marxian view based on Marx’s ‘materialist conception of history’ apparently negated any role of God in the history of mankind.

Such Marxian language/terms were changed when formulating objectives for the 1972 educational policy. Phrases expressing the two major Marxian views, i.e. ‘understanding of universe and altering it’ and ‘comprehension of the inexorable process of history’ were deleted. This paper attempts to analyse as to how this came about – how ideas with Marxian content contained in the 1967 Foundation Documents of PPP came to be diluted in the education policy document of 1972.

Significance of the Study

The study is important because Marxian features tended to attract negative comments regarding the ideology of the PPP, i.e. being labeled as socialist and, thereby, reprehensible in the eyes of many people in the country. There occurred an ideological conflict wherein Marxian features could not gain much support in the system. However, the party still adheres to being socialist in orientation and can conceivably pursue such a policy in the future. It is important that those with interest in the country’s education policy gain

awareness about educational views of a national level party with considerable political following and influence on the country's public affairs.

Methods and Resources

This is a qualitative study using historical approach with description and analysis. The material comes from Government documents, document of the Pakistan People's Party. Use is made of books by and on Marx, books relating to PPP as well as Pakistan's general history.

Line of Argument

This study posits that Marxian features contained in the PPP's Foundation Documents had to compete with other more important modes of culture and politics existing in the country, namely, the consciousness among many, that Pakistan's origin had Islamic basis. Indeed, the recent dismemberment of the country set people to think deeper about the security of the remaining Pakistan. In this connection, many came to hold the view that for the safety of the new Pakistan, there was need to further promote and strengthen the Islamic character of the country.⁸ Given this position, the paper discusses the failure of initial efforts at the promotion of communist ideas in Pakistan from the inception of the country upto 1954; the post-1954 clandestine work by communist cadres till the abdication of Ayub Khan in 1969; the dominant role of J. A. Rahim in the insertion of Communist ideas into the Foundation Documents and the dilution of such ideas before their incorporation in the 1972 education policy. Finally, the paper assesses the significance of whatever Marxian notions included in the policy document.

Initial Promotion of Marxian Ideas in Pakistan 1947-1954

Communist ideas spread in British India as a result of some Muslim and Hindu religio-political activists/individuals who came into contact with Russian communist leadership seeking help for eradicating the British rule in India.⁹ Such individuals, particularly Muslims, were struck by the similarities between Islam and Marxian thought by way of eliminating exploitation and establishing social justice among people. By 1930s, there was a full-fledged movement spreading the Marxian ideas, particularly among writers in the field of literature.¹⁰

The process of independence from the British rule ended into the division of British India into two countries, namely, India containing majority of Hindu population, and Pakistan containing majority of Muslim population. Pakistan had two wings separated by Indian territory in between, one lying to the East and other to the West of India. The division was partly facilitated by the decision of the Communist Party of India (CPI) in 1944-45 not to oppose the

creation of a separate country which Muslim leaders were demanding. As a result, some well known Muslim communists became members of the Muslim League and played very active role during the 1945-46 elections¹¹ resulting for the Muslim League in overwhelming majorities in such provinces as Bengal, Punjab and Sindh.¹²

The CPI also decided, in 1948, to bifurcate, sending some experienced Muslim members to organize Communist Party in Pakistan (CPP). The party did make some progress there, developing some connections with military personnel and, it seems, that top leadership at that time was not averse to the idea of coming into power through a coup. The military contacts came to be uncovered in 1951. Resultantly the party was banned in 1954 and a number of members and sympathizers were sent to jail under the case known as 'Rawalpindi Conspiracy.'¹³

The party, in fact, began to encounter intellectual opposition even before its being banned in 1951. Sajjad Zaheer, who headed the party till 1954, was keen on pushing the role of the intelligentsia in society. In his messages, he emphasized upon writers to have a mastery of Marxist ideology and establish study circles. In such circles, intellectuals and creative people, especially those linked to the CPP, were to study the works of Marx, Lenin, and Stalin, as well as relevant literature from Europe and Britain. The writers were also encouraged to pen essays, articles, and literary criticism for popular consumption. This was to counter bourgeois and 'reactionary' ideologies that were, according to him, being propagated then by the state and by class enemies.

The intelligentsia was mainly located in the All Pakistan Progressive Writers' Association. Some of the progressive writers accepted the Marxist views as to how historical events were shaped by social forces and argued for progress based on objective truths. Response by some writers, however, was ambivalent in terms of universal truths, about what path history should take and how change would occur in the foreseeable future. People, like Hassan Askari,¹⁴ were in favour of creating a Muslim National culture. This went against the notion of the future desired by Zaheer and the CPP.

Sajjad Zaheer's intellectual encounter with Ahmad Nadeem Qasmi proved to be quite damaging for the party. Zaheer, criticizing one of Qasmi's newspaper articles, urged intellectuals to join the struggle for a socialist transformation under the leadership of the Communist Party. In his view, attaching themselves to communist struggle, the intellectuals "could realize the development of literature, art, and culture."¹⁵

Qasmi came from a respectable household in Punjab, and chose to become a professional writer. He became the first General Secretary of the All-Pakistan Progressive Writers' Association (APPWA) and also editor of the Nuqush, the

foremost progressive literary journal. He was, for some time, editor of two dailies, the *Imroze* and the *Pakistan Times*. Qasmi was sympathetic to the CPP but had somewhat different views than those of Zaheer on the issue of Islam in political life. Qasmi maintained that Islam and communism complemented each other. In his view, if they were intelligently interpreted, social justice would be established in Pakistan. The way forward, according to Qasmi, was to reinstitute the practice of 'ijtihad' which should reflect the needs of the majority. In Qasmi's view, Islam could help in the eradication of the class system and, if communism could absorb the spiritual and moral values of Islam, then both could serve the "same purpose: that of betterment of human life."¹⁶ Communism's stands for economic welfare could be strengthened by a moral code, which Islam could provide. Qasmi advised the communist workers not to criticize the true principles of Islam. That, in his view, would hinder them from coming closer to the masses. He suggested propagation of the similarities and let people see that the moral arguments of Islam and communism are the same. Qasmi's critique led to many, (including Qasmi himself) becoming dissatisfied with the CPP's hard-line politics. There were other severer critiques giving the Muslim League government pretext to proceed to label the party as anti-state and, eventually, ban it in 1954.

The Post 1954 Clandestine Work by Communist Cadres

When the government banned the party in 1954, its centre was destroyed. Sajjad Zaheer was released that year. He left for India, never to return. An internal report criticized Sajjad Zaheer for "his adventurist position."¹⁷ The party functioned in various mass fronts (whether in student groups, labour fronts, or peasant organizations) in different parts of the country without a centralized structure guiding them. Individual members and leaders entered into alliances with emerging political formations and political parties known to be nationalist, secular, and anti-imperialist in orientation. Many joined the Awami League which was led by the peasant leader Maulana Abdul Hamid. This allowed the communist elements to continue work in the more rapidly industrializing cities like Karachi. There, collusion of bureaucracy with industrialists worked to the suppression of the working class." Owing to the work of the left activists, worker unrest increased, giving rise to several labour strikes.

However, by the early 1960s, they split into pro-China and pro-Soviet groups. The pro-China Left elements started becoming more restrained in their critique of the government. The Maoist groups with more radical anti-imperialist slogans (anti-Americanism and support for the people of Vietnam), their anti-India stand, and call for active (and armed) struggle became quite popular among the youth and the students. The pro-Chinese Karachi committee was able to bring some of the most dedicated cadres into its fold, including the

larger faction of the National Student Federation (NSF) and, thereby, the famous student leader, Mairaj Mohammad Khan.¹⁸

Relations between Ayub Khan's government and labour went on deteriorating. His Industrial Dispute Ordinance brought several industries under the essential services banner prohibiting the formation of unions there. Strikes were made illegal and the registration of unions bureaucratic and difficult. Retrenchment and dismissals became common tools for disciplining workers. An outburst of workers' accumulated frustrations occurred in the March 1963 in Karachi's Sind Industrial Trading Estate (SITE). The strikes led to police firing on demonstrating labourers, several people were killed and that led to further strikes.¹⁹ Indeed, Ayub Khan's 'decade of development' was seen as decade of exploitation and deliberate promotion of inequality so that 22 families came to amass most of the country's wealth. In the end, intellectuals, the urban poor, and the working classes participated in a massive civil disobedience movement against Ayub Khan's regime.²⁰

J. A. Rahim and Insertion of Communist Ideas into Foundation Documents of PPP

After Pakistan-India war of 1965, the Soviet Russia mediated between the two neighbours in an attempt to bring normalcy in their relations. The Indian Prime Minister died in Moscow without making any concessions to Pakistan on her vital question, namely, the Kashmir problem. Relations between Ayub Khan and his foreign minister, Zulfikar Ali Bhutto became strained.²¹ The latter attributed failure on Kashmir issue to leniency on the part of Ayub Khan, exonerating himself from the perceived failures of the Pakistan delegation on the discussion table in Moscow. He had to leave the cabinet and was in search of a new role for which he contacted some Pakistani leaders and parties, without visible success. He was, however, well received by young and enthusiastic individuals while on a tour of Europe; they urged him to form a new party.²²

During the tour, Bhutto met Jalal ud Din Abdul Rahim (J. A. Rahim), the then Pakistan's ambassador in France. They had earlier acquaintance when Bhutto was foreign minister and Rahim recognized talent in Bhutto. Bhutto has left a record of high praise for Rahim, which also shows the latter's role in founding the PPP. Says Bhutto: "Above all he, more than anyone else, made me decide to launch a new party. Actually he and I formed it in Paris in 1966. He worked hard on the foundation papers."²³

Rahim did his BSc in Political Science and Philosophy. He was described as "a communist and political philosopher."²⁴ As Bhutto recognized, he authored the Foundation Documents, infusing a lot of communist ideas into them. The section on 'Education and Culture' carried the following ideas to be pursued in the education sector:²⁵

Educational goals have to be defined afresh. The basic problem of education is that younger generations have to be prepared not merely to understand the universe around them but to alter it. They must acquire a deep comprehension of the nature of social change and of inexorable process of history. Not only that they must be armed with scientific tools to unravel the mysteries of observable phenomenon but also they must have intellectual integrity and courage to accept the truth as it emerges before their eyes.

Two points seem to be particularly important; (1) not only understanding the universe but also altering the same; (2) comprehension of nature of social change and the inexorable process of history. In the first point, the words used are “understanding the universe surrounding the younger generation”. The word universe seems to carry both the meanings, namely, the physical as well as the social universe. As such, the education system is called upon to furnish knowledge both about nature and society. But seeking knowledge about them is not enough. What is more important is to change both society and the physical units. Changing the physical universe would require acquisition of scientific knowledge and use of the same in technology. In the case of society, knowledge should result in change of social relations, from what are deemed as undesirable to those that are deemed desirable. This is a clear allusion to Marx’s famous thesis on Feuerbach. Marx praised Feuerbach as “the only one who has a serious and critical relation to Hegel’s dialectic, who has made real discoveries in this field.” However, Marx poured formidable criticism on the otherwise much-prized Feuerbach understanding of philosophy, and concluded: “The philosophers have only interpreted the world in different ways; the point is to change it.”²⁶ This relates to Marx’s theory of praxis.²⁷

The second point emphasizes acquiring deep comprehension of the nature of social change and the inexorable process of history. The phrase “inexorable process of history” is particularly Marxian. Marx emphasized that proletarian revolution against the bourgeois was a historical inevitability. Marx adopted the dialectical method viewing history to progress from the conflict of opposing forces. Such conflict was to arise between two classes – the class that owned the means of production and the class that applied its labour for production. In a country like Pakistan, such phenomenon would look too materialistic an interpretation of history, an interpretation that would exclude God’s role in the history of mankind.

Dilution of Rahim’s Marxian Features

The politico-cultural environment of Pakistan at the end of 1960s and early 1970s was such that Rahim’s communist innovations came to be transformed when included in the 1972 education policy. The portion that formed the Marxian content now was related in the third objective of the policy:²⁸

Building up and nurturing the total personality of the individual, dynamic, creative and capable of facing the truth as it emerges from the objective study of reality: an individual able to comprehend fully the nature of technical and social change and having deep concern for the improvement of society.

The new provisions in the 1972 education policy relating to Marxian content had been largely softened. Terms perceived by Muslims to be alarming to their faith such as 'not only understanding the universe but to alter it', 'inexorable process of history' and 'objective truth' etc, did not find place in the education policy though they had adorned the Foundation Documents of 1967 and the Manifesto of the Pakistan People's Party of 1970. The new formulation of the Marxian content did contain the phrase 'the truth as it emerges from the objective study of reality' but this could be subsumed under the general positivist methodology, without raising many fears in the Muslims.

Similarly, 'building up through education, the total personality of the individual' to be dynamic and creative, has a familiar ring in formulating educational objectives. The previous emphasis on comprehension of 'inexorable process of history' was now deleted, though restated in terms of comprehending 'nature of technical and social change and having deep concern for the improvement of society'. The restatement could be taken as a very desirable objective in a country like Pakistan.

How did this dilution in Marxian feature come about? Answer to this question has been indicated in stating the line of argument of this paper, namely, that the efforts to infuse Marxian ideas into Pakistan had to compete with the existing culture and beliefs among the people of Pakistan.²⁹ For the Muslim culture, Marxian ideas represented a foreign body and were not able to effectively penetrate. On the other hand, reaction arose which led to distancing from ideas which Rahim had injected in the initial documents of the Pakistan People's Party. That distancing is discussed in the following pages.

Distancing from Rahim's Emphasis on Marxian Terminology

Marxism's strong antireligious and materialistic biases have always been embarrassing to socialists in Muslim societies. Bhutto sought to meet this difficulty by adopting the term "Islamic Socialism," which Jinnah and, Liaquat Ali Khan, and others in Pakistan had used before him.³⁰ Those opposing Bhutto alleged Islamic socialism to be a contradiction in terms. In their view, socialism was antithetical to God and religious teachings. It, therefore, could not be Islamic. In response, Bhutto emphasized his personal dedication to Islam, asserted similarity between Islam and socialism regarding economic matters, and declared that his espousal of socialism posed no danger to Islam.

In Bhutto's view "the first seeds of socialism had flowered under Islam."³¹ He contended that the Prophet and his successors had organized the polity observing equality. Bhutto offered a sophisticated version of the above argument during the 1970 election campaign. He said:³²

The roots of socialism lie deep in profoundly ethical view of life. We of the Pakistan People's Party earnestly maintain that the high ideals of Islam in relation to society can be attained only through a socialist system abolishing the exploitation of man by man. We believe that the nature of justice in the world demanded by our religion is inherent in the conception of a classless society ... Capitalist society has a class structure which is opposed to the equality and brotherhood enjoined upon Muslims by Islam. When we call our economic program Islamic socialism we are ... within the moral traditions of Islam. In the name of justice, the Pakistan People's Party spells out Islam in concrete terms of fraternity and friendship.

Bhutto was cautious in his descriptions of both socialism and Islam. The Foundations documents contained a number of communist terms as – "class struggle", "labor theory of value", "surplus value", and "functional superfluity of landlords and industrialists."³³ Bhutto avoided such radical assertions as: "value systems and creative expressions, including religion, resulted from the prevailing technology and the relations of production". In his defence of socialism, he primarily emphasised the following elements: "egalitarianism in the area of distribution; public ownership of economic enterprises established by the government's own initiative or acquired commercial properties; and forcible acquisition and redistribution of agricultural land."³⁴ Thus, Bhutto's emphasis on socialism having characteristics akin to Islam, went to dilute the Marxist content adumbrated by J. A. Rahim in the Foundation Documents.

Even more important in this direction were the ideas of a group, within PPP, described as Islamic Socialists. They took inspiration from Allama Muhammad Iqbal, recognized as the poet-philosopher of Pakistan. Intellectually, they identified themselves Arab world: the Ikhwan Group and Arab Socialism. The Islamic Socialists agreed on the multiclass character of the PPP and avoided presenting issues in ways that would create class conflict. Islamic Socialism, according to Hanif Ramay, was 'imposed on the PPP, after the founding convention and in the face of opposition by some of the 'radical socialists.' Among the latter was, of course, J.A. Rahim.³⁵

According to Ramay,³⁶

"Islamic Socialism was something that the people could identify with'; it was a guarantee 'that we didn't want to bring atheistic communism to Pakistan. The term began to take hold after the People's Party leaders began to refer to it in the vernacular as *Islami Musawat* (Islamic equality) and *Musawat-i-Muhammadi*, terms that substantively simplified the original body of thought."

Many PPP leaders sought to locate the ideology of the party in the historic traditions of social justice in Islam. According to Mir Rasul Bakhsh Talpur, the

PPP “believed not in the socialism of Karl Marx, but of Abu Zar Ghaffari, Shah Wali’ullah and Maulana Hasrat Mohani.”³⁷

The Islamic Socialists had a major role in resolving the fears of many pious Muslims in Pakistan about the character of the PPP and its leaders. The Urdu journal, *Nusrat*, carried media attack on Islamic parties that opposed PPP. It also disseminated and explicated the PPP programme in terms of Islam.³⁸ However, Islamic Socialism of PPP did not graduate from a slogan within the wider party to a systemic philosophy that could guide party policy. Many party leaders and PPP Members of the National and Provincial Assemblies did not go beyond the view of Islamic Socialism as a propaganda tool to placate public opinion.

Conclusion

Communist elements, particularly J. A. Rahim, played a crucial part in the founding of the Pakistan People’s Party and greatly influenced the content of the Foundation Documents in 1967. The documents contain several Marxian notions in the chapter on education. Through the use of such notions, the PPP desired to bring about fundamental changes in the education of the youth. A glaring Marxian phrase was: “Comprehension of the nature of social change and of inexorable process of history.” This notion cuts at the roots of revelation and not acceptable in civilizations based on revelation. Pakistan People’s Party presented itself to be socialist party, and had to face opposition and criticism on account of Marxian content of the Foundation documents. The party changed the terminology to make its program palatable. The paper has traced the efforts at infusing Marxist ideas aimed at establishing a communist system in the country, and great resistance they met. When the 1972 education policy came, it had to be much watered down because of such resistance.

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TAX BURDEN AND INCOME DISPARITIES – A REVIEW OF PAKISTAN’S TAXATION SYSTEM

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Abstract

This article explores the effects of taxation system of Pakistan, especially indirect taxes, on the distribution of wealth between the rich and poor. The purpose is to determine the tax burden and the resultant income disparities focusing on the poor segment of the society. Pakistan’s taxation system emerged from the ashes of British colonial rule and so it absorbed exploitative and iniquitous tendencies. With a large population living below the taxable threshold, reliance of the government to use indirect taxation as a mean to raise the tax to GDP ratio reduces the welfare dividend and compounds income inequality. This produces a cyclic process of economic inefficiencies and distortions which inadvertently widens the socio-economic gap. This article also proposes a Tax Revenue Strategy to policy planners to mitigate the effects of negative economic distortions arising out of weak taxation structure to reduce income inequalities.

Key Words: Direct and Indirect Taxes, Vertical and Horizontal Equity, Progressive, Regressive, Distortions

Introduction

The question of how to widen the tax net has baffled every government as it always faced difficulty in choosing the appropriate instrument(s) or the right tax mix to raise revenue. No government can perform its functions and meet the domestic social, economic and defence needs without a sound revenue base and the only way to generate sound revenue is through an effective tax system. In Pakistan, the challenge is exacerbated as people avoid paying taxes, lack trust in government’s handling of its finances and above all the bulk of the population resides below the minimum taxable threshold and hence cannot be optimally taxed. Moreover, the poor class in our society lives in the “informal sector” where tax collection is difficult, costly and the return is low due to abject poverty.¹ In this situation, the essential question remains as to what can be the optimal tax mix for revenue generation that doesn’t overtax the poor or leave the rich under taxed. Gross income inequality amongst the masses, ineffective service delivery and excessive government expenditures prohibit cultivation of a conducive tax climate which responds to the needs of the government and the society.

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Many consider that increase in rates of taxes will enhance the tax to GDP ratio. Although a convenient option, there are long term ramifications of such an undertaking as any increase directly impacts the economic activity and the consumption behavior of the people thereby affecting revenue generation the policy aims to increase. Also, the size of “shadow” economy in our country is increasing and the true potential and magnitude of this economic reality is little known. When imposed, taxes do not discriminate between the rich and poor but they do enhance the relative income disparities by causing reduction in the amount of capital in the hands of the consumer. Whenever there is greater reliance on indirect taxes, the tax burden on the poor class will be more than the affluent class which leads to uneven distribution of wealth. Aforesaid in view, there is a need to study the effects of current system of taxation on the common man and how these can be mitigated through a more equitable tax system.

There has been no worthwhile research on the issue of vertical and horizontal equity with regard to Pakistan’s system of taxation that analyzes the tax burden on the common man. This research is an effort to study the effects of taxation, both direct and indirect, on the distribution of wealth and the income disparities arising thereof focusing on the poor segment of the society. It is hoped that the proposed strategy at the end may provide some insight and food for thought for policy planners to make the system of taxation more responsive to the needs of the poverty stricken.

Methods and Sources

This exploratory research is based on interpretivist approach / qualitative framework to gain deeper understanding of the problem through the lens of individual and group experiences. The qualitative research was based on a series of in-depth and semi-structured interviews with the subjects specialists, followed by visits to FBR, Finance Division and provincial tax collecting authorities. Interviews with government officials and taxpayers from all social segments helped in understanding the problem from different standpoints. This use of ‘Phenomenology’ permitted empathetic and objective valuation of their experiences in order to make objective assessments.

The research also incorporates study of latest and updated reports as well as available literature on the subject of taxation in Pakistan. The data has been put together utilizing both primary and secondary sources including use of survey questionnaire, printed literature and wherever required web resources to fill the gaps with latest data / information. Reports such as the Economic Survey of Pakistan from 2005-2018, Financial reports of the State Bank of Pakistan, IMF Reports on the taxation measures in developing countries, World Bank and FBR resources including their biannual reviews encompassing reports from the last

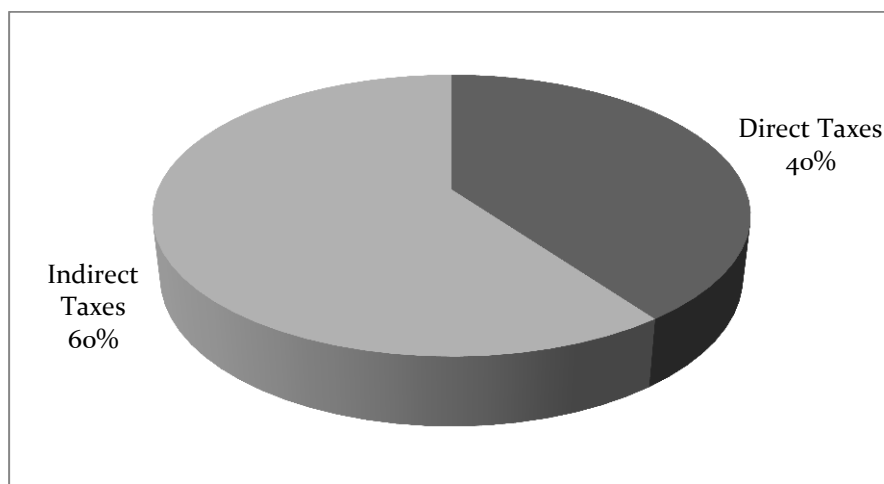
15-20 years were consulted. Video lectures and talks by experts organized in the National Defence University also provided immense and valuable information to embellish this work besides providing new vistas for further exploration.

Structure of Taxation in Pakistan

The problem of taxation in Pakistan has been chronic, being one of the main reasons propelling consistent fiscal deficits over the past. Lower tax morale, tax evasion and high compliance costs have been few major challenges that have constrained FBRs capacity to generate sufficient revenue for the Government.² With limited financial levers available, the Government is unable to spend on social sector development which further erodes the confidence of the taxpayer in the Government's ability to provide public goods. A critical analysis of the existing taxation strategy and shortfalls in the implementation methodology is imperative to understand the complex matrix of Pakistan's tax structure and how it affects the socio-economic condition of the peoples down the social ladder. Before any in-depth analysis, a brief understanding of the nature and types of taxes is essential to comprehend the issues.

Pakistan follows a mix of direct and indirect methods of taxation to raise revenue with the lion's share tilted profoundly towards "indirect taxes" (Figure 1). As evident from the name, indirect taxes are regressive³ in nature as they usually target consumption. On the other hand, direct taxes are levied on salaries, profits, dividends according to their scale as a share of percentage. Hence, these are progressive and more equitable than indirect taxes.

Figure 1: Proportion of Direct & Indirect Taxes in Overall Revenue 2017-18



With such a huge share of indirect taxes in the overall “Tax Mix”, the resultant regression in the tax mechanism is natural which fosters income inequalities rather than reducing them. Countries with high tax to GDP ratios adopt a policy of progressive taxation which caters well to address the income inequalities in the society. Contrarily in Pakistan, the incidence of indirect taxation directly impacts the entire social structure oppressing the poor and the affluent alike without discrimination.

Federal and Provincial Tax Collection

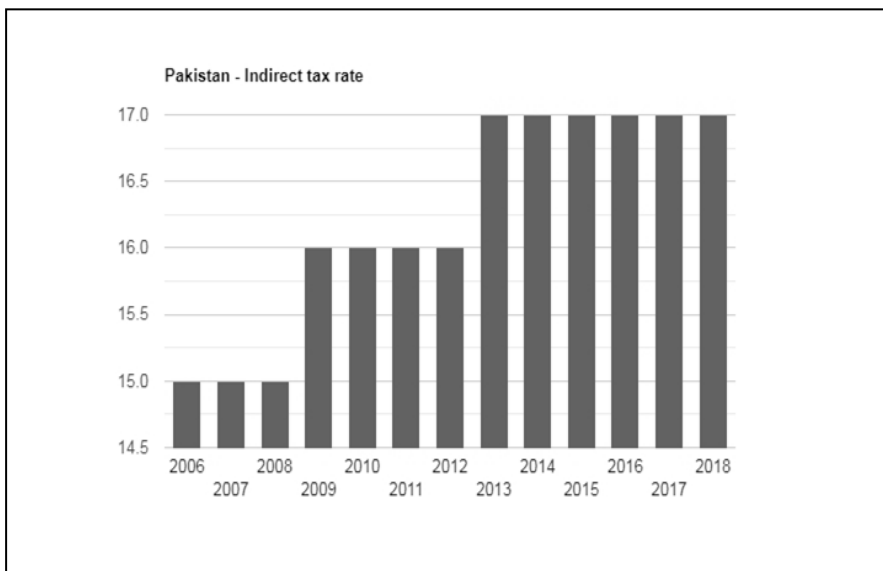
According to the Constitution of Pakistan, the power to tax is delineated between the Federal and the provincial governments. The provinces are to administer taxes on more challenging tax bases such as agriculture, services, property etc. Provinces contribute barely 4 -7 % of the total revenues. On the contrary, they receive 35 % from the Government to meet their own expenditures. This gap is clear manifestation of poor collection on the part of provincial governments. This burden of the Federation often is the main reason for increasing reliance on indirect taxes. Provincial taxes include property tax, excise duties, stamp duties, motor tax etc.

Direct Taxes

Direct taxes contribute 40% of total revenue collected by the government. Income tax alone contributes 28% within which only 4% is collected from personal income taxes.⁴ This poor collection leaves the government with little choice but to levy more number of indirect taxes to address the shortfall.

Indirect Taxes

Developing countries are often challenged by larger segments of poor population and only a small percentage of the elite or the affable class. Hence, in such situations indirect taxation emerges as the predominant tool for revenue generation owing to a very narrow tax base, very high compliance costs and an unusually large informal sector that is quite difficult to document as well as luring in into the tax net. In addition, accomplishing a better redistribution of the tax burden as well as enhancing progressivity become an onerous task. It is unfortunate that “indirect tax” has become an indispensable tool in the hands of the government to enhance revenue. In Figure 2, the trend of steady rise in the scale and magnitude of indirect taxation is clearly visible. Mostly, in our context indirect taxes include the Sales Tax on consumption, the Federal Excise Duty (FED), Custom Duty, Petroleum levy etc.

Figure 2: Trend of Increase in Regressive Taxation

Source: The Global Economy.com, the KPMG

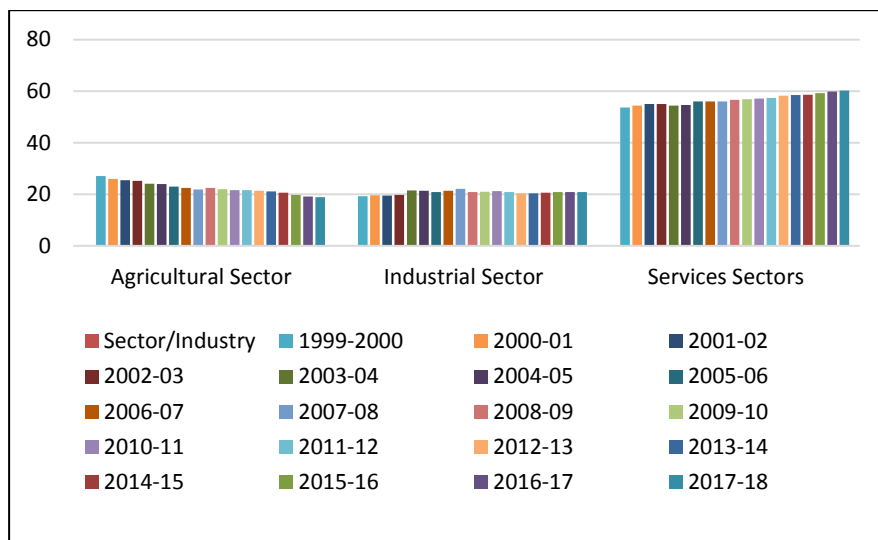
Federal taxes were 92% of the total collections in 2015/16. In the year 2016/17 the revenue collection improved by 8.2% compared to the preceding year. In the year 2017/18 the revenue collection increased by another 14.1%.⁵ Sales Tax, a major indirect tax, has the largest share in the total which is 36% and is the lion share holder. Income tax is next at 33%. Custom duties and excise duties are at 11% and 5 % respectively. Provincial taxes are about 7% of the total revenue. Compared with India, the provincial share is very low as Indian states contribute almost 35% of their total revenue which is quite high. On the average, almost 60% of the total revenue collected by the government is received from indirect taxes which is quite a high percentage. Due to the huge share, it is evident that a very large segment of the population belonging to the poor class is significantly affected by the same.

Distortions in the System of Taxation

Limited information is available on vertical and horizontal equity of our tax system in the existing knowledge base. Also, various economic sectors have been treated differently and often out of sync with their inherent potential which makes the system of taxation distortionary and opening ways for income disparities. When we take into account the share of major economic sectors in the GDP, as shown in Figure 3, we observe that Services Sector has always held the lion's share in the overall GDP since 1999-2018 which amounts to more than 50% approximately, however, it only contributes around 30-35% in taxes.

Likewise, agriculture holds a share of 20% in our GDP but its contribution in taxes is barely 1%.⁶

Figure 3: Share of Major Economic Sectors in GDP (1999–2018)



This imbalance diverts heavy investments towards least taxed sectors and withdrawal or reduction of economic activity in heavily taxed sectors. Thus, a developing country which is not managing the allocation of its economic resources well is compromising on the magnitude of revenue collection as well as retarding the pace of growth. The arising mismatch of resources increases the tax burden in certain areas and also increases the burden of honest tax payers as the government will be forced to levy new taxes to make up for the shortfall induced by an underperforming sector. This act of the government will further affect the economic efficiency and thus produce an undesirable cycle of poor economic performance in addition to compounding horizontal and vertical inequities.

Underground (Shadow) Economy

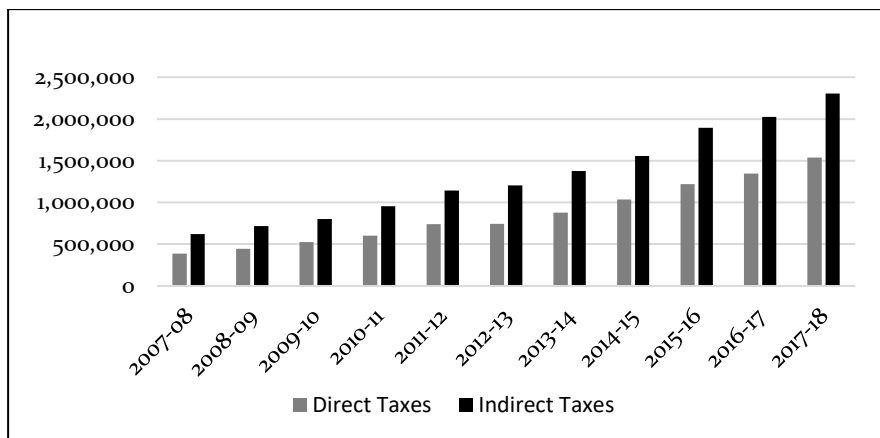
This is a major drain on the state as it functions out of the tax net and is neither “observable” nor “auditable”. At present, the size of our undocumented economy is estimated to be 70-80% of the GDP⁷ which means \$100 billion dollars or 13900 billion rupees.⁸ This is quite huge and a serious drag on the states’ revenue collection. The question of revenue collection is not as serious as the revenue lost due to lack of documentation. Shadow economy occurs when the economic activity circumvents the existing regulatory channels of the government. It is mainly caused by illiteracy, cash transactions, non-banking transactions, lack of invoice culture, flourishing small scale traders, smuggling

etc. Complex rules and regulations of taxation, high tax rates, and lack of confidence on the part of taxpayers on the tax system further complicate it. Also, a narrow tax base results in a higher tax rate which in turn compels more people to the folds of undocumented economy. Size of the informal economy in Pakistan in 2008 ranged between a massive 74 to 91 percent of the formal economy.⁹ As per the Labour Force Survey of Pakistan (2010-11), almost 74 per cent of the non-agricultural labour force is earning livelihoods through the informal sector, and of the total employed labour force, 40.6 per cent or 21.8 million relied directly on the informal economy for their sustenance.¹⁰ A large informal sector compels the government to seek foreign aid, easy loans and grants hence pushing the country towards a vicious debt cycle which impacts the national economy.

Tax Incidence and Distributional Effect

Our society is largely composed of poor class / lower middle income class whereas the wealth is saturated within a narrow group of elite class at the top; the middle class being a modest chunk of the population. It has been a real challenge for every government to collect taxes from the elite class and redistribute the effect to the lower echelons of the society. According to a recent report by Oxfam titled “Commitment to Reducing Inequality (CRI) 2018” Pakistan has been ranked at 137th position out of 152 countries which is quite low. In terms of progressive taxation, it has been ranked at 98.¹¹ The report also highlights that many of the low earners in the society are women who are often paid lesser than men and are mostly working in a non-secure work environment. In such circumstances, it becomes extremely challenging to mitigate the effects of income disparities. Besides, the income disparities are further aggravated as the elite and affluent attempt to pass the burden of tax onto the lower classes. Thus, it becomes difficult to correctly assess where the tax incidence exactly lies.

In order to understand tax incidence we can make use of two important terms namely, Statutory incidence and Economic incidence. The former implies as to who is bound legally to pay the tax and the latter means the exact distribution of the effect of tax on either the buyer or seller. In our environment, due to a plethora of indirect taxes, the burden usually shifts to the consumer and this makes the plight of common men even more difficult. The relative growth in the indirect means of taxation has not been in sync with direct taxes and the magnitude of relative growth between the two is not steady as evident from Figure 4, when we take into account growth over a period of decade, 2008 to 2018.

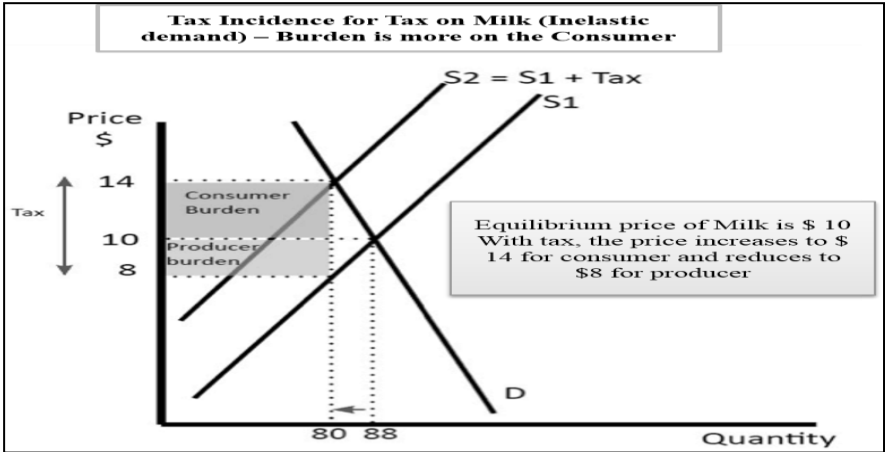
Figure 4: Comparison of Direct and Indirect Taxes (2008-2018)

Source: State Bank of Pakistan

In order to elucidate the burden of a particular tax on common man a simple example will be helpful. Let us assume two different items such as milk and biscuits for the purpose. Each item has a unique value in terms of its utility for the producer and seller. Milk is an essential commodity and used invariably everyday in each household for making tea, cereals, feeding, desserts etc. Accordingly the demand for milk will always be “Inelastic” i.e. even if its price goes up it will be difficult for people to stop consuming milk. People will continue to buy milk albeit in a lesser quantity. On the other hand, biscuits are not as vital in everyday life as milk. Thus, the demand for biscuits will always be “Elastic” which implies that if the price of biscuits goes up the buyer may not be very keen to buy them and shift to cheaper substitutes. Plotting this on a graph in Figure 5, we can deduce that the burden of tax when the demand is inelastic is on the buyer compared to the seller/ producer. Initially, the equilibrium price of milk was \$10. When a new tax is imposed (indicated by red arrow on the left) the equilibrium is disturbed and the price goes up and the same milk is available for sale at \$14. This entails that the consumer is compelled to pay additional \$4 to get the same amount of milk which may force him to decrease his milk consumption. The seller/ supplier also receives \$8 instead of the old equilibrium price of \$10 as the new price wedge, created by imposition of new tax, causes a reduction in the demand for milk leading to price readjustments at \$14 and \$8 for the consumer and supplier respectively along the S_2 supply curve (Figure 5). Thus, the supplier receives \$2 lesser than his usual profit. This indicates that a tax on consumption or any indirect tax creates a burden on the poor, reduces the profit of the seller and this results into an economic inefficiency in the milk market. As the demand for milk is inelastic, the market

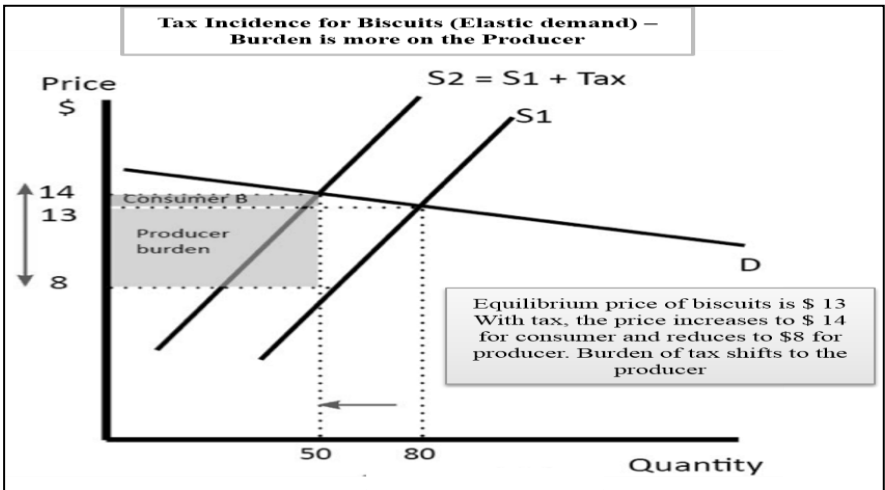
continues to function but its vibrancy is relatively reduced due to drop in demand triggered by the new tax.

Figure 5: Tax Incidence Inelastic Demand



In the 2nd example (Figure 6), we analyze the market of biscuits, the demand for which is 'elastic'. In this case, the new tax reduces the demand by a significant margin (from 80 to 50 as shown along x axis). As the consumers can survive without biscuits, therefore, stop buying biscuits and move to other substitutes. The tax burden is greater on the seller. This forces the supplier to produce less which may lead to closing of business, job layoffs etc. This results into other economic inefficiencies in the system.

Figure 6: Tax Incidence – Elastic Demand

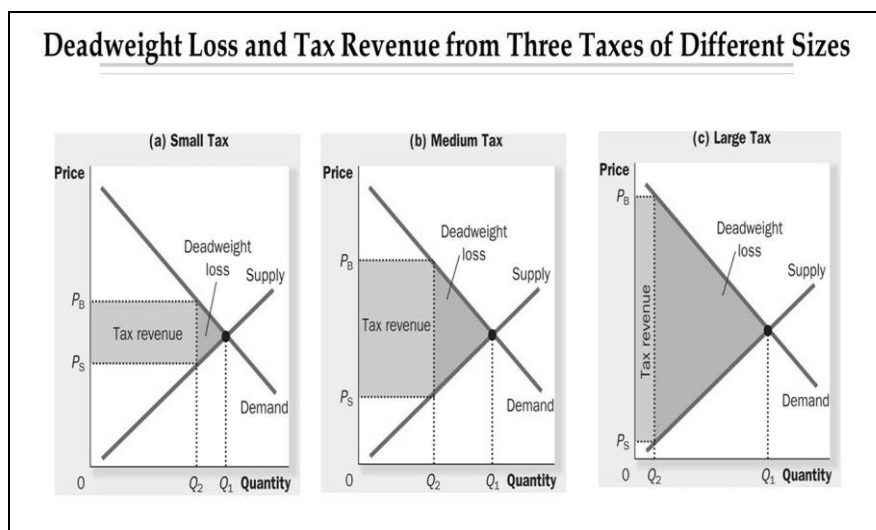


Such analysis is vital in order to frame correct taxation policies to ensure tax incidence does not spread unevenly which may enhance income disparities. The government needs to be cognizant of the fact that the burden of tax will always be borne by the people because businesses, even if they apparently bear the burden of taxes, still make all out efforts to pass on the liability to the buyers.

Taxation affects the economy in many ways. Imposing a new tax raises the price of a commodity for the buyer, reduces return for the seller and slows down the market of that commodity which is called the Deadweight Loss (DWL).

When the government increases an existent tax or imposes a new and larger one the magnitude of the DWL will be equally large. For example, if the government doubles an existent tax then the net effect on DWL will be more than double. Refer to Figure 7. When a country has high tax rates then the implication of raising these further may be detrimental to the economy. However, lowering them will benefit the government. On the other hand, if tax rates are already low then raising them will not have much harmful effect, however, further reducing them will also not be of much benefit. An increase in the size of a tax causes an increase in government revenue in the early stages, however, eventually the revenue declines as the tax causes the market to shrink.

Figure 7: Deadweight Loss (Economic Inefficiency due to Tax Variations)



Research Findings

Overall, the study has concluded that share of indirect taxes within the federal and provincial tax codes is quite large and difficult to be dispensed with at the outset, especially when the government is faced with a huge debt and

balance of payments crisis. However in the long run, for better economic efficiency, it is vital that as the tax base is widened then correspondingly the share of indirect taxes be gradually reduced. This will not significantly affect net revenue collection as the reduction effect will be nullified by the expansion effect achieved at the tax base. Reduced burden of taxes will propel economic activity by leaving a larger share of after –tax income in the hands of the consumers which is vital for boosting aggregate demand and attaining increased growth. Thus, the hypothesis of the study stands proven that reduction in percentage of regressive taxes will not reduce the future net revenue collection; rather it will be conducive to socio—economic well - being of the masses at the lower level who in turn will expand the tax base, and hence the net revenue, when they move upwards in the socio-economic ladder.

A few more specific findings of the study include:

- a. Pakistan's taxation system, inherited from the British days, had been slow to transform and internalize according to our native cultural and socio-economic needs.
- b. The poorer ones pay more "in proportion" than the affluent class in terms of indirect taxes despite the fact that the richer pay more "in magnitude" for the same type of taxes.
- c. Increased distortions in the tax system create economic inefficiencies and poor service delivery giving rise to inequality and social tensions creating an imbalance in the society.
- d. Higher rates of indirect taxes increase DWL which reduces purchasing power of common people and enhances income disparities.
- e. The benefit provided to the taxpayer in the form of services may be neutralized or minimized by the accruing DWL in terms of market inefficiency induced.

Recommendations

Since a new government has assumed the charge at the Centre, the urgency to implement and sustain a reform agenda in the tax code is the only solution for better fiscal management. Only an adaptive and responsive tax system can meet the needs of the globalizing economic environment. In the ensuing paras, a possible strategy to enhance revenue has been proposed, which provides a road map to making the tax system more equitable, mitigate effects of income disparities and achieve better redistribution of wealth:

- The taxation system should be made more progressive and internalized to our socio-economic needs by reducing the percentage of indirect taxes to reduce burden on poor. High concentration of indirect taxes leads to evasion and non-compliance. Equity in tax system should be

achieved through the ‘Ability to Pay Principle’. This implies rich and poor pay according to the proportion of their incomes and profits. Progressivity will be achieved when deterrence is effective against evaders, especially the rich and elite to bring them into the tax net. Effective intelligence, monitoring and surprise audits are needed to ascertain wealth and prohibit evasion. FBR must deal with the services sector with an iron hand as it remains under taxed due to on spot bribery, underwriting tax obligations and profits whereas most of them charge hefty amounts from the poor class for the services rendered. Increased progressivity will reduce share of regressive taxes.

- Lowering of tax rates is yet another form of curbing evasion and easing out the poor class. This should be done in local industry market to ensure that small markets don’t lose vibrancy. Initially, the government may lower tax rates by small fractions to incentivize the consumers and sellers followed by higher reductions, tax concessions etc. This will also help in taxing a larger segment of people through low rates and help achieve better, or at the minimum, the same level of revenue being collected when the rates were higher through a broadened base.
- The government should minimize DWL (deadweight loss) arising out of taxation in every commodity market where the demand is inelastic. This will help generate a more efficient economic activity as well as reduce the burden on the consumer. This implies designing a tax instrument according to market efficiency of each commodity i.e. the government may impose tax on a wide range of goods and services but it may have different rates for each.
- In order to achieve equitable effects in taxation in the rural domain, the government may consider bringing landlords with large landholdings into the tax net. As agriculture remains a soft sector from taxation point of view, there is a need to gradually reform this area. Presumptive taxation (tax in advance) can be initiated as a test case for levying tax on agriculture. One way to do so is to estimate the size of the land, the productivity of the land and an assessment of the input costs specific to that area. Once the crop has been harvested, the final liability can be adjusted to collect revenue. Such measures will reduce the need for huge subsidies in the agriculture sector and allow the government to utilize collected revenue on reducing income gaps in the rural sector through provision of allied services and facilities such as healthcare, education etc.
- Government’s tax policy must be able to sustain and endure internal pressures from vested groups and pressure tactics especially in policy formulation and implementation. The introduction of numerous concessions, tax exemptions providing relief to the affluent create

distortions in the tax system. Such practices taint government legislation on tax matters impairing Government's ability to enforce and implement an equitable tax strategy.

- After the mainstreaming of FATA, the Government at the federal and provincial levels need to devise smart taxation instruments specific to the tribal environment which do not inhibit growth and economic activities and aim to forestall income disparities right from the outset besides creating jobs for the poor and neglected. While the government writ has extended to all areas under its sovereign control, the tax treatment of FATA cannot be meted at par with other areas of the country to avoid any disillusionment amongst the inhabitants. Instead their confidence must be restored through increased spending in the early years by the government to boost confidence amongst the masses. This will help in achieving smoother transition of an impoverished area into a relatively developed area like others.
- The government must expend the revenue in areas of maximum impact such as public infrastructure, health and education which will help motivate the people and cultivate a positive atmosphere for an enduring tax climate in the country. Increase in tax revenue, when sustained over a long period of time, can increase fiscal space of the government. Enhanced fiscal leverage with the government can also be used to invest in the economy which can propel economic growth thereby creating a cyclic process of increasing revenue over a period of time. The additional benefit can then fund more poverty stricken people to elevate their status above poverty level.

Conclusion

The inferences drawn from this research ratify the fact that distributional effect of taxation in our environment has not been optimal due to larger share of regressive taxation. The existence of an ever growing informal sector and the pace with which it is expanding must ring alarm bells before it is too late. If this informal sector is documented, beginning from the larger and more productive units in the economy, their contribution, albeit slowly but assuredly, is likely to increase the revenue.

The main objective of the government in Pakistan should be to recalibrate the existing tax system in a manner that tax reduces economic burden on the common man and also maximizes the component of social welfare. The conclusions thus support the notion that decrease in tax rates are likely to increase the revenue collection rather than the contrary, as widely believed. We can presume that lowering the tax rates has a positive relationship with economic behavior of subjects within the state. Also, greater reliance on indirect taxation will disrupt the vertical equity of the tax system. It is vital, therefore,

that the government should endeavor to evenly distribute the burden of taxes rather than merely rely on indirect taxes as the sole mean of revenue generation. Adam Smith reiterated this notion as under,

“The subjects of every state ought to contribute towards the support of the government, as nearly as possible, in proportion to their respective abilities.”

— Adam Smith, *The Wealth of Nations*

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PAKISTAN-AFGHANISTAN TRANSBOUNDARY WATER GOVERNANCE

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Abstract

Freshwater has now become crucial to the livelihood of nations and sub-nations alike due to their needs for food and electricity. Simultaneously, climate change is impacting its provision negatively through droughts, salinity of aquifers and melting of glaciers. Water management between Pakistan and Afghanistan as a colonial heritage and being outdated lacks long-term sustainability. It may not cause overt violence, but it is susceptible to inter and intrastate tensions. This paper reviews the challenges posed to our water resources from the western neighbor and highlights the relevant institutional structure of its governance. It explores relevant theories, laws and conventions to uncover the existing policy regime between Afghanistan and Pakistan. At the end, the paper proposes strengthening of hydro diplomacy for a secure ecosystem in the region.

Key Words: Transboundary, Ecosystem, Consumption, Governance, Management

Introduction

Pakistan finds itself amidst the new global governance structure that is dominated and woven around UN agreed Sustainable Development Goals.

These Goals are more intricate and ambitious than their precursor, Millennium Development Goals. Such character of global governance grants legitimacy to international strategies pursued and imposed on nation states in the garb of a common global development agenda. Protection and management of ecosystems, one of the tenets of global governance, and water indisputably is central to ecology. It is neither easily accessible nor evenly distributed in the world political map. It is impervious to national boundaries, shuns legal generalization and has diffused institutional taxonomy. The global agenda, however, gets contradicted with the concept of modern nation-state and its emphasis on sovereignty, equality and self-sufficiency. This rivalry of concepts conveys that interactions between states over common resources, especially water can become tense and conflictual.¹ Water governance is thus challenging and cumbersome because stakes therein are inelastic, distributive and hinged to survival of states. Conflict is likely to occur and get aggravated in resource

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scarcity and institutional incapacity to manage it; and especially where regimes are shattered by political changes and where institutions misgovern.²

Water is a strategic resource for Pakistan. Frictions over current water resources and their consumption will be exacerbated due to climate change, dwindling rainfall and population explosion. Conflicts may take place internally among provinces or amongst competing sectoral users within a province. This is not an exaggeration because internationally, water issue has caused hostilities among different riparian countries in Aral Sea Basin, River Basins of Neretva and Trebisnjica, Nile Basin in Africa, Tigris and Euphrates in the Middle East, Parana Basin in South America, and Ganges Basin in India and Bangladesh. Water governance hence becomes paramount consideration for Pakistan for its necessities; and for a sustainable, peaceful and secure ecosystem in the region. It calls for dialogue, concession and consensus amongst stakeholders.

Pakistan has an experience with India and is well aware that 'water is the most serious challenge to international community'.³ Ever-increasing water scarcity, extreme flooding and drought conditions are destabilizing natural water ways in Pakistan.⁴ On the other hand, the effect of global climate change threatens the lives of millions linked to the Kabul River in Afghanistan.⁵ Afghanistan's Kabul River flows towards Indus River and is a source of power and irrigation in Khyber Pakhtunkhwa region of Pakistan. In Afghanistan, it extends over nine provinces supporting 25 million livelihoods. It is the sole source of drinking water for almost 7 million Afghans and Pakistanis.⁶ Pakistan enjoys a unique position in Kabul River flow being both upper and lower riparian. Variability of climate and increasing water demand make the situation multifaceted for both riparian states while the absence of any water treaty between the two makes it insecure. Both countries have so far been using water according to their needs. However, Afghanistan is now unilaterally planning to construct dams on river Kabul, the first one being the 'Shahtoot Dam' with the help of India.⁷ This has the potential to adversely affect lower riparian Pakistan. Hence, it is of utmost importance to settle the matter by respecting historical rights and by arriving at mutual benefit-sharing options for both countries.

This paper reviews the challenges posed to Pakistan's water resources from its western neighbor and highlights the relevant institutional and legal structure of Afghanistan and Pakistan. It explores relevant theories, laws and conventions to uncover the existing water policy regime between Afghanistan and Pakistan. At the end, the paper proposed a way forward for sustainable water governance to assure a secure ecosystem in the region.

Transboundary Water Governance

Water governance has become a commonality of contemporary world as it possesses 263 transboundary river basins. These basins possess around 60% of

the fresh water and cover 46% of the earth's land.⁸ That's not all. There are over 600 transboundary aquifers for over two billion people in the world⁹ Thirty Nine countries have more than 90% of their territory within transboundary river basins, and thirty countries lie entirely within one or more of these watersheds.¹⁰ The Danube is shared by nineteen countries; the Nile by eleven. 40% of the Earth's population is sustained by rivers and lake-basins which are a part of two or more countries.¹¹ Flowing water exposes problems of authority and dominance. Its governance and management become compounded where governance bodies are shared by states. Numerous studies have explored the area of transboundary water governance and highlighted its complexity. Biswas analysed the magnitude and distribution issues, complexities of management and role of international organisations with reference to Bhutan, Nepal, Bangladesh and India.¹² Jana Karajan et al.¹³ Perceived "modality of coordination and negotiation that can contribute to change", while Wolf¹⁴ saw water as a pathway for building assurance and engaging in cooperation. Malhotra¹⁵ pointed out, "the problem with water issue is not that water issues complicate political issues, but that complicated political issues make the smallest water issues between countries, intractable." Evaluating transboundary diplomacy, Kliot et al.¹⁶ examined legal principles, conventions and treaties in the structure of evolution in management of twelve river-basins and found scarcity of water, dense population, and ill distribution to be responsible for water conflict. Correspondingly, the occurrences of cooperative events between riparian states doubled as compared to conflicts from 1945-2008 as recorded by UNECE/UNESCO.¹⁷ Avenues of cooperation between riparian states have been water quantity and quality, economic development, hydropower, and joint management; whereas 90% of the water conflicts have been on the quantity and infrastructure of the water.¹⁸

There are multiple theories on how the transboundary water governance can be shaped. The paper considers Gander theories/principles, which are summarized as below:¹⁹

- a. **Harmon Doctrine or Absolute Sovereignty.** Emerging from the USA and Mexico accord over distribution of Rio Grande River, it claims the absolute freedom of a riparian state, often the uppermost riparian, to utilize the waters flowing through its territory, regardless of the effect of its actions on other riparian states. It is not much practised and respected being contrary to current international water law.²⁰
- b. **Territorial Integrity or Absolute River Integrity.** Here the lower riparian state has the right to full flow of natural water and interference with the natural flow by the upstream state has to be by the consent of the downstream riparian²¹ "no matter what the priority."²² In contrast to absolute territorial sovereignty, it guarantees a downstream riparian with virtually any quantity of water it desires, without liability or

obligation to compensate the upstream riparian. This has also been criticized in the modern international water law.

- c. **Limited Territorial Sovereignty.** Here every riparian has the right to use a reasonable amount of water with an “equitable apportionment”²³ or “equitable accommodation of competing interests of states”²⁴ or “equitable utilization.”²⁵ This is a middle course that grants equality to all riparian countries and is most broadly accepted in international disputes. It respects use of water in a manner that does not harm others. In combination with other principles and legal norms like prior consultation, notification, cooperation and negotiation in good faith, this has been made the basis of contemporary international water law.²⁶
- d. **Community of Interest.** This principle accepts a riparian communalism of interest among states, treating the entire river basin as an economic unit. Being an extension of the Limited Territorial Sovereignty, it goes beyond it by vesting the water rights in a collective body. This principle is not accepted by majority of states because they believe that this principle forces them into reaching an agreement. However, it is the most ideal principle that overlooks sovereignty and nationalism, and the competing demands of the different riparian states.

Transboundary Water Covenants

There are approximately three hundred international agreements on watercourses management.²⁷ World has suffered thirty seven water conflicts since 1948 and during the same period two hundred and ninety five water agreements were reached among contestants. Despite all this, 66% Transboundary Rivers of the world still do not have any framework of cooperative management.²⁸ Most of the international agreements and conventions are under the auspices of United Nations. Another important source of water laws is the International Law Association (ILA) which has articulated many International Law Declarations. Pakistan and Afghanistan are signatory to most of the conventions and it is not plausible to cover those in this paper. Considering the most substantive principles of international water law, following are described being valuable in the perspective of Pakistan and Afghanistan:

- a. **Madrid Declaration 1911.** This prohibits unilateral alteration of a river basin without considering the rights of lower riparian and provides for a joint water commission to make decisions and/or provide suggestions. It also deals with the maintenance of existing and need for building new establishments in the territory of states.²⁹
- b. **Helsinki Rules on the Use of Waters of International Rivers 1966.** These are founded on the principle of “Equitable Utilization” and focus

on use instead of share. It provides that a basin state has a right to the 'beneficial uses' of those waters and supports the shared control over common river basins. The declining water resources now pose serious challenge to this law. The Climate and Human Rights issues have also spilled over to the world's waters, which are continuously addressed through its supplemental rules.

- c. **UN Convention on the Law of the Non-navigational Uses of International Watercourses 1997.** This is customary international law governing transboundary waters. It deals with utilization of water, obligation to establish a framework for exchange of water information and development of mechanisms for settlement of water disputes.
- d. **Berlin Conference Water Resources Law 2004.** These Rules incorporate the experiences and legal developments since the Helsinki Rules. They provide for transboundary drought management. An important element of these rules is that they allow the persons affected by shared waters have the 'human right' to become parties to deliberations on water sharing.³⁰

The first international water treaty was in 2500 BC between two Sumerian city states of Lagash and Umma over the Tigris River in order to end the dispute on water sharing.³¹ Since 805 AD to 1984, more than 3600 treaties have been negotiated, though the majority of the treaties were related to demarcation and navigation.³² However, since the last century, the main focus of water treaties has shifted to the use, development and conservation of water resources. Therefore, despite conflict on other issues, nations do have legal water agreements between them. Treaties of Israel-Jordan in 1995 for sharing of the Jordan River,³³ Ganges Water Sharing Treaty 1996 signed between India and Bangladesh, and Bhutan and India, and Indus Water treaty between India and Pakistan,³⁴ are examples of such water cooperation.

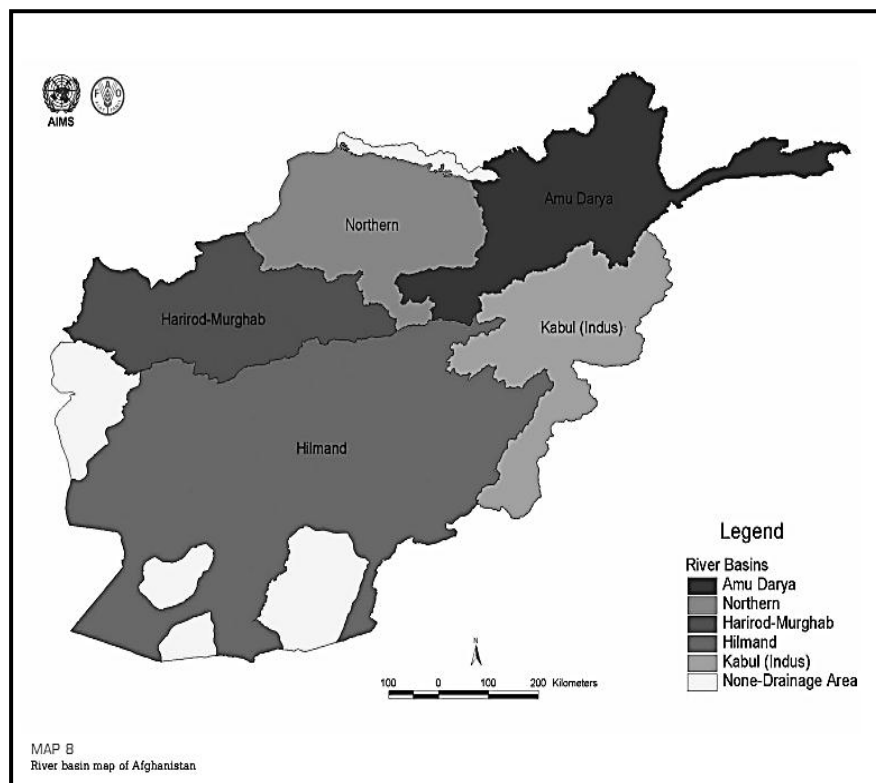
Water Governance between Pakistan and Afghanistan

Afghanistan Waters. Afghanistan possesses 61 Million Acre Foot (MAF) of potential water resources.³⁵ It has one of the lowest water storage volumes per person of any country in the world. In terms of the annual water availability, Afghanistan has 3.65 AF per capita, which puts it ahead of Pakistan (0.97 AF) and Iran (1.13 AF).³⁶ Afghanistan uses merely one-third of its water. Around 85% of water used is from streams and the rest from alluvial groundwater and springs.³⁷

Afghanistan's rivers are fed by rainfall and melting of ice from Hindukush. 1.8 out of 7.9 million hectares of agricultural land is provided water, and merely 27% of population has access to a safe water supply.³⁸ It has five major river basins, four of them being Transboundary Rivers: Kabul/Indus River, Amu

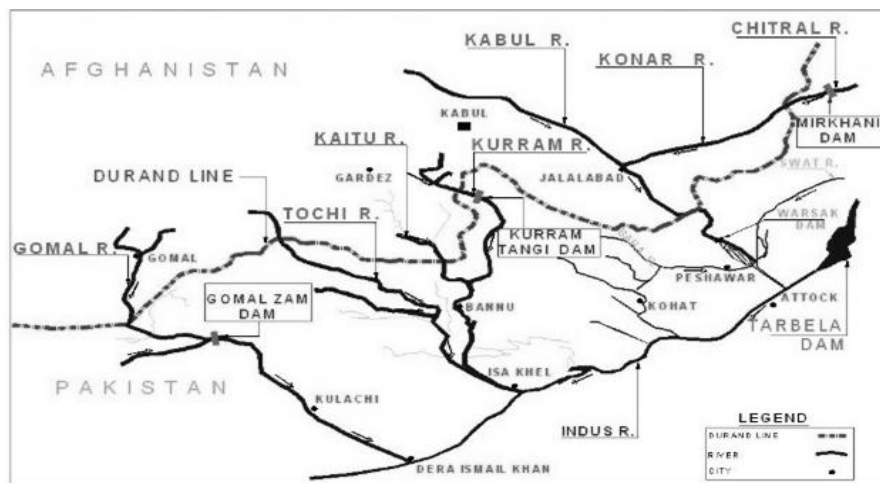
Darya, Helmand River, Harirod and Murghab Basins (Figure 1). They are shared with Pakistan, Iran, Tajikistan, Uzbekistan, and Turkmenistan. Only Helmand, which Afghanistan shares with Iran, has an agreement on water management.

Figure 1: River Basin Map of Afghanistan



Source: Watershed Atlas 2007

Afghanistan contributes a significant part of the water used in Pakistan. River Kabul provides 16-17% of Pakistan's water supply.³⁹ Apart from the main Kabul stream, its tributaries like Kurram flows from Paktia, Afghanistan to erstwhile Federally Administered Tribal Areas (FATA), Shimal from Khost Afghanistan to North Waziristan in Pakistan. Gomal from Ghazni in Afghanistan flows to South Waziristan Agency. Several other transboundary tributaries of the Kabul River form a delta in Balochistan province in Pakistan.⁴⁰ 37% of Afghanistan's population lives in Kabul River basin and is the most populated basin.⁴¹ Kabul River provides approximately 26% of the available water resources in Afghanistan.⁴² It is very vital to the livelihoods of the millions of people in Afghanistan and the same is for Pakistan. Khyber Pakhtunkhwa province is totally dependent on water of Kabul River and its tributaries.⁴³

Figure 2: River Flow from Afghanistan into Pakistan

Source: Lashkaripour and Hussaini 2008

The Kunar River is the largest tributary of Kabul River which originates from Chitral, Pakistan and enters Kabul River in Afghanistan. This makes the water rights of Pakistan unique because of its position being both upstream as well as down stream. Kabul basin supports over 300,000 hectares of intensively irrigated areas, including over 50,000 hectares within Pakistan.⁴⁴ Afghanistan is now planning to rehabilitate its irrigation using more of Kabul river waters. That along with climatic shifts, increasing demands and security concerns, makes water situation very complex. During the last decade, both countries have occasionally tried to reach an agreement over Kabul River, but did not succeed because of the mistrust.⁴⁵

Water Governance-Afghanistan. The Water Law of Afghanistan was adopted in 2009 to strengthen the economy and secure the rights of water users (Article 1 of the law). It embodies a modern approach to water resource management, with the concept of Integrated Water Resources Management. It envisages establishing River Basin Agencies (RBAs), River Basin Councils, Sub-Basin Councils, and Water User Associations (WUA). It identifies eleven different institutions/agencies with responsibilities of water management. However, the Law's only reflection on transboundary management is very vaguely expressed under Article 8 stating, "Management and planning for the transboundary waters between Afghanistan and its neighbours are the responsibility of the Ministry of Energy and Water with agreements from the Ministry of Foreign Affairs, Ministry of Interior and the Ministry of Border and Tribal Affairs."

The Law also creates institutional conflicts as it duplicates some activities between ministries. For instance, establishing WUAs by Ministry of Energy and

Water, and Irrigation Associations by Ministry of Agriculture, Irrigation, and Livestock is awkward. The Law has a chapter for Dispute Resolution where it authorises WUAs' Head Water Masters (*MirabBashi*), Water Masters (*Mirab*), Sub-Basin Council, and River Basin Council to resolve any water related dispute. Such dispute resolution mechanism is however, only for the domestic purposes.

Afghanistan's Water Law divides responsibilities between various institutions for planning, management and development of water resources. Following are agencies involved in the water sector:

- a. **Supreme Council on Land and Water.** It was initially created in 2005 as Supreme Council of Water Affairs and Management, renamed to Supreme Council on Water in 2010, and eventually to the current name in 2015. Its members are directly appointed by the President and are responsible for the overall coordination for water resources management. However, there is little tangible evidence to show that it is fulfilling its coordination role.⁴⁶
- b. **Ministry of Energy and Water.** This is the main institution responsible for planning, management and development of water resources (Article 8). It is also dealing with technical aspects of transboundary water management.
- c. **Ministry of Agriculture, Irrigation and Livestock.** It is responsible for development of irrigation networks, overseeing equitable distribution of water within the irrigation networks, construction of diversion dams, catchment management, establishment of Irrigation Associations and promoting appropriate irrigation technologies (Article 11).
- d. **Ministry of Urban Development Affairs.** It deals with policymaking and legislation for urban water supply and sanitation.
- e. **Afghanistan Urban Water Supply and Sewerage Corporation.** It is responsible for the development, management and operation of urban water supplies and sewerage systems.
- f. **Ministry of Rural Rehabilitation and Development.** It works on rural water supplies, sanitation and small-scale irrigation and rural micro-hydropower projects.
- g. **Miscellaneous Institutions.** Other institutions like Ministry of Mines, deals with protection of surface and groundwater from pollution; National Environmental Protection Agency is in charge of regulating environmental activities, including water quality. Institutions that are to be involved in transboundary water issues are Ministry of Foreign Affairs, Ministry of Border and Tribal Affairs and Ministry of Interior.

Afghanistan concluded transboundary agreements with Great Britain (Kabul River Basin) in 1921, with Iran (Helmand River Basin) in 1973, with Russia

(Amudarya River Basin) in 1873, 1946 and 1958. A Memorandum of Understanding (MoU) was signed in 2014 with Tajikistan on Exchange of Hydrological Data related to the Panj-Amudarya River Basin. It discusses the scope of notifications on hazardous and extreme hydro-meteorological events, communication channels of data provision, and dispute resolution mechanisms. Another MoU was signed with Iran in 2016 on transboundary waters for comprehensive implementation of the 1973 Helmand Water Treaty. There are efforts to include Afghanistan in the institutions managing the Amu River and International Fund for saving the Aral Sea. For future, Afghan government has announced to construct twenty nine large, medium and small dams.⁴⁷ This raises concerns for Pakistan and its insecurity over transboundary waters. She also plans to build a 1500 Megawatt hydroelectric dam on Kunar River but apparently it has been shelved due to regional political situation.

Pakistan Waters. Water for Pakistan's agrarian society is a lifeline. Even the availability of drinking water dropped between 1995 and 1999.⁴⁸ By 2025, Pakistan is likely to become a water-scarce country and "No person in Pakistan, whether from the north with its more than 5,000 glaciers, or from the south with its 'hyper deserts,' will be immune to this scarcity."⁴⁹ The contemporary per capita accessible freshwater in Pakistan is about 0.97 AF per year. On the other hand, Pakistan gets 145 MAF of water yearly but saves only 13.7 MAF. It needs 40 MAF of water. Pakistan's irrigation system has three reservoirs, nineteen barrages, twelve inter-river canals, forty five independent canals, and over 122,268 watercourses.⁵⁰ Indus River Basin comprises an area of above ninety-one (91) million hectares and includes Indus River and its twenty seven tributaries, tributaries of Jhelum, Chenab, Ravi, Sutlej and Beas.⁵¹ Almost the entire agricultural belt of Pakistan is located in this Basin. About 31 million hectares of this Basin lie within Pakistan, and consume 65% of its water source.⁵² The drying up of the Indus Delta has led to losses in the coastal ecosystem and sea intrusion is up to 150 miles.⁵³ Under such circumstances, the short renewal period of surface water resources (lakes and rivers) gain more attention. It is not just population growth or poor governance; the limited holding capacity and more rapid runoff, lead to floods and lower reserves of water. Along with this, the exponential rate of urbanization and industrialization bring out water scarcity and its governance questions.

Water Governance-Pakistan. The existing legal framework does not provide a consolidated approach on water to integrate both the water development and management. According to a study by the International Water Management Institute, "Pakistan's legal framework is an interesting product of commonly accepted traditions, themselves largely based on principles derived from customary practices."⁵⁴ Federal laws include Territorial Water and Maritime Zones Act 1976, Indus River System Authority Ordinance 1992, Electricity Act 1910 and Electricity Control Ordinance 1965. In Provinces, there is Punjab Canal

and Drainage Act 1873, Sindh Irrigation Act 1879 and NWFP (Khyber Pakhtunkhwa) Canal and Drainage Act 1873.

The most significant piece of water legislation after the Indus Water Treaty was the Water Apportionment Accord on the sharing of waters of the Indus Basin between the provinces in 1991. It is based upon historical use of water by the provinces i.e. Punjab 47%, Sindh 42%, Khyber Pakhtunkhwa 8% and Baluchistan 3%.⁵⁵ National Drinking Water policy was made in 2009 by Water and Power Development Authority (WAPDA) advocating an “integrated water resources management regime”. Meanwhile, there is no mechanism for sharing of transboundary aquifers and joint watershed management, including sharing real time flow information. Other policies in Pakistan that have implications for water management include Pakistan Environmental Protection Act, National Environment Policy, Drinking Water and Sanitation Policies, National Climate Change Policy and National Energy Conservation Policy. Some documents that are not policies or acts, but form part of water sector are Medium Term Development Framework, Ten Years Perspective Plan, Pakistan Water Vision / Framework for Action 2025, WAPDA Vision 2025, Pakistan Country Water Resources Assistance Strategy (World Bank), Pakistan Water Resources Strategy Study (Asian Development Bank), Technical Committee on Water Resources and WAPDA Report 2010.⁵⁶ The government with the assistance of international donors (World Bank, Asian Development Bank and UNDP) has initiated a number of water projects to boost food security, pricing water for irrigation, increasing agricultural productivity, maintenance of drainage systems and development of Farmer Organizations etc.

Water institutions and management in Pakistan is divided into Federal and Provincial tiers with involvement of several major institutions in the light of Water Accord of 1991. Water remains a provincial subject, while Federal Government performs regulatory and equity functions between the provinces. At Federal level, the popular oversight is by the Parliamentary Committee on Water Resources. Federal Ministry of Water and Power is the top federal structure of water governance and it controls Water and Power Development Authority. Governance is through WAPDA Act 1958 and Indus River System Authority (IRSA) Act 1992. WAPDA plans large water storage facilities based on data provided by IRSA. Other relevant institutions are Federal Flood Commission, and Pakistan Meteorological Department. The Provincial Irrigation Departments manage water flows within the province. Other relevant provincial departments are Irrigation Departments, Irrigation and Drainage Authorities, Agriculture Departments and Environmental Agencies.⁵⁷

Water Governance Impasse. Immediately after partition in 1947, India was able to rebuild its eastern Punjab and settle more than 4 million refugees by developing an agrarian economy by utilizing waters of Eastern Rivers of the

Punjab. It created problems downstream for Pakistan being dependent on these waters. The issue was resolved through mediation of World Bank who was donor of multiple projects in Pakistan and India. It was a meticulously drawn technical document which focused on the Indus River system, while skirting the Kashmir dispute.⁵⁸ Indus Waters Treaty is the most cited example of international cooperation on water and represents a classic case of conflicting claims between an upstream and downstream riparian.⁵⁹ The significance of the Indus Waters Treaty lies in the fact that water issues were separated from other contentious issues between Pakistan and India, which allowed for negotiations even during periods of political turmoil.⁶⁰ Afghanistan and Pakistan share nine rivers. There are lessons in this treaty to manage Kabul River waters between Afghanistan and Pakistan.

Afghanistan's agriculture sector uses approximately 16 MAF and has a surplus of about 45 MAF. The flow of River Kabul before it joins the waters of Chitral, Swat and Kunar Rivers is 14.6 MAF. At Warsak entering Pakistan, the flow increases to 17 MAF. Swat and Kunar Rivers contribute 2.4 MAF. Pakistan irrigates 17.2 million hectares of its land utilizing the Indus river basin. It manages and regulates water through storages and weirs that manage an annual mean flow of about 143.1 MAF.⁶¹ It was after the construction of irrigation infrastructure under the Indus Basin Treaty that enabled Pakistan to increase its irrigated acreage. On the other hand, there is a limited potential for irrigation development in the Kabul basin, thus Afghanistan's needs are more for hydropower projects. World Bank study in 2013 shows that combined effect of the planned dams, namely Shatoot, Gulbahar, Baghdara, Gambiri, Kama and Kunar in the Kabul Basin would be a reduction in the overall water flow towards Pakistan by only 3%.⁶² The study reveals that these projects will only change the flow pattern with an increase during January to March, and proportional decrease during April to June.⁶³ The study however needs to be carefully scrutinized for any discrepancies.

An analysis of annual and seasonal (Rabi and Kharif) flows of Kabul River was also made by International Union for Conservation of Nature (IUCN) in 2010 in order to assess variability with time. The probability analysis of annual river flows was also performed to evaluate historical trends of Kabul River flows. A Sharp decline in annual flows of Kabul River was observed from 28 to 19 MAF, which might have been due to climatic change. Lowest and highest annual flows were 11.2 MAF and 34.8 MAF, a ratio of 1:3.⁶⁴ This high ratio raises some very critical questions for scientific studies. It must be vigilantly discerned that whether these variations were due to climatic change, droughts or diversion of more waters for multiple uses in Afghanistan. Another important dynamic is the difference among the Pakistan and Afghanistan water laws and policies i.e. governance. For example Khyber Pakhtunkhwa Rivers are not managed by IRSA but by the Ministry of States, Frontiers and Regions. Unlike IRSA, FATA

irrigation department never provides data regularly to the federal government.⁶⁵ Similarly Pakistan has specific laws on water (marine, hydel etc.), whereas Afghanistan lacks the same.

Considering the need for transboundary water management, in 2003 a nine-member technical committee was formed by Pakistan for a Water Treaty with Afghanistan. It did not succeed because Afghanistan was reluctant to share river flow data. In 2005, a WAPDA delegation visited Khost for restoration of a hydroelectric plant on the Shamil/Kaitu River. In 2006, an effort was initiated to draft a bilateral treaty with the support of World Bank. This too ended in failure.⁶⁶ The most optimistic joint declaration between the two countries was the Islamabad Declaration, in May 2009.⁶⁷ It emphasized regional cooperation in the fields of transport, trade, energy, agriculture, capacity building, and border management. No step to institutionalize the framework of cooperation on the Kabul River basin was however taken.

In 2013, finance ministers of both states met to discuss a joint-power project on Kabul River. It was followed in 2014, by the Afghanistan-Pakistan Joint Chamber of Commerce's pledge to explore a power-sharing agreement. The World Bank arranged meeting between the Pak-Afghan water and foreign affairs ministries for discussion over construction of the two dams on the Kabul River, the Shaal Dam and the Saagay Dam; and for laying out procedures for exchanging data.⁶⁸ Both sides neither shared any data, nor any other strategies for joint dam studies.

In October 2015, the Afghanistan's President approved the Extended Policy on Transboundary Waters to negotiate transboundary riparian agreements. Pakistan has also informed the World Bank that they are willing to pursue discussions. A four-year study has mapped 3000 glacial lakes, out of which 36 have been affirmed as hazardous.⁶⁹ It has set the precedent for further collaboration on transboundary water management.

The preceding discussion highlights shared stakes between the two countries, the ensuing impasse but the potential for cooperation. However, rocky politics of the region remains the hindrance for any progress on water governance. The Indo-Pak dispute over Indus Water treaty, in particular, the construction of dams by India in Kashmir, has had spillover effects on the water politics between Pakistan and Afghanistan.⁷⁰

The Way Forward

While water disputes are historical, so are the mutual agreements. In the past few decades there have been thirty seven cases of violence and at the same time 150 treaties amongst riparian.⁷¹ Afghanistan and Pakistan urgently need to carve out an adequate mechanism for transboundary water sharing since

'hydropower politics in the South Asia urges for an institutionalized cooperation'.⁷² Following models for water governance provide guidance for such cooperation:

- a. The Transboundary Water Interaction Nexus (TWINS) matrix accepts that conflict and cooperation coexist. By examining the power relations between riparian states, this model examines how low conflict exists with high cooperation or high conflict exists alongside low cooperation.⁷³
- b. Dublin Conference on Water and the Environment (1992) provides a framework of four principles which require the consideration of different temporal and spatial aspects of freshwater resource, recognition of interests of water users and involvement of stakeholders.⁷⁴
- c. 'Game' theoretical models can also be of help. Here both parties need to discern the conditions of cooperation and conflict and settle for the highest mutual gains through cooperation by avoid losses.⁷⁵
- d. Classical Temple frame work has three pillars. The central "operational pillar" is technical cooperation. The other two are: "political pillar" for an enabling environment; and "institutional pillar" for law making/enforcement and institutional development. If one pillar weakens or cracks, for instance when there is lack of political will or inadequate legal and institutional arrangements, the sharing of water may not be successful.
- e. Water Diplomacy Framework (WDF) challenges traditional, techno-centric solutions. It focuses on networks and value creation rather than zero-sum thinking. It assumes water is a flexible and not a fixed resource. Negotiations function "as the fulcrum of diagnosis and intervention."⁷⁶

Hydro-Diplomacy. Going through above models, negotiation or diplomacy can be discerned as a common thread. It requires the sustained engagement of stakeholders through direct and indirect channels by professional diplomats, because their utmost focus remains on maintaining peace and security. The asymmetric distribution of power between Pakistan and Afghanistan underscores the need for diplomatic instruments. Being riparians they remain reticent to multilateral engagement.⁷⁷ While the impacts of Afghanistan dam's policy remains debatable, a shift from techno-centric water governance towards hydro-diplomacy must meanwhile build the trust. Hydro-diplomacy should connect existing institutions and networks to facilitate political processes. They should focus on achieving a basic political settlement, if a comprehensive one is not possible. Afghanistan and Pakistan must harness the synergies between 'hard' and 'soft' politics, and discriminate between foreign, development, and environmental agendas. Perfect satisfaction of both may not happen due to

different socio-political priorities. Challenges are not only territorial, but also legal and judicial. Afghanistan has a weak institutional mechanism and it can further compound complexity of governance due to misdistribution, exploitation and wastage of water.

Donors have been facilitating international treaties and have initiated River-Basin Organisations (RBO) to encourage regional cooperation, and minimise conflict over shared freshwaters. Conflicts rooting from non-cooperation incur social and economic costs on states. Water related socio-economic development and investments on water policies can deepen regional peace and integration. Investments in water management institutions can nip such conflict in the bud. RBOs like Indus Waters Treaty, the Mekong River Commission and the Nile Basin Initiative have been facilitated by the financial support of international donors.⁷⁸ Hydro-diplomacy associated with water governance will thus achieve numerous objectives, like, conflict suppression and resolution, managing shared development and strengthening regional integration by creating mechanisms for water cooperation.

In the prevailing environment of distrust, Pakistan and Afghanistan can either carry on “business as usual” with water inefficiently managed with potential of rifts; or manage and use their water in collaboration with each other. Managing transboundary water will prevent water crisis, strengthen national security, enrich environment, and develop both societies. Techno-centric water governance is not enough; it needs support of “hydro-diplomacy” to succeed.

Conclusion

Transboundary water governance is a complex process with several paths, plethora of international laws and principles. To adopt any path, environmental, social, economic and hydro political circumstances must be reflected upon for mutual security and resource integration. Legal and technical approaches have their value for transboundary water governance, but the same have not succeeded in the Pakistan and Afghanistan milieu. The 1997 UN Convention and the Berlin Rules 2004 provide a legal framework for cooperation, but political will and trust remain the prerequisites. Water history between the two countries reflects that while they have managed their shared river systems without any treaty or agreement, economic sufferings cannot sustain this strategy. Peace in Afghanistan is essential. To make peace sustainable, “hydro-diplomacy” should actively be pursued by both riparians. Water Diplomacy Framework provides an important path in the prevailing context. It would help create favourable conditions for joint water management institutions. Anticipation and a preventive hydro-diplomacy that builds trust to lay ground

for water cooperation is the panacea for lasting peace and security of our ecosystem.

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INTRA-MOVEMENT DYNAMICS OF ETHNIC MILITANCY IN BALOCHISTAN: A POLICY PERSPECTIVE

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Abstract

People employ both violent and non-violent means to achieve political ends. Some suggest that grievances – actual or perceived, motivate people to adopt violence, while others argue that greed and opportunity structures stimulate violence - motivation is indeterminate. A plethora of the existing work explains motivations, operational methods, targets etc. of political violence and insurgencies; however, academic inquiry into intra-movement dynamics and its effects on achievement of their strategic objectives is scant. This paper employs Movement Structure Theory to unravel intra-movement behavior of militant groups by disaggregating ethnic militancy in Balochistan, to answer some of the basic questions of what constitutes success / failure for non-state violence and which factors effect variation in polarity of Baloch movement. Better understanding of intra-movement dynamics would facilitate policymakers in estimating probability of successes/failures of ethnic movements and developing focused strategies to efficiently mitigate ethnic violence. Paper concludes that presence of multiple groups in a movement undermines its ability to achieve strategic objectives.

Key Words: Intra-movement, Violence – motivation, Policymakers, Militancy, Environment

Introduction

Human struggle for power and resources has been the *raison d'être* of politics. A conducive political environment creates equitable opportunities; contrarily, the gap between people's expectations and actual conditions creates discontent and incentivizes social mobilization.¹ If a state is unable to mediate grievances through political means, these social movements tend to adopt violence.²

Social movements, besides adopting violence against the state, generate one or more counter-movements. That is, if a group organizes to cause social change, it is likely that another group or groups within the movement will oppose the change. Several factors tend to split the movements in a number of separate organizations. These organizations may cooperate, but often compete

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rather vigorously with each other. A successful social movement withstands external pressures and overcomes internal cleavages.³

Most of the earlier academic inquiries on ethnic movements in Pakistan have animated causes and motivations of ethnic violence, but did not fully examine the intra-movement behavior of militant groups - which directly relates to achievement of their political objectives. A lack of focus to account for internal structures and intra-movement dynamics of militant groups obfuscates essential causal-loops of multipolar ethnic movements. However, a better understanding of the internal power structures of social movements will facilitate the prediction of the future trajectory of such movements and assist policymakers to mitigate violence much more efficiently and quickly.

A critical inquiry of Pakistan's ethnic movements shows that some ethnic groups were able to achieve their intended political objectives, while others could not. Bengalis were able to achieve independence after a protracted violent movement; Sindhi's struggle subsided overtime; a multi-group Baloch movement continues to struggle with a mixed history of successes and failures; whereas a monolithic Mutahida Qaumi Movement (MQM) became politically effective, while simultaneously employing violence along with political struggle.

The Baloch ethnic movement is an appropriate example to illustrate variations in achievement of their strategic objectives during violent campaigns. This paper disaggregates Baloch ethnic militancy by utilizing Movement Structure Theory to assess the role of violence on achievement/non-achievement of their strategic objectives. Intra-movement fragmentation is one of the central arguments of this paper, as it seeks to deconstruct the Baloch ethnic movement by treating it as a heterogeneous entity.

Theoretical Debate

Current debate on collective violence is particularly hazy from both academic and policy perspectives.⁴ A number of studies explain causes and motivations of terrorism, insurgencies, rebellions and civil wars, external support, counter-terrorism and counter-insurgent strategies etc.⁵ The consensus view suggests that non-states actors employ violence to coerce/compel a state to behave differently otherwise it would not; however, difference emerges on the role of non-state violence as a mean to coerce states.⁶

Scholars have contrasting views on what explains 'effectiveness' of non-state violence. They believe that the effectiveness of the violence should be gauged in terms of achievement of strategic objectives like overthrowing a regime, ending state repression, gaining autonomy or even independence etc.

while others view accomplishment of tactical violent campaigns as an achievement for non-state groups.⁷

A majority of work on non-state violence aggregates armed groups as a unitary coercer when evaluating political effectiveness of the social movements.⁸ The knowledge gap due to treatment of non-state militants from a unitary perspective does not allow us to differentiate between their strategic and organizational objectives. Social movements are generally not monolithic; they comprise a number of armed groups who compete for divergent interests and private objectives.

Contemporary scholarship on non-state violence has expansively analyzed the internal dynamics of social movements and their armed groups. Scholars argue that organizational objectives have an intermediary or tactical value.⁹ Others suggest that failure to achieve organizational objectives (i.e. inability to maintain and sustain these groups) is responsible for the demise of movements, rather than their inability to achieve strategic objectives.¹⁰

Intra-Movement Dynamics

Movement Structure Theory, proffered by Peter Krause, a Professor of Political Science at Boston College and a Research Affiliate with the MIT Security Studies Program suggests that militant groups in movements pursue two types of objectives. First, they engage in ‘war of movement’ to achieve strategic objectives which are common among all militant groups such as cessation from state, greater autonomy, withdrawal of state’s military from their area etc. Second, the militant groups also engage in “war of position” with rival militant groups within the movement for organizational dominance, to ensure survival and enhance their power.¹¹

Krause suggests a two-by-two factorial design to determine effectiveness of non-state violence, which considers ‘Strategic Objectives’ on one axis and ‘Organizational Objectives’ on the other. The four outcomes to assess political effectiveness of non-state violence are illustrated below:¹²

The two-level framework elucidates interactions at strategic and organizational level and the subsequent impact on the political effectiveness of the non-state violence. The illustration depicts that *Strategic Success* means broad success of the social movement whereas *Organizational Success* means violence has only strengthened a particular armed group. Understandably, “*Political Effectiveness*” is the sum total of strategic and organizational success. In the above perspective, Kra use defines *Total Failure*, as an armed group failing to alter the behavior of the state and simultaneously a weakening of the armed group beyond recovery after an armed campaign. The *Selfish Success* is denoted as a strengthening of the armed group after a campaign but failing to gain

concessions from the state. Selfless Success means that the group has been able to alter the state's behavior but that, the group itself was significantly weakened during the campaign. The *Total Success* means that the armed group has not only been able to gain significant a concession from the state, but has also been able to strengthen itself.¹³

		Strategic Objectives	
		Failure	Success
Organizational Objectives	Failure	Total Failure	Selfless Success
	Success	Selfish Success	Total Success

Two-Level Outcome of Non-State Violence

In a movement that comprises a single dominant group, the political and organizational objectives are complementary i.e. employment of violence for achievement of political objectives also complements organizational strength. Furthermore, absence of internal competition allows that movement to focus its efforts towards political objectives instead of dealing with infighting, outbidding or spoiling efforts by other groups in the movement. Therefore, movements comprising a dominant group are likely to ensure efficient use of their resources.

The unity within a movement helps develop a coherent strategy which increases the probability of achieving political objectives. A unified approach makes the signaling of threat and assurance more credible which, further enhances the effectiveness of the movement. Finally, the presence of a strong and charismatic leader helps in unifying the movement and providing strategic guidance to implement coherent strategy. A unified leader brings credibility to the movement's threats and assurances against the states or their opponents, assuring effectiveness of the movement.

Contrarily, two or more competitive groups in a movement are likely to employ violence for achievement of their organizational objectives. Employment of violence for organizational objectives is detrimental to political objectives, making a movement far less likely to be politically effective. The presence of multiple groups creates competition for dominance in a movement; weaker groups are likely to employ violence more frequently for their survival, increase their relative strength or to outbid stronger groups to gain legitimacy with their base.

Multiple groups in a social movement make inefficient use of scarce resources making political success less likely. Multiple groups are most likely to concurrently pursue mixed strategies, communicate perplexing threats and assurances to the state or other opponents, which undermines the credibility of the movement. The next section examines the genesis of Baloch ethnic militancy, and factors permeating polarity in Baloch militant groups.

Baloch Conflict: Background

Balochistan, the largest province comprises 44% of the total area of Pakistan; administratively the province is divided into six divisions and thirty two districts.¹⁴ Balochistan shares a border with Afghanistan in the North West, with Iran in the West and the Arabian Sea in the South. Situated at the crossroads of the Middle East and South Asia, Balochistan also provides access to energy rich Central Asia.¹⁵ Balochistan is the least populated province comprising 12,344,408 people, which is 5.94% of the total population of Pakistan.¹⁶ Balochistan's major ethnic groups include 54.7% Balochis, who populate East and South East Balochistan, while 29.64% Pashtuns inhabit the West and Northern part of Balochistan bordering Afghanistan.¹⁷

Since the creation of Pakistan, Balochistan has faced four waves of militancy, whereby some tribal leaders (Sardars) blamed government for repressive centralized rule, exploitation of their natural resources, and lack of development in Balochistan. They claim that development projects like Gwadar Port would incentivize a large influx of people from other provinces, thus turning Balochis into an insignificant minority.¹⁸ Government's view differs and blames a small number of Sardars for the exploitation of Baloch grievances to ensure the survival of their fiefdoms.¹⁹ The current wave of militancy that was triggered in 2004, continue to permeate insecurity among Baluchistan's inhabitants.

The intra-movement relationship of Baloch militant groups is anarchical. Baloch militants lack centrality; their political affiliations, private interests, ethnic lineage and tribal fragmentation keep them from acting together to achieve common political objectives of their respective social movements. During the process of alliance formation, their organizational interests

precluded them from achieving a level of success which can be achieved by a single armed group in a social movement. Baloch militant history is replete with examples of organizational successes and strategic failures. This section examines major militant uprisings in Balochistan, since Pakistan's independence by employing Krause's two-level model of analysis, to distinctly analyze the strategic and organizational objectives of Baloch ethnic militant groups.

Two-Level Analyses of Baloch Militancy

Militant Uprising – 1948. At the time of partition, Khan of Kalat signed an instrument of accession with Pakistan on 27 March 1948.²⁰ The inclusion of Kalat in Pakistan triggered a tribal revolt and on 15 April 1948 Prince Abdul Kareem, younger brother of the Khan launched attacks against the state.²¹ Khan distanced himself from the rebellion and issued a Farman (Royal Order) on 24 May 1948 to disown the rebellion. Prince Abdul Kareem could neither muster external support for the rebellion, nor from fellow tribal leaders. The neighboring states turned down his request owing to their respective strategic priorities, while Baloch tribal leaders were internally divided on choosing the political path or armed struggle. After failing to get any support, Prince Abdul Kareem was arrested and imprisoned for ten years. The first militant uprising can be considered a '*total failure*' i.e. the rebels failed to achieve their strategic objective of reverting Kalat accession, and also failed in their organizational objectives, as the small militia disintegrated into oblivion during revolt.²²

Militant Uprising – 1958. Balochis revolted against the creation of 'One Unit', considering it as measure to control the destiny of the Baloch nation. In 1958, Mir Nauruz Khan, led a rebellion of 1000 men against federal security forces. He was soon arrested along with his son and sentenced to death. Though, violence subsided after this event, however, Nauruz Khan's status was raised to a legend of bravery to mythical proportions.²³ This narrative of bravery strengthened Balochis belief in the use of violence, as means of achieving their strategic objectives.

Subsequently, in 1962 a Baloch Marxist, Sher Mohammad Marri led a guerrilla movement, which was organized on the pattern of Mao's guerrilla warfare methods. This movement was more intense and destructive than previous conflicts, which continued until abolition of the "One Unit" system in 1969. This armed struggle failed to achieve the politico-strategic objectives of the reinstatement of their tribal leaders in the government hierarchy; however, Baloch militant groups became more organized and strengthened during this period, and were able to employ effective violence during the subsequent uprising in 1973. This uprising was a '*selfish success*,' while militants could not

make significant gains at a strategic level, the groups and the insurgent infrastructure was significantly strengthened during the process.

Militant Uprising 1973-1977. The 1970 elections were contested in Balochistan on tribal lines rather than Baloch nationalistic issues, since most of the Baloch leaders were entangled in tribal rivalries. Clashes between Mengals and Marris, Mengals and Jamotes were key illustrations of Baloch internal fragmentation. During this period, Mengals with the support of Bazenjos and nine other tribes attacked and killed score of Jamotes. Persistent animosity among Mengals and Zarakzais and the Zehris who were considered to be aligned with federal government led to the establishment of parallel government structures in their respective tribal jurisdictions.

After the 1970 elections, Ghaus Buksh Bazenjo was appointed as governor while Atta Ullah Mengal took over as Chief Minister of the province. Once Bugti's desire to become the governor of Balochistan could not be fulfilled, Bugti with the support of other tribal leaders including Ahmad Yar Khan, Jam Ghulam Qadir and Doda Khan informed Bhutto of the presence of an armed cache in the Iraqi embassy destined for Baloch insurgents. Acting on this information, Bhutto dismissed the Balochistan government on treason charges and arrested Baloch leaders.²⁴ Bugti's actions damaged the gains of the Baloch political movement. Six weeks after the arrest of Sardars, Baloch militants initiated attacks on military targets. At the peak of the insurgency more than 70,000 troops, tanks and aircraft fought against 55,000 Baloch rebels with an estimated 8000 casualties on both sides.²⁵ This was the bloodiest uprising in Baloch history, which accounted for around 350 violent engagements between military and Baloch militants.²⁶

Despite the participation of thousands of Baloch militants, the insurgency imploded due to internal Baloch rivalries. The means and ends of Baloch militant groups could not be aligned throughout the insurgency due to their respective organizational preferences. Baloch militant remained divided on the political objectives of their movement where their demands ranged from greater political autonomy to Balochistan independence. During this insurgency, infighting among Baloch tribes, lack of political acumen and miscalculated decisions led to the failure of the Baloch movement. This insurgency can also be characterized as a '*selfish success*' for Baloch non-state militant groups, where they gained tactical achievements in violent campaigns, however, the movement could not achieve political objectives.

Militant Uprising - (2004 onwards). President Musharraf after taking over government in 1998, decided to initiate major development projects in Balochistan. Baloch nationalist leaders rejected these projects, declaring them as being against the interests of the Baloch population.²⁷ Government refusal to negotiate on development projects with nationalist leaders resulted in sporadic

terrorist attacks beginning in 2000. Violence incrementally escalated during 2003 and 2004. A full scale military operation was launched on 17 December 2005 in the Marri and Kohlu districts after rocket attacks on President Musharaf.²⁸ During the operation the killing of a prominent tribal leader Akbar Bugti in Aug 2006 severely aggravated the situation. Violence that had started in 2000 with occasional attacks on gas pipelines, government buildings and security forces with an average of 1.5 attacks per month in 2003, reached 33 attacks per month by 2008. Balochistan saw the first decrease in violence in 2009 with an average of 22 attacks per month.²⁹ The violence was sustained in 2010 and 2011 during which Baloch militants carried out 27 attacks per month on average.³⁰ In 2013, Balochistan became the worst affected region of the country, where a total of 960 people were killed including 718 civilians, 137 security forces personnel and 105 militants.³¹

Owing to a government reconciliation policy towards amenable Baloch leaders and intelligence based action by law enforcement agencies against irreconcilable elements, militancy related fatalities significantly reduced from 2013 to 2018. On average 600 people including civilians, security forces and militants lost their lives from 2014 to 2018, while, 690 people died in 2018. The Baloch militants killed thousands of people between 2009 and 2018.³²

The Baloch insurgency that peaked in 2006 after the death of Nawab Akbar Bugti lost momentum due to wide-ranging divisions such as in-fighting among tribal leaders and prevalent despondence due to futile loss of life and resources. Currently, there is little appeal for a militant approach, since the number of militant groups that mushroomed during a decade long insurgency critically failed to coordinate joint efforts and further their demands from a common platform. Furthermore, some of the Baloch nationalists, who consider that the Balochis need more political autonomy and control over their natural resources, disapprove of a violent path and consider that militancy is detrimental to the Baloch cause and only serves the narrow interests of tribal leaders.

Despite colossal loss of life and damage to state infrastructure in Balochistan, the achievement of strategic objectives remained elusive. A number of Baloch militant groups became disenchanted with violence, and unconditionally surrendered to the state. The recent uprising can be considered a “total failure,” since Baloch nationalist leaders could not achieve their declared objective of Baluchistan’s cessation, while most of the Baloch militant groups were weakened and counter-state infrastructure was decimated during campaigns.

Factors Permeating Polarity in Baloch Militancy

In light of Movement Structure Theory, ensuing paragraphs identify some of the factors responsible for polarity and fragmentation of militant groups within the Baloch Ethnic Movement:

Lack of Centrality. The Baloch movement has not gained momentum due to intertribal rivalries, geographical dispersion and inconsistent strategic and organizational objectives. A Baloch tribe is a vertically aligned kinship-based group that constitutes a social network for political mobilization. Tribal interests are limited to kinship and lineage.³³ The Baloch tribes are largely independent of each other and have distinctive hierarchical structure.³⁴ Therefore intertribal rivalries are rife in Baloch culture. Baloch tribes are fragmented in smaller groups for reasons like prestige, resources, power, property and honor. Some key examples of inter-tribal conflicts are Bugtis & Mazaris, Bugti & Kalpars, Bugti & Ahmedans, Bugtis & Raisanis, Gazinis & Bejranis, Marris & Loonis, Hameedzais & Ghaibezais and Rind & Raisani. The leading insurgent tribes among Baloch militant groups e.g. Bugti and Marri have fought for twenty five years.³⁵

Baloch militant groups, who claim to fight for strategic objectives also employ violence against rival militant groups to control smuggling routes for enhancing their organizational strength. For instance, Baloch Liberation Front (BLF) influences smuggling routes in Makran Coast, and is speculated to receive financial resources from drug smuggling. Baloch Liberation Army (BLA) nexus with the drug and arms smugglers is also considered to be its source of revenue. Since major heroin smuggling routes pass through Baloch Republican Army (BRA) area of operation, drug money could be major sources of revenue for BRA.

The demands of the Baloch movement vary from tribe to tribe. The demands range from "Greater Balochistan" (including Iranian and Afghan areas) to independent Balochistan (within Pakistan's territorial limits) and greater autonomy. The militant organizations like Baloch Republican Army (BRA), Baloch Liberation Army (BLA) and Baloch Liberation United Front (BLUF) and their parent political parties remained divided on ends and means of the struggle.³⁶ Most of Baloch Sardars are part of mainstream political process, only the nationalist Sardars demand political and economic autonomy within federation of Pakistan.

Organizational Preferences. Lineage based Baluch hierarchical tribal structures greatly influence inter-tribal cohesion and their relationship with outsiders. The hereditary rule for succession of tribal leadership undermines merit within a tribe. Regardless of intellect, competence, or popularity, a Sardar cannot be chosen from common tribal people. Like monarchs and

authoritarians, a tribal leader utilizes all available means to retain and expand their authority. These centuries old tribal codes are so deeply entrenched that any dissent against Sardar is incomprehensible for common tribal people. These Sardars consider literacy, popularity or any semblance of prosperity of their tribal people as a threat to their authority.

Regardless of the merit, a common tribal member has to accept a lower role than family members of the tribal leader for their survival. Since, most of the notable Baloch political parties are centered on tribal structures and led by Sardars; intra-tribal acceptability of Sardar beyond his immediate tribe is a distinct possibility. Any attempt by a tribal leader to address intra-tribal interests is at the cost of weakening his authority in his own tribe. In such a scenario, it is very difficult for tribal political leaders to rise above tribal politics and spearhead the national question of all Balochis. Their first and foremost preference for them remain their own organization i.e. tribe, while the greater Baloch cause remains unaddressed. Resultantly, preference of organizational objectives over strategic/political objectives becomes a natural choice for Baloch leaders.

Political Fragmentation. In Balochistan, unlike other provinces of Pakistan, political factions have formed around tribal structures. Due to the fact that tribes are based on kinship, it is easier to politically mobilize people on a tribal basis. As an outcome, Sardar or their nominees do not face any competition and are generally elected unopposed. Tribal leaders won the first non-party elections in 1962. In the first party-based election in 1970, Sardars and their kin won 10 out of 14 provincial seats.³⁷ Similarly in all subsequent elections Sardars populated the provincial assembly. Resultantly, the supremacy of Sardars could not be challenged by educated and enlightened Baloch politicians.

In egalitarian political systems, people are connected with each other and with the leader through multiple links, hence dividends are distributed more equally among the members. However, hierarchical Baloch tribes are linked in a vertical patron-client relationship between Sardar and tribesmen where Sardar provides favor and protection in exchange for allegiance. The relationship inhibits the emergence of horizontal constituencies across the tribes or at provincial level. Maximizing the benefits of a tribe at the expense of the other tribe causes political fragmentation.

This political fragmentation has resulted in strong leaders at the tribal level and a weak leadership at the provincial or national level. Political parties in Balochistan have only a regional agenda with no standing at the national level. Their influence is confined not even to the region but to specific areas whence their leadership resides. Similarly, the broad-based political parties, which have national standing, do not have much influence in the province. Therefore,

national parties have to compensate or appease all elected tribal leaders to form a coalition government in Balochistan.

The more fragmented the government or the greater the differences between parties are, it is easier to find allies, but it is more difficult to implement policies.³⁸ Achievement of consensus among all political parties is a difficult task in any political system; however, political fragmentation in Balochistan makes this task even more costly and difficult. The tribal-based fragmented political system restricts broader development projects, social reforms or private investments beyond the constituencies of respective political factions.

Major Findings

- In a multipolar Baloch movement, power is dispersed across various tribes; resultantly the Baloch movement lacks strategic coherence, clarity in signaling, and credibility in threats and assurances to the state.
- Baloch movement has remained fragmented due to divergent ideologies, private interests, geographical dispersion of tribes, and involvement of other states with their respective preferences; which prevented reconciliation among Baloch tribes.
- Baloch militant groups employ violence for strategic objectives, which are shared by entire movements, such as greater autonomy or cessation from the state; they also employ violence for their organizational objectives, to survive and enhance respective tribal strength.
- Strategic and organizational objectives of Baloch movement are inherently contradictory.
- Baloch militant groups generally prefer organizational objectives over strategic objectives.
- Incoherent strategic objectives of Baloch movement lead to inefficient utilization of scarce resources, which incentivizes organizational violence.
- Experience has shown that, violence was relatively more effective when Baloch tribes were led by a single leader such as Mir Nauroz Khan, Sher Mohammad Marri etc.
- Absence of a selfless charismatic leader in Baloch movement exacerbated the possibility of infighting and impairment.
- Internal competition of Baloch militant groups undermined their ability to collectively achieve their strategic interests.

Conclusion

Since inception, our state institutions have been confronting non-state violence; which has proved to be a grave threat for the security of Pakistan. In the past, one such movement culminated in dismemberment of the country. Our examination of non-state violence should go beyond root causes of violence, and the material and human impact of non-state violence, since an inadequate understanding of militant's group objectives, preferences, and movement structure leads to the development of flawed strategies. The following recommendations are aimed at facilitating policy development against non-state violence:

- Insurgent movements should not be treated as monolithic entities; militant groups within a movement differ in their ideologies, strategic objectives, operational methods be treated as separate entities.
- A single counter-insurgency strategy may not prevent insurgent movement from achieving strategic objectives; policymakers should articulate distinct strategies to deal with each militant group in a movement.
- The states selectively act against one group in a movement, while allowing other to gain relative power; this strategy fosters internal rivalries, which inhibits a movement's ability to achieve political objectives. While operationalizing this strategy, there is a needs to exercise caution, since while the states may effectively preclude movement's ability to achieve strategic objectives internal rivalries in a movement exacerbates organizational violence, leading to precious loss of lives.
- Contrarily, simultaneous action against all militant groups in a movement instills unity against the state, which enhances their chances of achieving strategic objectives. Therefore, policymakers need to elucidate their preferences, while formulating counter-insurgent / counter-terrorism strategies.
- While formulating strategies, policymakers must take into account the internal structure of the movements, their strategic and organizational objectives; this understanding would facilitate policy makers and practitioners in prioritizing state's scarce resources against preferred targets.

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1. Armed Forces War College History, 2010
2. Pakistan – India Wars 1965 & 1971, 2012
3. Selected Reading in Military History: Napoleonic Art of Warfare, Battles of Tannenberg&Masurian Lakes – 1914, 2012
4. Evolution of Military Thought, 2012
5. Post Workshop Report on Balochistan Situation, 2012
6. World War -I: The Western Front, 2013
7. Afghanistan 2014: The Decision Point, 2013
8. ‘Kashmir: Looking Beyond the Peril’, 2014
9. NSP: Non-Kinetic Challenges to the State of Pakistan, 2012
10. Urdu Translation of Art of War by Sun Tzu, 2013
11. Evolving Dynamics of FATA: Reflections on Transformations, 2014
12. ‘World War –I and Its Impact on South Asia’ - 02 Dec 2014 Post Symposium Report, 2014
13. World War – II: An Analytical Study, 2016
14. CPEC – A Reality Check, 2018
15. ISSRA Papers (Six-monthly) – 9 Volumes